

Mr Kirk

LYTTELTON BOROUGH EMPOWERING
[LOCAL]

ANALYSIS

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A BILL INTITULED

An Act to empower the Lyttelton Borough Council to levy a sanitation fee on the Diamond Harbour Area of the Borough of Lyttelton

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

1. **Short Title**—This Act may be cited as the Lyttelton Borough Empowering Act 1963.

10 2. **Interpretation**—In this Act, unless the context otherwise requires,—

“Borough” means the Borough of Lyttelton:

“Council” means the Lyttelton Borough Council.

15 3. **Power to levy annual sanitation fee**—(1) The Council may from time to time, in manner provided by the Municipal Corporations Act 1954, make bylaws providing for the payment of an annual fee for sewerage purposes (hereinafter

referred to as the sanitation fee) and may in every year levy a sanitation fee in accordance with such bylaws on all rateable property situated within the Diamond Harbour Area of the Borough of Lyttelton.

(2) Any such bylaws may make provision for the exemption from payment of the sanitation fee of any owner or occupier of property which is not served or is not likely to be served by the Council's sewerage service. 5

(3) The sanitation fee may in any year be of sufficient amount to provide for the payment of the whole or part of the interest or other charges for that year on any loans heretofore or hereafter raised by the Council for sewerage, drainage, or water-supply purposes, and of the cost of maintaining and extending the Council's sewerage service. 10

(4) Where any loan has been raised by the Council for the purpose of carrying out any sewerage or drainage or water-supply scheme and has been secured by a special rate levied over the rateable property within the Borough or any defined portion of the Borough, the Council may, in any year in which the amount collected or to be collected by way of sanitation fee is available and sufficient for the payment of the whole or part of the interest and other charges on any such loan or loans, refrain from levying the said special rate or reduce the amount thereof to be levied in that year, as the case may be. 15 20 25

(5) The proceeds of any sanitation fee shall be available only for the purposes mentioned in subsection (3) of this section. 25

(6) A sanitation fee shall for all purposes be deemed to be a separate rate. 30

4. Rights of debenture holders and creditors not affected— Nothing in this Act shall in any way prejudicially affect the security afforded by any special rate to the holders of any securities or affect the rights or interest of any debenture holder or other creditor of the Council. 35