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Hon. W. W. Johnson.

DISTRICT RAILWAYS ACTS AMENDMENT.

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Certificate of completion of railway to be given. 3. Certificate of deficiency of rates. 4. Guaranteed interest to be paid notwithstanding dissolution of company. 5. Receiver may be appointed notwithstanding dissolution of company. 6. Interest limited to a term of fifteen years. 7. Expenses of administration of Act. | <ol style="list-style-type: none"> 8. Waimea Plains Railway Company (Limited) and Rakaia and Ashburton Forks Railway Company (Limited) empowered, on direction of the Minister, to make, levy, and collect a rate to cover in part the deficiency of interest for the year ending the 31st March, 1883, and to receive the proportion of guaranteed interest for the same year payable by the Government. <p>Schedules.</p> |
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A BILL INTITULED

AN ACT to amend the District Railways Acts.

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

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1. The Short Title of this Act is "The District Railways Acts Amendment Act, 1883." Short Title.

2. Notwithstanding anything contained in section seven of "The District Railways Act Amendment Act, 1882," the following provisions shall apply:— Certificate of completion of railway to be given.

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(1.) When any part or section of a railway shall have been completed and is open for traffic it shall be lawful for the company constructing the same to apply to the Governor in Council for such certificate as hereinafter mentioned.

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(2.) The Governor in Council, upon receipt of such application as aforesaid, and upon being satisfied that such part or section has been completed and is open for traffic, and that the same is beneficial or of advantage to the ratepayers and owners of property within the railway district, and that a majority in number of the ratepayers and owners of property within the railway district, representing not less than one-half of the value of the rateable property within such railway district, consent thereto, may authorize the grant to the company of a certificate, under the hand of the Minister for Public Works, to the effect set forth in the *First* Schedule hereto.

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- (3.) Such certificate shall be conclusive evidence that such part or section has been completed, and that the same is open for traffic, and is of such benefit or advantage as aforesaid; and the company shall, as from the time mentioned in such certificate, be entitled to such guaranteed interest as is mentioned in section *seven* aforesaid upon the cost of the completed part or section of the railway, and any rate leviable by the said "District Railways Act, 1877," "The District Railways Act 1877 Amendment Act, 1878," and "The District Railways Acts Amendment Act, 1882" (hereinafter referred to as "the said Acts"), may be levied over the whole of the railway district. 5
- (4.) The Governor shall, before granting such certificate, appoint an Assessor or Assessors to revise the classification, for the purposes of section ten of "The District Railways Act, 1877," of the lands comprised within the railway district; and, if such Assessor or Assessors shall recommend the Governor to reclassify any of such land, the Governor may, by notice in the *Gazette*, remove the same or any part thereof out of either of the classes in which the same shall be then classified and place it in any other of such classes, or in any new class, or altogether omit it from any of the classes, apportioning in every case as nearly as may be the liability to rate to the degree of benefit conferred by the completed section on the several rateable lands. When any further section of the railway shall be completed and open for traffic an Assessor or Assessors shall be again appointed, and the lands within the railway district shall be again reclassified, and the liability to rate of the several rateable lands readjusted in manner aforesaid, and such reclassification shall entirely supersede any previous classification. 10 15 20 25 30
- (5.) Before reporting to the Governor any recommendation as aforesaid as to the reclassification of the railway district, the Assessor or Assessors shall notify the railway company and the ratepayers and property-owners interested, by a notice in writing addressed to the registered office of such company, or to the last-known address of each such ratepayer and property-owner, not less than *fourteen* clear days before the date of hearing, of a time and place at which such company or ratepayers or property-owners may appear before such Assessor or Assessors and be heard as to the proposed rateable classification of any property comprised within the railway district. 35 40
- (6.) A certificate may be granted in respect to any part or section of a railway completed and opened for traffic prior to the passing of this Act, and in such case the Governor may declare that such guaranteed interest shall be payable and such rate leviable as provided in sections seven, eight, nine, and ten of "The District Railways Act Amendment Act, 1882," except as hereinbefore provided in respect of section seven, as from a period not earlier than the thirty-first day of March, one thousand eight hundred and eighty-three, or from any subsequent day to be named in such 45 50

certificate, and such interest shall be paid and such rate leviable accordingly.

(7.) The cost of a completed part or section of a railway shall, for the purposes of this Act, be estimated in the same manner as is provided by the said Acts for estimating the cost of the railway, and section eighty-five of "The District Railways Act, 1877," shall apply accordingly.

3. Section seven of "The District Railways Act Amendment Act, 1882," shall be read as if the following had been inserted therein:—

Certificate of deficiency of rates.

"The Minister for Public Works shall, upon being satisfied as to the deficiency to be raised by rates, give his certificate in the form of the *Second* Schedule hereto. Such certificate shall be conclusive proof that the deficiency therein mentioned requires to be raised by rates in the railway district, in the respective amounts fixed in such certificate as applicable to the several classes of land as in such certificate mentioned. It shall not be necessary to prove that such certificate was signed by the Minister for Public Works if the same so purports to be signed.

4. Notwithstanding the winding-up or dissolution of a company, the guaranteed interest provided by section seven of "The District Railways Act, 1882," shall be payable to any Receiver appointed under section twenty-nine of "The District Railways Act 1877 Amendment Act, 1878," and any Receiver shall have all the powers and authorities and may do all such acts and things for the purpose of receiving and recovering such interest as the company itself could exercise or do if not wound up or dissolved.

Guaranteed interest to be paid notwithstanding dissolution of company.

5. The power to appoint a Receiver given by section twenty-nine of "The District Railways Act 1877 Amendment Act, 1878," may be exercised, notwithstanding that the company is wound up, or is in course of being wound up, or is dissolved.

Receiver may be appointed notwithstanding dissolution of company.

6. Notwithstanding anything contained in the said Acts, the fifteen years' guarantee of interest by the ratepayers provided thereby shall be computed from the period when the first rate is made, but in no case shall a company be guaranteed interest for more than fifteen years.

Interest limited to a term of fifteen years.

7. All expenses incurred in giving effect to this Act in respect of any railway shall be borne and paid by the company to whom such railway belongs.

Expenses of administration of Act.

8. Whereas by "The District Railways Act, 1877," a company constructing a railway thereunder was guaranteed interest on the cost of the railway, such guarantee including a special rate to be levied and raised yearly, upon the direction of the Minister, by each Borough Council and County Council in the district in which the railway was constructed: And whereas by "The District Railways Acts Amendment Act, 1882," which came into force on the fifteenth day of September, one thousand eight hundred and eighty-two, the guarantee of interest aforesaid was preserved, and each company was protected in the enjoyment of any rights it possessed immediately before the coming into operation thereof, and, in lieu of certain of the provisions of "The District Railways Act, 1877," the company was empowered, as a local body within the meaning of "The Rating Act, 1882," to levy and raise a rate yearly to make up in part the deficiency between

Waimea Plains Railway Company (Limited) and Rakaia and Ashburton Forks Railway Company (Limited) empowered, on direction of the Minister, to make, levy, and collect a rate to cover in part the deficiency of interest for the year ending the 31st March, 1883, and to receive the proportion of guaranteed interest for the same year payable by the Government.

profits and the interest guaranteed in any year ending the thirty-first day of March, and the substituted provisions of "The District Railways Acts Amendment Act, 1882," so empowering each company were declared to be deemed to have been in force and hereafter to be in force: And whereas the Waimea Plains Railway Company (Limited) and the Rakaia and Ashburton Forks Railway Company (Limited), being railways constructed under the Acts aforesaid, had ascertained the deficiency of guaranteed interest for the year ending the thirty-first March, one thousand eight hundred and eighty-three, but were unable to proceed further because "The Rating Act, 1882," was only applicable from and after the thirty-first day of March, one thousand eight hundred and eighty-three: And whereas, contrary to the intention of the Legislature, the said companies have thus been prevented from making, levying, and collecting a rate, and have not received the proportion payable by the Government to cover the deficiency of guaranteed interest for the year ending the thirty-first day of March, one thousand eight hundred and eighty-three:

Upon application made by or on behalf of the Waimea Plains Railway Company (Limited) and the Rakaia and Ashburton Forks Railway Company (Limited), or either of them, for guaranteed interest for the year ending the thirty-first day of March, one thousand eight hundred and eighty-three, and for power to raise, by means of a rate, a part of such guaranteed interest payable upon the examination of accounts and books for such year, the Minister, if he is satisfied that the said companies, or either of them, are or is entitled to raise such rate under "The District Railways Act, 1877," and the amendments thereof, hereinafter called "the said Acts," may, direct that such rate shall be made, raised, levied and collected: And the company so directed shall make, raise, levy and collect such rate in manner provided in the said Acts and "The Rating Act, 1882," except that the valuation roll in force for purposes of local rating in each borough or county within the railway district for the year ending the thirty-first day of March, one thousand eight hundred and eighty-three, shall be the valuation roll for the purposes of such rate, which shall be made payable within twelve months from the date hereof, in two equal instalments, upon such dates as the Minister may direct.

The proportion unpaid of the deficiency of guaranteed interest payable out of the Consolidated Fund upon the examination of accounts and books for the year ending the thirty-first day of March, one thousand eight hundred and eighty-two, shall be paid to the said companies, or either of them, as the case may be, so soon as the Minister shall have directed the rate aforesaid to be raised.

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SCHEDULES.

Schedules.

FIRST SCHEDULE.

CERTIFICATE OF COMPLETED RAILWAY.

I do hereby certify that it has been made to appear to the satisfaction of the Governor in Council that the _____ Railway Company (Limited) has completed that part or section of the railway known as _____, described in the schedule at the foot hereof, and that the same is open for traffic, and is beneficial or of advantage to the ratepayers and owners of property in the railway district (*except such part as has been omitted from classification as provided in this Act*), constituted for the purposes of the said railway; and I do hereby certify that the said company is entitled to the guaranteed interest mentioned in section seven of "The District Railways Acts Amendment Act, 1882," upon the cost of the said completed part or section of the railway, as and from the _____ day of _____ 18____, and that the rate leviable by "The District Railways Act, 1877," "The District Railways Act 1877 Amendment Act, 1878," and "The District Railways Acts Amendment Act, 1882," may be levied over the whole of the said railway district (*excepting such part thereof as has been omitted from classification as provided by this Act*), and shall be, and be deemed to have been, so leviable as and from the _____ day of _____, 18____.

In witness whereof I have hereunto set my hand, this _____ day of _____, 18____.

Minister for Public Works.

SECOND SCHEDULE.

CERTIFICATE OF DEFICIENCY OF RATES.

I do hereby certify that it has been made to appear to me that there is a deficiency of rates, in respect of the several classes of lands hereunder respectively mentioned, to the amounts herein stated, and that such amounts require to be raised by the Railway Company (Limited), under the provisions of the various Acts relating to the construction of district railways; that is to say:—

Class of Land.	Amount of Rate deficient.

Minister for Public Works.