

Hon. Mr. Herdman.

MUNICIPAL CORPORATIONS AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend the Municipal Corporations Act, 1908.

Title.

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

5 follows :—

1. (1.) This Act may be cited as the Municipal Corporations Amendment Act, 1913, and shall form part of and be read together with the Municipal Corporations Act, 1908 (hereinafter referred to as the principal Act).

Short Title.

10 (2.) Except as otherwise expressly provided, this Act shall come into operation on the first day of ~~January~~ February, nineteen hundred and fourteen.

Commencement.

15 2. Notwithstanding anything to the contrary in the principal Act, the Council of a divided borough may direct that a district electors list shall be made out for the whole borough and not for each ward thereof, and that the ward in which each elector has his qualification shall be stated in a separate column of the list.

One district elector list may be made for divided borough.

Section 6 of
principal Act
amended.

3. Section six of the principal Act is hereby amended by adding the following subsection:—

“(4.) Every person who wilfully makes a false claim to have his name entered on the district electors list is liable to a fine not exceeding *five pounds*.”

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Use by other
authorities of
district electors roll.

4. All local authorities (other than the Borough Council) entitled to use the district electors roll of any borough or ward for the purposes of the election of their members or for polls taken by them shall pay to the Borough Council a fair proportion of the cost of making and printing the roll. Such proportion shall, in the case of dispute, be fixed by the Audit Office.

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Struck out.

Election of Mayor
by Councillors.

5. (1.) There shall be a Mayor of every borough, who shall be elected by the Council from among its members at a meeting of the Council to be held for that purpose on the first Wednesday in May in every year.

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(2.) At every such meeting the Town Clerk shall preside, and in the case of an equality of votes shall determine the election by lot in such manner as the Council directs.

(3.) The Mayor shall come into office on his election, and shall hold office until the election of his successor.

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Repeals.

(4.) Section twenty-five of the principal Act, and section nine of the Municipal Corporations Amendment Act, 1910, are hereby repealed.

(5.) The principal Act is hereby consequentially amended in the manner indicated in the Schedule hereto.

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(6.) This section shall come into operation on the first day of April, nineteen hundred and *fifteen* :

Provided that all persons who on that date hold office as Mayors shall continue to hold such office until the election of their successors respectively pursuant to this section.

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New.

Biennial election
of Mayor.

5. (1.) Section twenty-five of the principal Act is hereby amended by adding to subsection one the words “in which a general election of Councillors is held.”

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(2.) Section twenty-six of the principal Act is hereby amended by omitting from subsection one the word “annual,” and substituting the word “biennial.”

(3.) Section one hundred and twenty-nine of the principal Act is hereby amended by omitting the word “annual” wherever it occurs in subsection one, and substituting the word “biennial.”

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(4.) Section nine of the Municipal Corporations Amendment Act, 1910, is hereby amended by omitting the word “annual,” and substituting the word “biennial.”

(4A.) In the event of the office of Mayor becoming vacant within one year of the date of his election, his successor shall be elected by all the electors of the district in accordance with the provisions of the principal Act; but if the office becomes vacant within one year of the date of the forthcoming bi-yearly election, the Council shall forthwith proceed to elect another Mayor in his stead, who shall hold office until the Mayor elected at the next biennial election comes into office.

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(5.) This section shall come into operation on the day fixed for the election of Mayors in the year nineteen hundred and fifteen.

6. The Council may fix the quorum of any committee appointed by it, and in default of its so doing the committee may fix such quorum; and all acts of such committee and all questions before it may be done and determined by such quorum.

Quorum of committees.

Struck out.

7. Section eighty-three of the principal Act is hereby amended by repealing subparagraph (iii) of paragraph (a), and substituting the following:—

Section 83 of principal Act amended.

“(iii.) The rate on buildings used as stores or warehouses, or for any purposes other than as dwellinghouses, shall be one-half of the rate mentioned in subparagraph (i) or (ii) hereof, as the case may be.”

15 *New.*

7. Section eighty-three of the principal Act is hereby amended by omitting from subparagraph (iii) of paragraph (a) the words “above mentioned,” and substituting the words “mentioned in subparagraph (i) hereof.”

20 8. (1.) Subsection one of section eighty-five of the principal Act is hereby repealed, and the following substituted therefor:—

Water-rates to be payable in advance either yearly or half-yearly.

“(1.) All water-rates for an ordinary supply shall be payable in advance, on such day or days, either yearly or half-yearly, as the Council determines.”

25 (2.) Subsection two of the said section eighty-five is hereby amended by omitting the words “during the currency of any such half-year,” and substituting the words “after the date of fixed for such yearly or half-yearly payment, as the case may be”; and by omitting the words “such half-year,” and substituting the words

30 “the year or half-year.”

9. Section eighty-nine of the principal Act is hereby amended—

Section 89 of principal Act amended.

(a.) By omitting the word “house” before the word “refuse” in subsection one thereof:

35 (b.) By omitting the first proviso in subsection one thereof, and substituting the following proviso:—

“Provided that such rate shall be levied only upon such properties as have a building erected thereon, from which the Council is prepared to remove all refuse.”

40 (c.) By adding to subsection two the following proviso:—

“Provided further that in any case where, in the opinion of the Council, the refuse from any land or building is principally trade-refuse or is excessive in quantity, the Council may, if it thinks fit, in lieu of levying such rate make a reasonable charge for the removal of such refuse, or may require the owner or occupier of the land or building to have the same removed regularly at his own cost.”

45 10. (1.) Sections one hundred and twelve, one hundred and thirteen, and one hundred and fourteen of the principal Act are hereby repealed.

Repeal.

(2.) Section one hundred and eighteen of the Public Revenues Act, 1910, is hereby amended by omitting the words “but does not include a City or Borough Council.”

New boroughs.

11. (1.) Any area having the qualifications for a borough prescribed by paragraph (c) of section three of the principal Act may at any time be constituted a borough in the manner following :—

- (a.) A petition in accordance with regulations, praying that any area be constituted a borough shall be presented to the Governor. Every such petition shall be signed by not less than ~~one-fourth~~ *fifteen per centum* of the persons for the time being entitled in respect of a qualification within that area to vote at the election of a member of any local authority, and shall be accompanied by a deposit of *ten pounds*. 5
- (b.) The Minister of Internal Affairs shall thereupon gazette and publicly notify a notice containing an approximate description of the proposed boundaries of the new borough, and calling upon all persons affected to lodge any written objections to or petitions against the constitution thereof within one month from the first publication of the notice. 15
- (c.) As soon as practicable after the expiration of one month from the first publication of the notice as aforesaid, the Governor shall direct a Commission, consisting of a *Magistrate*, the Commissioner of Crown Lands for the land district, and the officer in charge of the valuation district in which the area is situated, to inquire and report to him upon the subject-matter of the original petition, and as to the suitability for municipal control of the area referred to in the original petition. For the purposes of such report the Commissioners shall consider the objections or petitions (if any) lodged as aforesaid, and may in their report make such alterations in the proposed boundaries as they deem necessary and advisable, but no alteration shall be made that will leave the area without the qualifications prescribed by paragraph (c) of section three of the principal Act. 20 25 30
- (d.) The Commission shall have all of the powers and functions of a Commission under the Commissions of Inquiry Act, 1908. 35
- (e.) If the Commission reports that the area referred to in the original petition, or that area as altered by the Commission as hereinbefore provided, is suitable for municipal control and possesses the qualifications aforesaid, but not otherwise, the Governor shall direct that a poll be taken within the area as fixed by the Commission upon the proposal that the area so fixed shall be constituted a new borough. 40
- (f.) The Governor may, by Order in Council, make such appointments and arrangements (including the preparation of a voters roll) as he deems necessary for the purpose of taking the poll. 45
- (g.) The voters roll shall contain the names of all persons possessing, in respect of the area fixed as aforesaid, qualifications entitling them to be placed on the electors list of any local authority any part of whose district is within the area in which the poll is to be taken and of no others, 50

and each such person shall have and may exercise one vote and no more :

Provided that the omission from such roll of any person entitled to be placed thereon, or the inclusion on such roll of any person not entitled to be placed thereon, shall not invalidate either the roll or the poll.

(h.) If the result of the poll is in favour of the proposal, the Governor shall, by Proclamation, constitute as a borough the area within which the poll was taken, and shall fix the name of the new borough.

(i.) The Governor may leave such new borough undivided, and, by Proclamation, fix the number of Councillors therefor, or he may, by Proclamation, divide the borough into wards and fix the names of such wards and the number of Councillors for each ward.

(2.) The cost of all proceedings under this section (including the cost of taking the poll) shall be defrayed by such of the local authorities concerned and in such proportions as the Governor by Order in Council directs.

(3.) If on the taking of the poll the number of votes cast in favour of the proposal is less than *one-fourth* of the number cast against it, the deposit paid pursuant to subsection *one* hereof shall be forfeited and applied towards the cost of taking the poll, and in all other cases it shall be returned to the person by whom the petition was presented.

(4.) If the result of the poll is not in favour of the proposal, then no fresh petition containing a like proposal dealing with substantially the same area shall be presented to the Governor within two years after the date of the poll.

(5.) Upon any area being constituted a borough it shall cease to form part of the district or districts to which it formerly belonged, but the entity of the Corporation or Corporations of such district or districts shall not thereby be destroyed.

New.

(5A.) Where a borough is constituted comprising only the whole of a then existing district, the following provisions shall apply :—

District becoming borough.

(a.) The Corporation of such borough shall, in respect of all property, rights, claims, obligations, liabilities, contracts, and engagements, and for all purposes whatsoever, be deemed to be the same Corporation as that existing in the district at the time of its becoming a borough.

(b.) The local authority of the district shall continue to exist during the period between the constitution of the borough and the date when the first Councillors of the borough come into office ; and every person holding any office in or under any such local authority shall continue to hold office until the time when, if appointed or elected under the principal Act, he might be removed from or would vacate the same.

(c.) Any valuation roll and any electors list or roll in force in the district at the time of its becoming a borough shall be deemed to be the valuation roll and the electors roll respectively for the borough.

(d.) All by-laws in force within the district at the time of its becoming a borough shall continue in force until altered or revoked in the manner provided by the principal Act.

(6.) Where a new borough is constituted and comprises ~~the whole or~~ any part of the area of a then existing district the following provisions shall apply :— 5

(a.) 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 the area comprised in the new borough in like manner in all respects as if such area were still in its district and the new borough had not been constituted. 10

Struck out.

(b.) 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. 15

(c.) The provisions of the principal Act as to financial and other adjustments shall extend to and include the aforesaid period. 20

Repeals.

(7.) Section one hundred and seventeen of the principal Act, and section nineteen of the Municipal Corporations Amendment Act, 1910, and section forty-eight of the Town Boards Act, 1908, are hereby repealed.

Alterations of boundaries of boroughs.

12. (1.) The boundaries of a borough may at any time be altered in the manner following :— 25

(a.) A petition in accordance with regulations, praying the Governor to include any defined area in the borough, or, as the case may be, to exclude any defined area from a borough and to include it in a county or some other district, shall first be presented to the Governor. Every such petition shall be signed by not less than one-fourth of the persons for the time being entitled in respect of a qualification within that area to vote at the election of a member of any local authority. 30 35

(b.) The Minister of Internal Affairs shall thereupon gazette and publicly notify a notice setting out the proposed alteration of boundaries, and, in cases where an area is proposed to be added to a divided borough, stating in what ward or wards the area is proposed to be included, and calling upon all persons affected to lodge any objections in writing to or petitions against the proposed alteration within one month from the first publication of such notice. 40

(c.) After duly considering the original petition and the objections so lodged (if any), the Governor may make the alteration prayed for by the original petition, or any other alteration involving the severance from any district and the inclusion in any other district of part or parts only of the area mentioned in the original petition, or he may direct a Commission consisting of a Magistrate, the Commissioner of Crown Lands for the land district, and the officer in charge of the valuation district in which the area is situated to inquire and report to him upon the 45 50

subject-matter of the original petition and the objections lodged as aforesaid (if any), and as to the suitability or otherwise for municipal control of the area referred to in the original petition, and to recommend such alterations of the boundaries of the area as they deem necessary and advisable.

(d.) If the Commission reports that the area referred to in the original petition, or that area as recommended to be altered by the Commission, should be included in or excluded from the borough, as the case may be, the Governor may, by Order in Council, make the alteration recommended by the Commission, or such other alteration involving the severance from any district and the inclusion in any other district of part or parts only of the area mentioned in the original petition or in the report of the Commission, as he thinks fit.

(2.) Any area included in a borough or any other district under this section shall thenceforth form part of that borough or district accordingly.

(3.) An alteration may be made under this section notwithstanding that the effect of the alteration may be that the borough may thereby exceed the limits of area or distance between points prescribed by paragraph (c) of section three of the principal Act.

(4.) Where the boundaries of a borough are altered under this section the Governor may, by Order in Council gazetted,—

(a.) Declare in what ward (if a divided borough) any area added to the borough shall be included, or declare that the area so added shall form a new ward or new wards, and fix the name of such new ward or new wards and the number of Councillors therefor :

(b.) Divide the borough (if an undivided borough) into wards and fix the names of the same, and the number of Councillors for each ward ; or redivide the borough (if a divided borough) into new wards and fix the number of Councillors for each new ward :

(c.) Make provision where expedient for the dissolution of the Corporation of the district from which the said area was taken, and for the merger of the remaining area of that district in some other district, and may declare to what subdivision of such other district such remaining area shall be added :

(d.) Declare to what district and subdivision thereof any area excluded from the borough shall belong.

(5.) Section one hundred and eighteen of the principal Act is hereby repealed. Repeal.

13. Any union of boroughs may be made under section one hundred and twenty of the principal Act notwithstanding that the effect thereof may be that the united borough so constituted may exceed to any extent the limits of area or distance between points prescribed by paragraph (c) of section three of the principal Act.

Section 120 of principal Act modified.

14. (1.) The provisions of sections one hundred and twenty to one hundred and twenty-four of the principal Act and of section twenty-nine of the Rating Amendment Act, 1910, shall apply to the case not only of the union of two or more boroughs forming

Town districts to be deemed boroughs for certain purposes.

one continuous area, but also to the case of the union of one or more boroughs with one or more town districts forming one continuous area.

(2.) For the purposes of this section a town district shall be deemed to be a borough, and a Town Board to be a Council, and members of a Town Board to be Councillors within the meaning of the said sections and of section three hundred and fifty-eight of the principal Act:

Provided that for the purposes of section one hundred and twenty-two of the principal Act only three members of a Town Board (to be chosen by the Town Board) shall be Councillors of the united borough.

Council may, by way of special loan, raise moneys payable on adjustment of boundaries.

15. Where by the terms of any adjustment made pursuant to section one hundred and twenty-seven of the principal Act any sum of money is payable by the Council of a borough, the Council may raise such sum or any part thereof by way of special loan without taking the steps described in sections seven to thirteen of the Local Bodies' Loans Act, 1908.

Power to Council to sell or exchange land.

16. The Council may sell any land vested in the Corporation or exchange any such land for other land, and in respect of any such exchange may either give or receive any money for equality of exchange:

Provided that all moneys received by the Council upon any such sale or exchange shall be applied to the purchase of other lands to be held for the same purposes as affected the lands parted with, and all lands received in exchange shall be held for the purposes that affected the land given in exchange.

Section 140 of principal Act amended.

17. Subsection two of section one hundred and forty of the principal Act is hereby amended by omitting the words "or public utility."

Section 153 of principal Act amended.

18. Section one hundred and fifty-three of the principal Act is hereby amended as follows:—

(a.) By adding to subsection four thereof the following paragraph:—

"(n.) For the purpose of providing access from one street to another, or from one part of a street to another part of the same street, to construct on any street, or on land adjacent to any street, elevators, moving platforms, and machinery for passenger traffic, and such subways, tunnels, shafts, and approaches as are required in connection therewith.

(b.) By adding after subsection four the following subsection:—

"(5.) The Council may, by by-law, fix charges for and regulate the use of any means of access constructed under paragraph (n) of subsection four hereof. Where the amount received in respect of such charges in any year is insufficient to pay the cost of working and maintaining such means of access during that year (not including in such cost the annual charges payable in respect of any loan raised for the purpose of providing such means), the Council may make and levy a separate rate of such amount as will realise the amount of the deficiency. Every such rate shall be levied on all the rateable property within the area over which the special rate made in respect of the said loan (if any) is

leviable, or within such area as the Council from time to time by special order determines :

5 " Provided that, before passing any resolution defining any such area, the Council shall proceed as directed by subsection three of section three of the Local Bodies' Loans Act, 1908, in the case of a loan proposed to be raised for part of a district, and all the provisions of that subsection, except paragraph (a), shall, *mutatis mutandis*, extend and apply accordingly."

10 *Struck out.*

19. Section one hundred and sixty-nine of the principal Act is hereby amended by the addition of the following proviso :—

Section 169 of principal Act amended.

15 " Provided that this section shall not apply to any private way granted or reserved for the purpose of affording access to not more than one dwellinghouse or other building over a strip of land forming part of the land previously held with the land on which such building is erected, if such private way is not open or intended to be open for the use of persons other than the owners and occupiers of such building."

20 20. Section one hundred and seventy-four of the principal Act is hereby amended by omitting the words "being not less than twenty feet in width."

Repeal.

25 21. (1.) The Governor may, by Order in Council, authorize the Council to lay off or permit to be laid off streets and private streets of a width less than sixty-six feet, but not less than forty feet, for the purpose of connecting blind streets with other streets, but no such connecting street of a greater length than ~~two~~ five chains shall be so authorized.

Provision in the case of blind streets.

30 (2.) In this section "blind street" means a street opening at one end on a public street and at the other end on private land or on a private way.

22. (1.) The Council may purchase ~~and~~ or sell coal, ~~or~~ coke, and other products obtained from coal on such terms as it thinks fit.

Council may sell coal or coke.

New.

35 (2.) The Council may quarry, purchase, or sell road-metal or other material for roadmaking on such terms as it thinks fit.

40 23. (1.) The Council may establish, maintain, and regulate a service for the conveyance of passengers and goods to and from any place within the borough, or, with the consent of any neighbouring local authority, between any place within the borough and any place within the district of that local authority, or the Council may contribute out of the District Fund to any such service established or maintained by any person or company or by any other local authority.

Power to establish service for conveyance of passengers, &c.

45 (2.) Nothing herein shall authorize a Council to construct any tramway or railway.

New.

50 (3.) All preliminary steps taken under the Local Bodies' Loans Act, 1908, or any other Act in respect of the establishment or intended establishment of such a service within one year immediately preceding the commencement of this Act, and all expenses incurred in taking such steps, shall be deemed to have been lawfully taken and incurred.

Rights in respect of certain private drains and registration thereof.

24. Where any existing private drain passes through or serves separately owned premises there shall be attached to each and all of the lands served by such private drain a right to the free and uninterrupted use of such private drain, and a right for the occupier thereof to enter upon all lands served by such drain, or through which such drain passes, for the purpose of effecting necessary repairs to such drain, and a right to contribution from the owners or occupiers of other lands so served by such drain towards the cost of executing, providing, and doing all or any of the things required in respect of such drain by the principal Act or any by-law, and a right to contribution from such owners or occupiers of such other lands towards the cost of all necessary repairs to such drain; and such rights, upon a certificate being furnished by the Town Clerk that any of such lands is actually served by such drain, shall be registered by the District Land Registrar against the titles, whether under the Land Transfer Act, 1908, or not, to all the other lands so served by such drain, and also, in the case of the right to free and uninterrupted use of such drain, and the right to enter upon land to effect necessary repairs, against the titles, whether under the Land Transfer Act, 1908, or not, to the lands through which such drain passes.

(2.) The foregoing provisions of this section shall extend and apply to all such private drains hereafter required by the Council to be provided, constructed, and laid out.

Power to lead certain water into streams.

25. The Council may in time of flood or other emergency lead any surplus water from any waterworks vested in the Council into any natural stream with a view to the protection of the waterworks.

Struck out.

Repeal.

26. Subsection two of section two hundred and fifty-eight of the principal Act is hereby repealed.

Cost of installing gas or electric light may be paid by instalments.

27. Where under any provision of Part XXVII of the principal Act any owner or occupier of any building is required to pay to the Council the cost of connecting such building with any main gaspipe or with any electric-light main, and of laying on all necessary service-pipes, fittings, and meters, the Council and such owner or occupier may agree in writing that any moneys so payable to the Council shall be payable by such instalments as the Council thinks fit, with interest at a rate not less than four and not more than six per centum per annum.

New.

Electric lighting and supply of electricity.

27A. (1.) The provisions of sections two hundred and sixty-one to two hundred and seventy-six of the principal Act shall, *mutatis mutandis*, extend and apply to electric-light works and the use and supply of electricity in the same manner as they apply to gasworks and the use and supply of gas.

(2.) Nothing in this section shall be construed so as to affect the provisions of section two of the Public Works Amendment Act, 1911.

Repeal.

(3.) This section is in substitution for section two hundred and seventy-seven of the principal Act, which section is hereby accordingly repealed.

Power to Council to do necessary work.

27B. Any City or Borough Council, at its discretion, may from time to time either contract with other persons to supply electric materials, wiring, fittings, appliances, apparatus, and all electrical conveniences, or the Council may itself purchase such materials and

things and do such work ; and the Council may from time to time advance and lend moneys to the owner of any land, building, or premises within the city or borough for the purpose of enabling him to procure such materials and things and do such work. All such work shall be done under the supervision and to the satisfaction of the Electrical Engineer for the time being of the Council and in accordance with the by-laws for the time being of the Council.

27c. In cases where any member of the Council's staff is employed in drawing any specification, or in making plans, or inspecting any material or work, or in doing any such work or otherwise in connection therewith, reasonable charges may be made by the Council in respect thereof.

Council may claim for work done by member of its staff.

27d. The sum of all moneys advanced, lent, or paid to or for or on account of any owner for any purposes authorized by this Act, together with the cost of all materials provided and used and for all work and labour done by the Council in or upon or in connection with any land, building, or premises under the authority of this Act, and together with interest on such sum at a rate not exceeding six pounds per centum per annum from the date of supplying the said materials or of completing the said work, shall be made up and determined by the Council, which determination, in the absence of fraud or mistake, shall be final and conclusive ; and the Council may declare what such moneys and costs amount to ; and may direct the whole or any part thereof to be due and payable in one sum and immediately, or at some future date, or by equal monthly, quarterly, or half-yearly instalments extending over any period, not exceeding in the whole five years from the date of such moneys and costs having been so made up and determined as aforesaid.

Council to determine what moneys owing for work done.

27e. The moneys so advanced and the cost of any materials provided or work done in or upon any land, buildings, or premises under the authority of this Act as so made up and determined by the Council as aforesaid, together with interest thereon at a rate not to exceed six pounds per centum per annum from the date on which such moneys and costs are so made up and determined, shall constitute a debt owing to the Council by the owner of such premises, and may be recovered against any such owner, his executors, administrators, and assigns in any Court of competent jurisdiction.

Owners liable for work done to premises.

27f. (1.) Upon receiving any such before-mentioned order or certificate under the seal of the Council, certifying as to the amount due in respect of moneys so advanced or paid, or the cost of any work done or materials provided in respect of any land, buildings, or premises under the authority of this Act, it shall be the duty of the District Land Registrar or the Registrar of Deeds (as the case may be) for the time being of the district to register without fee such order or certificate against the lands, buildings, and premises therein described.

Order for moneys owing may be registered against land.

(2.) Upon the registration of any such order or certificate the amount therein shown to be due to the Council shall become and be a charge upon such land, buildings, and premises, and the rights, easements, members, and appurtenances thereto belonging and appertaining ; but such charge shall be subject to all mortgages, incumbrances, liens, and interests theretofore duly registered in respect of any such land, building, and premises ; and payment of any moneys or any instalments due, owing, and payable to the Council under any such order or certificate may be enforced against the said land and any estate or interest therein in the same manner

as and by any of the modes in which any person being a mortgagee or incumbrancer of the said land might upon default enforce payment of the amount due under a mortgage or incumbrance duly registered against the said land, subject, nevertheless, to such prior mortgages, incumbrances, liens, and interests (if any) as aforesaid. 5

Fittings, &c., to remain the property of the Council while moneys owing.

27G. In every case where any money shall have been advanced by the Council as aforesaid the entire electric installation in respect of which such advances have been made, and all appliances, fittings, materials, and things appertaining to or included in such installation (whether such appliances, materials, fittings, and things shall have been affixed to the freehold or not, and whether the same shall have been supplied by the Council or not), shall be and shall for all purposes be deemed to be the property of the Council so long as the moneys so advanced by the Council or any part thereof or the interest thereon or any part of such interest shall remain unpaid. 10 15

Penalty.

27H. Every person who, without permission of the Council, removes and every person who wilfully destroys, injures, damages, stops, obstructs, or otherwise interferes with such installation or any appliances, fittings, materials, or things forming part of such installation is liable to a fine not exceeding *fifty* pounds: 20

Provided that extensions and additions to such installations may be carried out by any qualified person, subject to the approval of the Council and to the by-laws (if any) of the Council relating to the supply of electricity.

Section 294 of principal Act amended.

28. Section two hundred and ninety-four of the principal Act is hereby amended— 25

(a.) By adding to subsection three the following proviso:—

“Provided that if the site of the dwellinghouse abuts on two or more streets of not less than fifty feet each in width, then the minimum distance aforesaid shall be fifteen feet, irrespective of the height of the dwellinghouse.” 30

(b.) By omitting from subsection nine all words after the words “one and one-half times the area” *down to and including the words “complied with,”* and substituting the words “hereinbefore required to be left at the side or in the rear of the dwellinghouse.” 35

Struck out.

(c.) By the addition of the following subsection:—

“(9A.) The owner of any land on which a dwellinghouse is erected shall not sell or otherwise dispose of any portion of such land, if the effect of such disposition would be to leave a smaller area of open space to such dwellinghouse than is required in respect of a new dwellinghouse.” 40 45

New.

Section 296 of principal Act amended.

28A. Section two hundred and ninety-six of the principal Act is hereby amended by omitting from subsection two the word “lodging-house,” and substituting the word “building.”

Council may light and maintain public clocks.

29. The Council may expend money on lighting and maintaining any public clock in any public building, and shall be deemed to have been so empowered as from the commencement of the principal Act. 50

Construction or maintenance of boat-haven.

29A. The Council out of its General Fund may contribute to any Harbour Board for the construction or maintenance of any boat-haven which would or may, in its opinion, be beneficial to the inhabitants of the borough. 55

Registration of charges against private properties.

30. (1.) Where any moneys paid or expended by the Council in respect of or in relation to any private property are by any Act made a charge upon that property the Council may, within six months from the time when the amount has been ascertained, cause a notice of such charge under the hand of the Town Clerk to be registered against the title to such property, whether under the Land Transfer Act, 1908, or not.

(2.) Every notice under this section shall be accepted for registration by the District Land Registrar or other proper officer.

(3.) On full satisfaction of such charge the Council shall register a notice of such satisfaction.

(4.) The omission to register any such notice of charge shall not affect the liability of the person originally liable to pay the amount or the rights of the Corporation under such charge as against him.

New.

30A. Section two hundred and ninety-eight of the principal Act is hereby repealed.

Repeal.

30B. (1.) Subsection one of section two hundred and ninety-nine of the principal Act is hereby amended by inserting, after the word "gardens" in paragraph (a), the words "zoological gardens."

Section 299 of principal Act amended.

(2.) This section shall be deemed to have been in force as from the commencement of the principal Act.

31. Section two hundred and ninety-nine of the principal Act is hereby amended by the addition of the following subsection:—

Section 299 of principal Act amended.

"(3.) The Council may from time to time, out of its general funds, pay to any person or persons such sums as it thinks fit for supplying music in any of the pleasure-grounds, gardens, libraries, museums, music-halls, or gymnasiums provided by the Council for the purpose of the enjoyment or recreation of the public."

New.

31A. In addition to the powers conferred by section two hundred and ninety-nine of the principal Act the Council may provide musical entertainments and cinematograph or similar exhibitions in any building owned by or leased to the Corporation of the borough, and may make such charges for admission thereto as it deems reasonable.

Struck out

32. The Council, in considering any application for a billiard-room license, may take into account the question whether the locality in which the proposed billiard-room is situated is suitable, and may, if it considers it undesirable that a billiard-room license should be granted within that locality, refuse to grant such license.

Suitable locality for public billiard-room.

33. If the Council of any of the cities mentioned in subsection one of section thirty-six of the Municipal Corporations Amendment Act, 1910, has not made by-laws with respect to the matters mentioned in that section, then the provisions of subsections one, two, and three of that section shall cease to apply to that city, and in such case the provisions of subsection four thereof shall, notwithstanding anything therein contained, apply to that city.

Section 36 of Municipal Corporations Amendment Act amended.

34. (1.) The Council may make by-laws for the following purposes:—

Subject-matters of by-laws.

(a.) For licensing persons to set up and remove electric wires for whatever purpose used or intended to be used, and to repair, renew, or otherwise interfere with electric wires when set up as a part of any installation, and prohibiting unlicensed persons from acting as in this section described:

Struck out.

(b.) For prescribing the limits within which yards and premises for the sale of live-stock may be erected or established, and to prevent the sale of live-stock within the borough save within the limits so prescribed :

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(c.) For licensing, inspecting, and regulating boardinghouses (not being houses for which publicans' licenses are held) in which persons are lodged for hire for a single night or for less than one week at one time, or any part of which is let for any term less than a week at one time :

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(d.) For licensing sports-grounds or other lands (whether privately owned or not) on which large numbers of persons are likely to assemble, and for requiring sufficient modes of ingress thereto and egress therefrom to be provided and maintained, and for preserving good order therein :

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(e.) For prohibiting or regulating and licensing the keeping in the borough of any animals, reptiles, or birds, the existence or keeping of which within the borough is, or in the opinion of the Council is likely to become, a nuisance or injurious to health :

20

(f.) For prohibiting the burial of animals within the borough, and, in the case of a Council possessing a digester or destructor, prescribing that any animals dying within the borough shall be removed to such digester or destructor for destruction.

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New.

(g.) For prohibiting or regulating the deposit or accumulation on any vacant land within the borough of refuse or rubbish of any description, including waste paper, shavings, filth, dirt, tins, or iron :

30

(h.) Requiring any allotment to be fenced along its line of frontage to any street, and to be kept clear of noxious weeds.

(2.) Every by-law made pursuant to the provisions of paragraph (a) of this section shall be read subject to the provisions of section two of the Public Works Amendment Act, 1911.

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(3.) Paragraph (d) of section three hundred and forty-five of the principal Act is hereby repealed.

35. The Seventh Schedule to the principal Act is hereby amended as follows :—

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(a.) By repealing clause one, and substituting the following :—

“1. The Council shall have a plan prepared of the street proposed to be stopped, and a survey made and a plan prepared of any new street proposed to be made in lieu thereof, showing the lands through which it is proposed to pass and the owners and occupiers of such lands so far as known.”

45

(b.) By inserting the following new clauses :—

“1A. The said plans shall be open to public inspection at the office of the Council during four consecutive weeks prior to the holding of the meeting of electors hereinafter referred to, and the Council shall once in each such week give public notice of the proposals and of the place where the plans are on view.

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“1B. A notice of the proposed stoppage, printed on linen or calico or other permanent material, shall during

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Repeal.

Seventh Schedule
to principal Act
amended.

the said period be kept fixed in a conspicuous place at each end of the street proposed to be stopped.

“9. A copy of the said notice and the plans hereinbefore referred to shall be transmitted by the Council for record in the office of the Chief Surveyor of the district, and no notice of the stoppage of the street shall take effect until such record is made.”

Struck out.

36. The Thirteenth Schedule to the principal Act is hereby amended by inserting in clause three, after the words “The Council,” the words “may attach to the license any conditions as to the use in the building of any means of producing light or heat, or otherwise for the safety of persons assembled in the building and.”

New.

36A. The Thirteenth Schedule to the principal Act is hereby amended as follows:—

Thirteenth Schedule to principal Act amended.

(a.) By inserting in clause three, after the word “Council,” the words “may attach to the license any conditions as to the use in the building of any means of producing light or heat, or otherwise for the safety of persons assembled in the building and.”

(b.) By inserting in clause four, after the words “the same,” the words “or at any condition attached to the license.”

37. Section four of the Municipal Corporations Amendment Act, 1910, is hereby amended by inserting, as the first words thereof, the words “For the purposes of any general election”; and by omitting the words “in the case of an ordinary election.”

Section 4 of Amendment Act, 1910, amended.

37A. Subsection one of section fifteen of the Municipal Corporations Amendment Act, 1910, is hereby amended by adding thereto the words: “or all moneys held by it for any special purpose.”

Section 15 of Municipal Corporations Amendment Act, 1910, amended.

37B. Section seventeen of the Municipal Corporations Amendment Act, 1910, is hereby amended by inserting, after the word “fire,” the words “or for payment of compensation and damages in respect of accidents to its employees.”

Section 17 of Municipal Corporations Amendment Act, 1910, amended.

38. (1.) In addition to the powers conferred on Councils by section three hundred and twenty-five of the principal Act with respect to workers' dwellings, a Council may—

Modes of dealing with workers' dwellings.

(a.) Let to a worker, for the purpose of a worker's dwelling, any land (not being land reserved for purposes of recreation) which it is empowered to lease for any purpose for a term exceeding twenty-one years; and may either itself erect a worker's dwelling thereon, or may lend money to the lessee to enable him to erect a worker's dwelling thereon, and may provide for the repayment of any such loan, with interest, by instalments as hereinafter mentioned. Any such lease may be granted on any of the tenancies authorized by section five of the Public Bodies' Leases Act, 1908. If such lease is granted on the terms mentioned in the First or in the Second Schedule to that Act, then to the extent to which the worker's dwelling has been paid for by the lessee (whether out of his own moneys or by repayments by instalments of the loan-moneys), the worker's dwelling shall be deemed an improvement effected by the lessee during his tenancy:

(b.) Advance money to a worker to enable him to acquire land and erect a worker's dwelling thereon, and may provide for the repayment of the advance with interest by instalments:

New.

(c.) Sell to a worker any separate worker's dwelling on such terms as the Council thinks fit, and, in particular, may provide for the payment of the purchase-money (after deducting the amount of any deposit paid by the purchaser) with interest by instalments. 5

(2.) In any case mentioned in this section where money is advanced to a worker, or any purchase-money is unpaid, interest shall be paid at the rate of five per centum per annum.

(3.) In any case mentioned in this section where provision is made for the repayment of any advance, or for the payment of any purchase-money by instalments, such instalments may be made weekly, fortnightly, or monthly, as may be arranged, for a period of twenty-five and a half years, and shall be calculated at the rate of seven per centum of the amount of the advance or of the purchase-money, less any deposit paid by the purchaser. 10 15

(4.) Every weekly or other instalment made as aforesaid shall consist partly of principal and partly of interest, and the amount of principal and interest respectively paid during each period of six months shall be calculated according to the scale in the Schedule hereto. 20

(5.) In any case where the provisions of the said section three hundred and twenty-five or this section are for any reason found to be ineffectual or inapplicable to the circumstances of any particular case, or class of cases, the Governor may, at the request of the Council, by regulations, make special directions providing for any such special case, and for the removal of any technical or other difficulty preventing the Council from exercising the powers intended to be conferred by those sections, and any such direction shall have the same force of law as if it were enacted in this Act; and every contract entered into by the Council, whether with a worker or any other person, or with any lender of money, in pursuance of or under the authority of any such direction, shall be valid and effectual for all purposes. 25 30

Schedule.

SCHEDULE.

Struck out.

CONSEQUENTIAL AMENDMENTS OF PRINCIPAL ACT.	
Number of Section.	Nature of Amendment.
Section 14 ...	By omitting from subsection (1) the words "the election of Mayor of a divided borough, or for."
Section 19 ...	By omitting from subsection (1) the words "Mayor or," the words "ten pounds in the case of the Mayor and," and the words "in the case of the Councillor."
Section 39 (1) (a)	By omitting the word "twelve," and substituting the word "thirteen"; and by omitting the words "exclusive of the Mayor."
Section 39 (1) (b)	By omitting the words "twenty-one Councillors, exclusive of the Mayor," and substituting the words "twenty-two Councillors."
Section 122	By omitting the words "and the other Mayor or Mayors shall be a Councillor or Councillors of the united borough, and he or they."
Section 129	By repealing subsection (1).

New.

TABLE SHOWING THE PRINCIPAL AND INTEREST CONTAINED IN A HALF-YEARLY PAYMENT OF £3 10s. FOR EVERY £100 OF UNPAID PURCHASE-MONEY OR LOAN AT 5 PER CENTUM INTEREST.

Half-year.	Half-yearly Instalment.	Apportioned thus:		Balance of Principal owing.
		On Account of Interest at 5 per Centum.	On Account of Principal.	
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1st	3 10 0	2 10 0	1 0 0	99 0 0
2nd	3 10 0	2 9 6	1 0 6	97 19 6
3rd	3 10 0	2 9 0	1 1 0	96 18 6
4th	3 10 0	2 8 6	1 1 6	95 17 0
5th	3 10 0	2 7 11	1 2 1	94 14 11
6th	3 10 0	2 7 4	1 2 8	93 12 3
7th	3 10 0	2 6 10	1 3 2	92 9 1
8th	3 10 0	2 6 3	1 3 9	91 5 4
9th	3 10 0	2 5 8	1 4 4	90 1 0
10th	3 10 0	2 5 0	1 5 0	88 16 0
11th	3 10 0	2 4 5	1 5 7	87 10 5
12th	3 10 0	2 3 9	1 6 3	86 4 2
13th	3 10 0	2 3 1	1 6 11	84 17 3
14th	3 10 0	2 2 5	1 7 7	83 9 8
15th	3 10 0	2 1 9	1 8 3	82 1 5
16th	3 10 0	2 1 0	1 9 0	80 12 5
17th	3 10 0	2 0 4	1 9 8	79 2 9
18th	3 10 0	1 19 7	1 10 5	77 12 4
19th	3 10 0	1 18 10	1 11 2	76 1 2
20th	3 10 0	1 18 0	1 12 0	74 9 2
21st	3 10 0	1 17 3	1 12 9	72 16 5
22nd	3 10 0	1 16 5	1 13 7	71 2 10
23rd	3 10 0	1 15 7	1 14 5	69 8 5
24th	3 10 0	1 14 8	1 15 4	67 13 1
25th	3 10 0	1 13 10	1 16 2	65 16 11
26th	3 10 0	1 12 11	1 17 1	63 19 10
27th	3 10 0	1 12 0	1 18 0	62 1 10
28th	3 10 0	1 11 1	1 18 11	60 2 11
29th	3 10 0	1 10 1	1 19 11	58 3 0
30th	3 10 0	1 9 1	2 0 11	56 2 1
31st	3 10 0	1 8 1	2 1 11	54 0 2
32nd	3 10 0	1 7 0	2 3 0	51 17 2
33rd	3 10 0	1 5 11	2 4 1	49 13 1
34th	3 10 0	1 4 10	2 5 2	47 7 11
35th	3 10 0	1 3 8	2 6 4	45 1 7
36th	3 10 0	1 2 6	2 7 6	42 14 1
37th	3 10 0	1 1 4	2 8 8	40 5 5
38th	3 10 0	1 0 2	2 9 10	37 15 7
39th	3 10 0	0 18 11	2 11 1	35 4 6
40th	3 10 0	0 17 7	2 12 5	32 12 1
41st	3 10 0	0 16 4	2 13 8	29 18 5
42nd	3 10 0	0 14 11	2 15 1	27 3 4
43rd	3 10 0	0 13 7	2 16 5	24 6 11
44th	3 10 0	0 12 2	2 17 10	21 9 1
45th	3 10 0	0 10 9	2 19 3	18 9 10
46th	3 10 0	0 9 3	3 0 9	15 9 1
47th	3 10 0	0 7 9	3 2 3	12 6 10
48th	3 10 0	0 6 2	3 3 10	9 3 0
49th	3 10 0	0 4 7	3 5 5	5 17 7
50th	3 10 0	0 2 11	3 7 1	2 10 6
51st	2 11 9	0 1 3	2 10 6	..
	177 11 9	77 11 9	100 0 0	..