

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 28 September 1955

Words struck out by the Local Bills Committee are shown in italics within bold brackets or in roman enclosed in panel; words inserted are shown in black or in roman with rule down side.

Mr Anderton

AUCKLAND METROPOLITAN DRAINAGE AMENDMENT

[LOCAL BILL]

ANALYSIS

Title.	16. Payments from bank accounts.
1. Short Title.	17. Payment of rates. Building permits.
2. Interpretation.	18. Unauthorized expenditure.
3. Western Sewerage District abolished.	19. Members of Board.
4. Repeal.	20. Temporary provisions.
5. Date of annual meetings.	21. Terms of office of members of Board.
6. Remuneration of Chairman and members of Board.	22. Electors and ratepayers rolls.
7. Harbour Board reclamation.	23. Election of members.
8. Powers of contributing authorities to connect sewers.	24. Qualification of members.
9. Provision of dwellings for employees.	25. Extraordinary vacancies.
10. General powers of dealing with property.	26. Rating powers.
11. Protection of Board's sewers and works.	27. Copy of special order directing rate to be levied by consent of local authorities.
12. Diversion of sewers, etc.	28. Each constituent authority to render monthly accounts of rates collected. Board may sue for rates. Constituent authority may decline to collect rates.
13. Acquisition and disposal of organic refuse.	29. Commencement of last <i>three</i> preceding sections.
14. Gas and electricity.	30. Saving.
15. Reserve for replacement and renewals, etc.	

A BILL INTITULED

AN ACT to amend the Auckland Metropolitan Drainage Title.
Act 1944.

BE IT ENACTED by the General Assembly of New
5 Zealand in Parliament assembled, and by the authority
of the same, as follows:

No. 57—2

2 *Auckland Metropolitan Drainage Amendment*

- Short Title. 1. This Act may be cited as the Auckland Metropolitan Drainage Amendment Act 1955, and shall be read together with and deemed part of the Auckland Metropolitan Drainage Act 1944 (hereinafter referred to as the principal Act). 5
- Interpretation. 2. Section two of the Auckland Metropolitan Drainage Amendment Act 1951 is hereby amended by adding to the definition of "storage tank" the words "and includes oxidation and other ponds or structures for the storage or treatment of sewage, trade wastes, or effluent". 10
- Western Sewerage District abolished. 3. (1) The Western Sewerage District is hereby abolished, and the principal Act and the Auckland Metropolitan Drainage Amendment Act 1951 shall be construed with all necessary modifications to give effect to this amendment. In particular, the Auckland Metropolitan Drainage Amendment Act 1951 is hereby consequentially amended as follows: 15
- (a) By repealing subsection two of section four:
 - (b) By omitting from subsection three of section four the words "and the Western Sewerage District": 20
 - (c) By omitting from subsection four of section four the words "the Western Sewerage District, or any other", and substituting the words "or any".
- (2) The principal Act is hereby consequentially amended as follows: 25
- (a) By omitting from paragraph (a) of subsection one of section four (as substituted by subsection one of section five of the Auckland Metropolitan Drainage Amendment Act 1951) the words "or of the Western sewerage district": 30
 - (b) By repealing paragraph (b) of subsection one A of section forty-nine and subparagraph (ii) of paragraph (a) of section sixty (as substituted by sections eighteen and nineteen of the Auckland Metropolitan Drainage Amendment Act 1951). 35
- Repeal. [4. Section nineteen of the principal Act is hereby repealed.]
- Date of annual meetings. 5. Section twenty-one of the principal Act is hereby amended by repealing subsection three, and substituting the following subsection: 40

“(3) The Board shall hold an annual meeting on such date between the first day of July and the thirtieth day of November in each year as the Board may from time to time decide.”

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Struck out

6. (1) The Chairman shall be paid out of the funds of the Board such annual allowance as may from time to time be fixed by the Board with the approval of the Minister of Finance.

Remuneration of Chairman and members of Board.

10 (2) Each of the members of the Board (other than the Chairman) shall be paid out of the funds of the Board such allowance for each meeting of the Board or any committee thereof attended by him as may from time to time be fixed by the Board with the approval of the
15 Minister of Finance.

(3) In addition to the foregoing allowances there shall be paid to the Chairman and to the members out of the funds of the Board all amounts actually and reasonably expended by them in attending meetings of the Board
20 or of any committee thereof or in transacting any business of the Board pursuant to a resolution of the Board.

(4) The receipt of any payment under this section shall not constitute a cause of forfeiture of office under the provisions of the principal Act or any other Act.

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New

(1A) The Board is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

30 (2A) The Board may pay to the Chairman of the Board remuneration by way of fees, salary, or allowances in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

35 (3A) The Board may pay to the Chairman and to the members of the Board or of any committee thereof travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

(5) Sections thirteen and twenty-two of the principal Act are hereby repealed.

40 (6) This section shall be deemed to have come into force on the first day of April, nineteen hundred and fifty-five.

4 *Auckland Metropolitan Drainage Amendment*

Harbour Board
reclamation.

7. Any land in the Manukau Harbour which may pursuant to the provisions of subsection six of section thirty-four of the principal Act have been reclaimed by the Board in the construction of oxidation ponds, and which it no longer requires for the purposes of the principal Act, shall, if the Auckland Harbour Board so desires, be resumed by it without payment of any consideration or compensation to the Board. To enable effect to be given to this provision, the Board will, if and when any such land is no longer required by it as aforesaid, give written notice thereof to the Auckland Harbour Board, and the latter may within six months after receipt of such notice elect by notice in writing to the Board to resume the same. Should the Auckland Harbour Board fail to give any such notice of election as aforesaid it shall have no further rights in respect of the said land. Each of them the Board and the Auckland Harbour Board will at the request and cost of the other of them do, execute, and perform all such acts, deeds, matters, and things as may be necessary to give effect to the foregoing provisions and enable the party entitled to obtain a registered title to the said lands. 5
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Powers of
contributing
authorities to
connect sewers.

8. The principal Act is hereby amended by repealing section thirty-seven, and substituting the following section: 25

“37. (1) For the purpose of carrying off any sewage from any part of its district every contributing authority may from time to time connect sewers or drains at such points and in such manner as the Engineer to the Board may specify so as to discharge, either directly or indirectly, into such main sewers or main drains as the Board may have constructed or taken over for the service of the district concerned: 30

“Provided that before the construction of any such sewers the contributing authority shall have submitted to the Board complete plans and specifications thereof and that the Engineer to the Board shall be satisfied that the sewer or sewers referred to therein are fit and proper to be so connected and to form part of the general drainage system and that the sewage to be discharged through the same into the main sewer or main drain will be of such volume as to be within the capacity of such main sewer or main drain having regard to the volume of other sewage which may reasonably be discharged thereto: 35
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New

5 “Provided also that nothing in this section shall authorize the Engineer to control the engineering design or construction of sewage reticulation works in the district of any contributing authority otherwise than in accordance with by-laws of the Board.

“(2) The Board may make by-laws to regulate the procedure under and give effect to the purpose of this section.”

10 9. (1) The Board may:

(a) Acquire land and erect dwellings thereon for disposal under this section:

(b) Erect dwellings for disposal under this section on any land which is the property of the Board:

15 (c) Purchase any land with dwellings thereon for disposal under this section.

(2) All land and the dwellings thereon disposed of under this section shall be disposed of by way of sale or lease to persons employed in the service of the Board or persons in the service of contractors carrying on works for the Board.

(3) For the purposes of section fifty-six of the principal Act the erection of dwellings under this section shall be deemed a purpose of that Act.

25 (4) In the event of any dwelling acquired or erected by the Board for the purposes of this section being no longer required for those purposes the Board may sell, let, exchange, or otherwise dispose of it under the provisions of section *ten* of this Act.

30 10. The Board shall have power, for the purpose of constructing any works authorized by the principal Act and its amendments or for or incidental to the carrying out of the purposes of such Acts (but without prejudice to the provisions of sections *seven* and *nine* of this Act or any specific provision of the principal Act and its amendments limiting in any particular case the generality hereof), to purchase, rent or hire, sell, exchange, lease, let, or otherwise deal with or dispose of property, real or personal, of any description, and whether by public auction, public tender, or private contract, as it deems proper, and upon and subject to such terms and conditions in every respect as the Board thinks fit:

Provision of dwellings for employees.

General powers of dealing with property.

6 *Auckland Metropolitan Drainage Amendment*

Provided that any sale of land not required for the purpose for which it was acquired shall be made only pursuant to a special order of the Board.

Protection of
Board's sewers
and works.

11. (1) If any person proposes to erect any building or to carry out any works over, under, or within such distance of any sewer or other structure owned by or under the control of the Board that such sewer or structure may be injuriously affected, such person shall notify the Board in writing of his intentions and shall carry out or shall permit the Board to carry out (at the expense in either case of such person) such works for the protection of the Board's sewer or other structure as the Board may deem necessary for the purpose; and in the event of any damage being caused to any sewer or structure of the Board as a result of or consequent upon any failure by any such person to inform the Board of his proposals or to carry out all necessary protective works, the cost of repair or reinstatement of the Board's works so damaged and all other costs and expenses whatsoever incurred by the Board in connection therewith shall be a debt due by such person to the Board recoverable upon demand. The remedies hereby conferred are without prejudice to and shall not by implication derogate from nor limit the powers, rights, or other remedies of the Board.

(2) Every local authority within the drainage district, before granting a building permit to any person who proposes to erect any building or carry out any works over, under, or within fifty feet (or thirty-three feet if no blasting is to be done and no special circumstances or unusual conditions exist) of the line of any sewer **forming part of the Board's main sewerage works** or within a similar distance of any other structure under the control of the Board, shall require such person to produce for its inspection the consent in writing of the Board to such erection **or work**; and any permit so granted shall be subject to compliance with any conditions for safeguarding such sewer or other structure which the Board may prescribe, and for payment of all costs and expenses which the Board may incur in anywise incidental thereto.

Struck out

5 Provided that the Board may, by resolution, delegate to any local authority power to dispense with production of such consent in respect of any proposed building, other than a warehouse or workshop, provided that such building is not more than two stories high and that no part of the foundations of such building will be so constructed as to injuriously affect any sewer or other structure of the Board.

10 *New*

15 (2A) Failure to comply with any such condition or requirement shall be an offence under section seventy-four of the principal Act; and, though the condition be embodied in a permit issued by the local authority, action thereon may be taken by the Board, and the local authority shall be under no obligation to see that any such condition is complied with.

20 (3) The Board shall [*upon request*] supply each local authority affected with a plan or plans showing the location of the sewers or structures referred to in the *last preceding* subsection.

25 (4) The term "sewer", where used in this section, shall be deemed to include any sewer which the Board proposes to construct as portion of its main sewerage system and the location of which is shown upon any map or plan relating to any operative or proposed district scheme under the Town and Country Planning Act 1953.

30 12. (1) If any person proposes to erect any building or to carry out any works in such a location and at such levels that the diversion, alteration, or replacement of any of the Board's sewers or other structure appears to be essential to the construction of the aforesaid building or works, such person shall notify the Board of his proposals; and if the Board is satisfied that it is practicable for its
35 sewer or structure to be diverted, altered, or replaced without material interference with the services for which it is responsible and that it is reasonable that this be done, it may enter into an agreement with such person as to the manner and conditions under which such sewer or structure shall be diverted, altered, or replaced.
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Diversion of
sewers, etc.

8 *Auckland Metropolitan Drainage Amendment*

(2) The cost of diverting, altering, or replacing the Board's sewer or other structure, and all other costs which the Board may incur in anywise incidental thereto shall in such case be paid to the Board by such person.

Acquisition
and disposal of
organic refuse.

13. (1) Without limiting the powers conferred upon it by paragraph (g) of subsection one of section thirty-five of the principal Act, the Board may— 5

(a) Enter into agreements with local authorities or with any persons whereby it may accept or acquire organic refuse of any kind on such terms as it may think fit; and the Board may process any such organic matter with sewage, sludge, or other available material by composting or other process so as to produce fertilizer or other marketable product and sell or otherwise dispose of the same: 10 15

(b) Enter into agreements with any persons whereby it may sell or otherwise dispose of sewage, sludge, or effluent treated to such extent as it may deem advisable. 20

(2) The Board shall have the like rights and powers in connection with any pipes which it may require to lay for the purposes aforesaid as it has under the principal Act in connection with any sewers to be constructed by it.

Struck out

Gas and
electricity.

14. (1) The Board may utilize any sludge gas derived from the treatment of sewage, sewage sludge, or trade wastes for any purpose and in any manner connected with its operations or the works under its control. It may sell and dispose of any such gas to the Auckland Gas Company or to the occupiers of trade premises from which any trade wastes are derived or to the occupiers of any other trade premises. 30

(2) The Board may generate electricity and may utilize such electricity for any purpose and in any manner connected with its operations or the works under its control. 35

(3) The Board may sell to the State Hydro-electric Department or to the Auckland Electric Power Board any such electricity, and may purchase from the said Board or direct from the State Hydro-electric Department any electricity which it may require for any purposes connected with its operations. 40

Struck out

5 (4) Any power lines, plant, or works necessary for the transmission of any electricity between the premises in which the electricity is generated and any other premises or works of the Board (but not elsewhere) may be constructed and maintained by the Board.

10 (5) Subject to the foregoing provisions of this section, the Board may construct all such works and do all such acts and things as it may deem necessary or expedient to enable it to obtain the full benefit to be derived from the production of gas or electricity as aforesaid or for any purpose connected therewith; and the Board shall have in respect of any mains or other works which it may desire to construct pursuant to the provisions of this section the like rights and powers as are conferred upon it by the principal Act in respect of main sewers and other works therein referred to.

15 (6) In the exercise of the powers conferred by this section the Board shall comply with the provisions of Part XIII of the Public Works Act 1928 and the regulations thereunder.

20 (7) The powers conferred by the foregoing provisions shall not be limited by the provisions of section fifty-four of the Auckland Electric Power Board Act 1921-22 or the Auckland Gas Company Act 1871.

New

30 14A. (1) The Board may utilize any sludge gas derived from the treatment of sewage, sewage sludge, or trade wastes for any purpose and in any manner connected with its operations or the works under its control. It may sell and dispose of any such gas—

Gas and electricity.

(a) To the Auckland Gas Company Limited; or

35 (b) To the occupiers of trade premises discharging trade wastes from which a substantial portion of the gas is derived; or

(c) To the occupiers of any other trade premises,—

40 and the Board shall accord such parties, in the foregoing order of priority, the opportunity of purchasing such gas as it may desire to sell, the Auckland Gas Company Limited, as a retailer of gas, to be allowed a rebate in accordance with normal commercial practice.

New

(2) The Board may generate electricity and may utilize such electricity within the limits of the premises in which the same is generated for any purpose and in any manner connected with its operations or the works or property under its control. 5

(3) The Board may sell to the State Hydro-electric Department or to the Auckland Electric Power Board any such electricity, and may purchase from the said Board any electricity which it may require for any purposes connected with its operations. 10

(4) Any power lines, plant, or works necessary for the transmission of any electricity within the limits of the premises in which the electricity is generated or for the transmission within such premises of any electricity purchased from the Auckland Electric Power Board (but not elsewhere) may be constructed and maintained by the Board. 15

(5) Subject to the foregoing provisions of this section, the Board may construct all such works and do all such acts and things as it may deem necessary or expedient to enable it to obtain the full benefit to be derived from the production of gas or the utilization, sale, or other disposition thereof or to enable it to obtain the full benefit to be derived from the generation and utilization of electricity within the limits of such premises (but not elsewhere), or the sale as aforesaid of any such electricity; and the Board shall have in respect of any mains or other works which it may desire to construct pursuant to the provisions of this section the like rights and powers as are conferred upon it by the principal Act in respect of main sewers and other works therein referred to. 20 25 30

(6) In the exercise of the powers conferred by this section, the Board shall comply with the provisions of Part XIII of the Public Works Act 1928 and the regulations thereunder. 35

(7) The powers conferred by the foregoing provisions shall not be limited by the provisions of the Auckland Gas Company Act 1871, and such powers shall subsist notwithstanding the provisions of section fifty-four of the Auckland Electric Power Board Act 1921-22. 40

New

5 (8) The word "premises", where used in this section, means any continuous area of land owned or controlled by the Board for any estate or interest comprising one composite block:

10 Provided that any area of land comprising one composite block shall be deemed to be continuous notwithstanding that the same is severed by roads or streets running through the same and leaving part on one side of the road or street and the balance on the other side.

15 15. (1) The Board may from time to time set aside out of its general revenue any moneys to form a fund or funds for the purpose of replacing or renewing its [sewers,] plant, machinery, and other depreciable assets of a similar nature, or any part or parts thereof, that may from time to time become obsolete or incapable from any other cause of further usefulness in connection with the Board's undertaking.

Reserve for replacement and renewals, etc.

20 (2) The Board shall pay all moneys so set aside into a separate bank account or accounts, and may invest any part thereof in manner following:

(a) In New Zealand Government or local authority securities; or

25 (b) On deposit in any bank lawfully carrying on the business of banking in New Zealand or in the Auckland Savings Bank or the Post Office Savings Bank; or

(c) In the common fund of the Public Trust Office; or

30 (d) In any other securities that may from time to time be authorized by the Governor-General in Council.

(3) Separate accounts shall be kept by the Board of all moneys paid to or received by it in respect of each renewal fund.

35 16. Section forty-eight of the principal Act is hereby amended by adding the following subsection:

Payments from bank accounts.

40 "(3) Notwithstanding anything to the contrary in the last preceding subsection, it shall be lawful for any moneys to be paid by the Board by cheque signed by the Treasurer and countersigned by any two of such officers of the Board as the Board by resolution from time to time appoints for defined periods for the purpose of signing cheques. A schedule of all amounts to be paid in this manner shall be prepared and submitted to the Board
45 for approval before payment is made."

12 *Auckland Metropolitan Drainage Amendment*

Payment of rates.

17. (1) Section seventy-two of the principal Act, as amended by section thirty-six of the Auckland Metropolitan Drainage Amendment Act 1951, is hereby further amended by adding the following additional proviso:

“Provided that if any house or land owned by the Board is let or leased by the Board, **whether to employees of the Board or to others**, then the Board shall in respect of the period of such letting or leasing pay to the local authority in whose district such house or land is situated all rates in respect thereof which the Board would be liable to pay but for the exemption granted by this section.”

Building permits.

(2) The said section seventy-two is hereby further amended by adding the following as subsection two thereof:

“(2) The Board shall be under no obligation to obtain from any local authority any building or other permit in respect of the construction of any main sewerage works, nor to pay to any local authority any fees or charges in respect of any such works. The Board shall, however, before commencing the erection of any structure above ground level, lodge with the local authority concerned plans and specifications thereof, and the Board shall also supply to such local authority such further particulars and information as may reasonably be required by it and shall as far as practicable have regard to any requirements of the local authority designed to preserve the aesthetic qualities of the area in which any such works are to be constructed.”

Unauthorized expenditure.

18. Section fifty-five of the principal Act is hereby amended by omitting the words “two hundred and fifty pounds”, and substituting the words “five hundred pounds”.

Struck out

Members of Board.

19. (1) Subsection one of section six and section seven of the principal Act are hereby repealed; but any person elected pursuant to the provisions thereof shall (unless his office becomes vacant in accordance with the other provisions of the principal Act) continue to hold office until his successor is appointed pursuant to the provisions of section *twenty-one* of this Act.

Struck out

(2) The following subsection is hereby substituted for the said subsection one of section six:

5 “(1) The Board shall consist of fifteen members, of whom eight shall be elected by the electors of Auckland City, two by the electors of the Boroughs of Mount Eden and Newmarket, two by the electors of the Boroughs of Mount Albert and Mount Roskill, two by the electors of the Boroughs of One Tree Hill, Onehunga, and Ellerslie, 10 and one by the electors of the Boroughs of Otahuhu, Mount Wellington, and Papatoetoe.”

15 20. Sections eight, nine, and ten of the principal Act are hereby repealed, but shall be deemed to remain in operation until the date of the first general election of members under section *twenty-one* of this Act. Sections *twenty-four* and *twenty-five* of this Act shall be deemed to remain inoperative until the last-mentioned date.

Temporary provisions.

20 21. (1) Subject as herein provided, the term of office of members of the Board shall be three years.

Terms of office of members of Board.

25 (2) On the third Saturday in November, nineteen hundred and fifty-six, and on the third Saturday in November of every third year thereafter, a general election of members of the Board shall be held.

30 (3) Each member of the Board shall come into office upon his election and shall, unless his office sooner becomes vacant, hold office until the election of his successor.

35 (4) Subject to the provisions of subsection *five* of this section, every such election shall be held under and subject to the provisions of the Local Elections and Polls Act 1953, and the provisions of that Act, including the penal provisions thereof and the provisions relating to disputed elections, shall, so far as applicable and so far as consistent with this Act, apply accordingly.

40 (5) In the event of an extraordinary vacancy in the office of a member of the Board occurring at any time between two triennial elections of members of the Board, nothing in section six of the Local Elections and Polls Act 1953 shall apply, and the vacancy shall be filled by the appointment by the Board (after consultation with the constituent authority or authorities in the constituency in which the vacancy occurred) of a person qualified to be elected, and any person so appointed shall for all purposes be deemed to have been elected to fill the vacancy:

Struck out

Provided that, where any such vacancy occurs within six months of the date fixed for the next triennial election, the Board may by resolution determine that the vacancy shall not be filled.

Electors and ratepayers rolls.

22. (1) Only the electors or ratepayers, as the case may be, of the districts comprising the Inner Area shall be entitled to vote at any election or poll under this Act. For the purposes of any such election or poll, other than a ratepayers' poll, the rolls of the electors of the constituent district or of the several constituent districts taken together, grouped in manner provided by section *nineteen* of this Act, shall be deemed to be the roll of the electors of the constituency.

(2) It shall be the duty of the Clerk of the local authority of each constituent district, whenever requested so to do by the Board, to supply to the Board a certified roll of electors of such constituent district or any defined portion thereof, together with as many copies thereof as the Board may require.

(3) The Board shall pay the sum of one shilling for each such copy.

(4) For the purposes of any ratepayers' poll under this Act the rolls of the ratepayers of the several constituent districts in the district taken together shall be deemed to be the roll of the ratepayers of the Auckland Metropolitan Drainage District, and the provisions of this and the *next succeeding* section relating to electors' rolls and electors respectively shall, with the necessary modifications, apply to ratepayers' rolls and ratepayers respectively.

Election of members.

23. (1) At any election or poll under this Act the vote of any elector may be recorded at any polling place within any constituent district in which such elector is entitled to vote, or at any polling place within or without the district which may be specially appointed as a polling place at which may be recorded the votes of electors irrespective of the constituent district in which they are entitled to vote.

(2) For the purposes of any such election or poll the Secretary of the Board or such other officer or person as the Board may from time to time appoint shall be Returning Officer.

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Struck out

24. (1) No person other than an elector shall be capable of being elected or appointed as or of being a member of the Board. Qualification of members.

5 (2) The following persons shall be incapable of being elected to be members of the Board, that is to say:

(a) A minor:

(b) An alien:

(c) A person of unsound mind:

10 (d) A bankrupt who has not obtained his order of discharge, or whose order of discharge is suspended for a term not yet expired or is subject to conditions not yet fulfilled:

15 (e) A person convicted of any offence punishable by imprisonment, unless he has received a free pardon, or has served his sentence or otherwise suffered the penalty imposed on him:

(f) A person who holds any office or place of profit under or in the gift of the Board.

20 25. (1) The office of a member shall become vacant if he— Extraordinary vacancies.

(a) Dies; or

25 (b) Resigns his office by writing under his hand delivered to the Secretary or Chairman of the Board, or is ousted of office; or

(c) Becomes a bankrupt, or makes any composition with his creditors for less than twenty shillings in the pound, or makes an assignment of his estate for the benefit of his creditors; or

30 (d) Becomes of unsound mind; or

(e) Is convicted on indictment, or is sentenced by the Supreme Court on a plea of guilty to any charge of an indictable offence, or is sentenced by the Court for any offence to imprisonment without the option of a fine, or to reformatory detention under any Act; or

35 (f) Is absent without leave from four consecutive meetings of the Board; or

(g) Holds any office or place of profit under or in the gift of the Board; or

40 (h) Becomes disqualified or incapable of holding office by virtue of the provisions of the Local Authorities (Members' Contracts) Act 1954.

Struck out

(2) If any person does an act as a member after his office has become vacant under this section he shall be liable on summary conviction to a fine not exceeding fifty pounds, or in the case of an offence under the last-mentioned Act to a fine not exceeding one hundred pounds. 5

(3) It shall be the duty of the Audit Office to institute proceedings for the recovery of any fine under this section, but nothing herein shall be so construed as to prevent such proceedings from being taken by any other person. 10

(4) Any vacancy occurring under this section or under section eleven of the principal Act shall be deemed an extraordinary vacancy.

(5) All fines recovered under this section by the Audit Office shall be paid into the Public Account and form part of the Consolidated Fund. 15

Rating powers.

26. The Board is hereby authorized and required, once in every year, for the purposes of this Act, to make and levy, by special order, general rates upon the rateable property within the Inner Area : 20

Provided that before making any such rate the Board shall annually make an estimate of the amount which would under the provisions of section sixty of the principal Act be charged or assessed to each of the respective constituent authorities, and such amount shall be allocated among and payable as rates by the ratepayers of such constituent district pro rata in accordance with the value of their respective properties as appearing on the rolls of such authority. 25 30

Copy of special order directing rate to be levied by consent of local authorities.

27. (1) When and as often as the Board has by special order directed any rate to be levied and has fixed the amount in the pound of the rate, it shall cause a copy of the special order to be forwarded separately to each constituent authority. 35

(2) Forthwith on the receipt of the said copy each such constituent authority shall, subject to the provisions of section *twenty-eight* hereof, proceed to collect the rate charged on the property in its district in the same manner as nearly as may be, and with the same powers, as the rate would be collected if the rate were authorized to be levied by that constituent authority for its own purposes under its powers of rating. 40

Struck out

5 (3) Each such constituent authority shall be entitled to retain all reasonable costs and expenses incurred in and about collecting and recovering the rate, and a reasonable remuneration for clerical and other work.

(4) If any dispute arises as to the amount so to be retained or otherwise in relation thereto, it shall be decided by the Audit Office.

10 (5) Any person rated or upon whom any demand or levy for rates is made under the provisions of this Act shall have as against the said constituent authority, in respect of objections to be rated or to pay such rates, all the appeals, exceptions, rights, powers, and privileges which he would have if the rates were made, demanded, 15 collected, or levied by the Board.

20 28. (1) Every constituent authority required by the Board under the *last preceding* section to collect any rate on behalf of the Board shall, once in each month, render an account to the Board showing all rates collected by such constituent authority on behalf of the Board up to and including the last day of the month then last past, and shall pay over the rates so collected to the Board.

Each constituent authority to render monthly accounts of rates collected.

25 (2) When any rate or portion of any rate demanded in respect of any property by any constituent authority as provided by the *last preceding* section is more than six months overdue and unpaid, the Board may, at any time within three years from the date on which the rate became due and payable, sue for and recover such rate or portion thereof either in the name of the Board or in 30 the name of the constituent authority which demanded the rate; and in any action or proceeding to recover the rate the Board shall have and may exercise all the remedies, powers, and authorities which the constituent authority possesses or may exercise in respect of the 35 recovery of the rate.

Board may sue for rates.

40 (3) Should any constituent authority object to collecting any annual rates as aforesaid on behalf of the Board it shall within one month of receipt of any such copy of the special order as aforesaid deliver to the Board a notice in writing of such objection, together with a copy of the roll of ratepayers with details of their respective properties and the values thereof as shown on the appropriate roll, and the Board shall thereupon proceed to

Constituent authority may decline to collect rates.

Struck out

collect such rates direct; and in any such case the Board shall have and may exercise all the rights, powers, and authorities conferred upon local authorities under the Municipal Corporations Act 1954.

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Commencement of last *three* preceding sections.

29. Sections *twenty-six*, *twenty-seven*, and *twenty-eight* of this Act shall come into force on the first day of April, nineteen hundred and fifty-seven, and thereafter section fifty-nine of the principal Act shall become inoperative and section sixty of the principal Act shall be read and construed with such modifications as may be necessary to give effect to the provisions of sections *twenty-six*, *twenty-seven*, and *twenty-eight* of this Act.

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Saving.

30. Nothing in section *twenty-six* of this Act shall by implication or otherwise limit the rights or liabilities of the Board or any local authority in respect of any such special area already or hereafter created or any agreement made pursuant to the provisions of section forty of the principal Act.

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