

Hon. Mr. Pitt.

MUNICIPAL CORPORATIONS AMENDMENT.

ANALYSIS.

<b>Title.</b>	
1. Short Title.	6. Provisions for raising loans.
2. Overdrafts. Repeal.	7. Miscellaneous amendments of principal Act.
3. Vacancy in office of Mayor within two months of annual election.	8. Application of provisions as to open spaces, &c. Repeal.
4. Ordinary elections not to take place in certain cases. Repeal.	9. Section 29 of Amendment Act of 1902 amended.
5. Procedure until Councillors of new borough come into office.	10. Repeals.

A BILL INTITULED

AN ACT to amend "The Municipal Corporations Act, 1900." **Title.**

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

1. The Short Title of this Act is "The Municipal Corporations Amendment Act, 1906"; and it shall form part of and be read together with "The Municipal Corporations Act, 1900" (hereinafter referred to as "the principal Act"). **Short Title.**

2. (1.) The Council may from time to time borrow, at a yearly rate of interest not exceeding six per centum, moneys from the bank by way of overdraft, or from any corporation or person by way of temporary loan, on any of its accounts: **Overdrafts.**

Provided that it shall not be lawful for the Council to owe to its bankers on overdraft, or to any corporation or person on temporary loan, on any of its accounts at the end of any year ending the thirty-first day of March any sum exceeding the amount of revenue for that year payable into such account and then outstanding and uncollected.

(2.) The limit specified in this section shall not be interpreted to affect the right of any bank, or corporation, or person to be repaid out of the Council's funds any moneys advanced in good faith by it or them to the Council:

Provided that before any bank grants any overdraft against the revenue outstanding and uncollected as specified in subsection one hereof a statutory declaration by the Town Clerk and Treasurer showing that the amount of such overdraft can legally be borrowed shall be furnished to the bank.

(3.) This section is in substitution for sections one hundred and fifty-four to one hundred and fifty-six of the principal Act, which sections are hereby accordingly repealed. **Repeal.**

Vacancy in office of Mayor within two months of annual election.

3. Notwithstanding anything in section thirty-five of the principal Act, every vacancy in the office of Mayor occurring within two months of the time fixed for the next annual election of Mayor shall be deemed to be an extraordinary vacancy.

Ordinary elections not to take place in certain cases.

4. (1.) Where any first or general election of the whole Council or where any election of Mayor is held within two months of the time fixed for the next biennial election of Councillors or annual election of Mayor, it shall not be necessary to hold the same, but the Councillors or Mayor shall remain in office until the following biennial or annual election, as the case may be.

Repeal.

(2.) Section one hundred and eighty-five of the principal Act and section twenty-one of "The Municipal Corporations Amendment Act, 1902," are hereby repealed.

Procedure until Councillors of new borough come into office.

5. (1.) Where a new borough is constituted and comprises the whole or any part of the area of a then existing district, the local authority of such district shall, during the period between the constitution of the borough and the date when the first Councillors of the borough come into office, continue to exercise its functions with respect to such area in like manner in all respects as if such area were still in its district and the new borough had not been constituted.

(2.) Where the whole area of such district is comprised in the new borough the local authority of such district shall continue to exist during the aforesaid period, but no longer.

(3.) The provisions of the principal Act as to financial and other adjustments shall extend to and include the aforesaid period.

Proceedings for raising loans.

6. Section twenty-four of the principal Act is hereby amended by adding thereto the following provisoes:—

"Provided that nothing herein shall affect the provisions of "The Local Bodies' Loans Act, 1901," and all proceedings for the raising of loans in any borough shall be taken under that Act and not under this Act:

"Provided also that no proceedings heretofore taken for the raising of any loan shall be deemed to be invalid merely on the ground that the proposal was submitted under the one Act instead of under the other."

Miscellaneous amendments of principal Act.

7. The principal Act is hereby further amended as follows:—

(a.) As to section forty-five thereof: By repealing the words "or to the respective special districts controlled by them" and the words "or special districts."

(b.) As to section seventy-three thereof: By repealing the words "corresponding to that."

(c.) As to section seventy-six thereof: By repealing the word "regulations" in paragraph (7), and substituting in lieu thereof the words "by-laws or resolutions."

(d.) As to section eighty-eight thereof: By repealing the words "as provided in this Act" in paragraph (8).

(e.) As to section ninety-nine thereof: By repealing the words "or subdivisions," and substituting in lieu thereof the words "or defined portion."

(f.) As to section one hundred thereof: By inserting after the words "any ward" the words "or defined portion."

- (g.) As to sections one hundred and twelve to one hundred and fifteen thereof: By repealing the same.
- 5 (h.) As to section one hundred and eighty-eight thereof: By inserting after the words "In the second case, shall be" the words "either under the seal of the Corporation or."
- 10 (i.) As to section one hundred and ninety-four thereof: By repealing all words in paragraph (4) after the words "rent reserved shall," and substituting in lieu thereof the words "subject to the provisions of this section, be a rack-rent, without fine, premium, or foregift, but need not be uniform for the whole term."
- 15 (j.) As to section two hundred and three thereof: By repealing the words "Part II of" in subsection three.
- (k.) As to section two hundred and eleven thereof: By repealing the words "right of way" in subsection two, and substituting in lieu thereof the words "private way."
- 20 (l.) As to section two hundred and fifty-four thereof: By inserting after the word "overhanging," in paragraph (a), the words "or overshadowing."
- (m.) As to section three hundred thereof: By inserting after the words "theretofore constructed in" the words "or beyond."
- 25 (n.) As to section three hundred and one thereof: By repealing the word "burgesses," and substituting in lieu thereof the word "electors."
- (o.) As to section three hundred and nine thereof: By inserting after the words "unavoidable accident" the words "or of shortage from any cause of the water-supply."
- 30 (p.) As to section three hundred and forty-six thereof: By repealing the same.
- (q.) As to section three hundred and fifty-two thereof: By adding at the end of subsection ten the words "and may be dealt with under section three hundred and forty-nine hereof without the necessity for any certificate as therein provided."
- 35 (r.) As to section three hundred and sixty thereof: By inserting after the word "technical" the words "or secondary," and by adding at the end of the section the words "and the establishment of such schools or farms shall for all purposes be deemed to be a public work."
- 40 (s.) As to section three hundred and sixty-seven thereof: By repealing the word "four" in subsection two, and substituting in lieu thereof the word "five."
- 45 (t.) As to section four hundred and three thereof: By inserting after the word "exceptional," in paragraph (9), the words "or heavy."
- (u.) As to section four hundred and six thereof: By repealing the proviso to paragraph (2), and substituting in lieu thereof the following paragraph:—
- 50 (2A.) Where two or more boroughs or where a borough and some other district are wholly or partly

situate within five miles of one another, and are not separated by a navigable river, harbour, or arm of the sea, the several local authorities may agree that one of them shall collect the license fees for vehicles and drivers plying in any of the said districts; and the local authority so agreed on, after deducting ten per centum of the amount so collected to cover the cost of collection and supervision, shall distribute the residue rateably between the said districts in the proportion that the population of each bears to the total population of all.

(v.) As to the Seventh Schedule thereto: By repealing the word "their" in clause four, and substituting in lieu thereof the word "the."

(w.) As to the Thirteenth Schedule thereto: By repealing the words "county or" in clause two.

8. (1.) Section twenty-seven of "The Municipal Corporations Amendment Act, 1902," shall not apply to hotels.

(2.) Subsections two to eight of section three hundred and fifty-two of the principal Act shall apply only to hotels and lodging-houses, and houses occupied by more than one family.

(3.) Section twenty-eight of "The Municipal Corporations Amendment Act, 1902," is hereby repealed.

9. Section twenty-nine of "The Municipal Corporations Amendment Act, 1902," is hereby amended by repealing the words "section three hundred and sixty-two," and substituting in lieu thereof the words "sections three hundred and sixty-two to three hundred and sixty-seven."

10. Section two hundred and eighty-eight of "The Public Works Act, 1905," and section twenty of "The Education Act Amendment Act, 1905," are hereby repealed.

Application of provisions as to open spaces, &c.

Repeal.

Section 29 of Amendment Act of 1902 amended.

Repeals.