

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,
6th October, 1915.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Mr. Russell.

MUNICIPAL CORPORATIONS AMENDMENT.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Town districts and road districts may unite with borough. Repeal.</p> <p>3. Union of a borough with a city.</p> | <p>4. Section 191 of principal Act amended.</p> <p>5. Advances of cost of installation of lighting.</p> <p>6. Repeal. Valuations, how to be made.</p> <p>7. Subscription, &c., to Municipal Association.</p> <p>8. Section 28 of Amendment Act, 1913, amended.</p> |
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A BILL INTITULED

AN ACT to amend the Municipal Corporations Act, 1908.

Title.

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

Short Title.

1. This Act may be cited as the Municipal Corporations Amendment Act, 1915, and shall form part of and be read together with the Municipal Corporations Act, 1908 (hereinafter referred to as the principal Act).

Town districts and road districts may unite with borough.

10 2. (1.) The provisions of the principal Act relating to the union of boroughs shall extend and apply, *mutatis mutandis*, to the case of the union of one or more boroughs with one or more town districts or road districts forming one continuous area.

15 (2.) 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 Board) and such number of members of a Road Board, not exceeding three (to be similarly chosen), as may be fixed by the Governor in Council, shall be Councillors of the united borough.

20 (3.) Section sixteen of the Municipal Corporations Amendment Act, 1913, is hereby repealed.

Repeal.

25 3. (1.) Notwithstanding anything in section one hundred and twenty-two of the principal Act in the case of any borough uniting with any of the cities of Auckland, Wellington, Christchurch, and Dunedin, only three members of the Borough Council (to be chosen by that Council) shall be Councillors of the united borough in addition to the Mayor and Councillors of the city.

Union of a borough with a city.

(2.) The provisions of this section shall apply in any case where any borough becomes united with any of the said cities after the passing of this Act, notwithstanding that the whole of the procedure prescribed by section one hundred and twenty of the principal Act has been given effect to before the passing of this Act.

Section 191 of principal Act amended.

4. Section one hundred and ninety-one of the principal Act is hereby amended by adding the following proviso:—

“Provided also that the authority of the Council shall not be given for the erection of any encroachment on a street which interferes with any telegraph-wires or telephone-wires the property of the Crown without the previous consent in writing of the Post and Telegraph Department.”

Advances of cost of installation of lighting.

5. (1.) The Council may agree in writing with the owner or occupier of any premises to make advances to such owner or occupier for the purpose of enabling him to connect the premises with any main gaspipe, or with any electric-light main, and to provide the necessary service-pipes, fittings, and meters.

(2.) Such advances shall be repayable either in one amount at a fixed time or by instalments over a period agreed upon, with interest in either case at a rate not exceeding *six* per centum per annum.

(3.) Such agreement may contain any incidental provisions, and may provide for the earlier payment of the advance or any instalment on terms to be mentioned in the agreement.

(4.) Such agreement may, where the moneys are repayable in one amount, contain provision for securing the repayment thereof; and, where the moneys are repayable by instalments, each such instalment shall be recoverable as a rate.

(5.) A separate book shall be kept by the collector of rates to the Council, in which particulars of such instalments (distinguishing capital from interest), of the works in respect whereof they are payable, of the dates for payment thereof, and of the names of persons paying the same shall be entered; and such book shall be *prima facie* evidence of the correctness of its contents.

(6.) Capital moneys advanced by the Council under this section may, when repaid, be advanced to other owners or occupiers for the purposes aforesaid, and, subject thereto, all such capital moneys shall be applied in or towards the repayment of any special loan raised as hereinafter mentioned, either by payment into the sinking fund (if any) or in such other manner as the Council, with the consent of the Audit Office, approves.

(7.) Interest-moneys on any advances shall be applied in or towards payment of the annual charges in respect of the special loan aforesaid.

(8.) For the purpose of raising funds out of which advances as aforesaid may be made, the Council may borrow money by way of special loan under the Local Bodies' Loans Act, 1913.

Repeal.

6. Section one hundred and thirty-seven of the principal Act is hereby repealed, and the following substituted in lieu thereof:—

Valuations, how to be made.

“137. (1.) Every valuation under paragraph (b) of the last preceding section shall be made by three independent persons as arbitrators, one to be appointed by the Corporation, one by the lessee, his executors, administrators, or assigns, and the third by the Corporation and the lessee, his executors, administrators, or assigns:

“ Provided that if the Corporation and the lessee, his executors, administrators, or assigns, fail to agree as to the appointment of a third arbitrator, the senior Magistrate exercising jurisdiction in the district shall be the third arbitrator.

5 “ (2.) Subject to the foregoing provisions this section shall be deemed a submission within the meaning of the Arbitration Act, 1908.

“ (3.) The lease may contain any subsidiary matter to give due effect to the said paragraph (b).

10 “ (4.) This section shall apply to existing leases as well as to leases made after the passing of this Act, and any such lease which contains any provision at variance with this section shall be deemed to be modified accordingly.”

15 7. A Council affiliated to the New Zealand Municipal Association may from time to time, out of its general account, pay the annual subscription of the Council to the association and the actual reasonable travelling-expenses of its representatives (not exceeding fifteen pounds in any year) incurred in attending meetings of the conferences and of the executive committee of the association.

Subscription, &c., to Municipal Association.

20 8. Subsection two of section twenty-eight of the Municipal Corporations Amendment Act, 1913, is hereby amended by omitting the words “ required by the Council to be provided, constructed, and laid out,” and substituting the words “ constructed with the consent of the Council and of the owners of the lands through which the drains pass.”

Section 28 of Amendment Act, 1913, amended.

New.

30 9. Section one hundred and five of the principal Act is hereby amended by omitting the words “ special loan or ” and the words “ or any surplus of any sinking-fund after repayment of the loan for the repayment of which the same was provided.”

Section 105 of principal Act amended.

10. Subsection one of section fifty-two of the Municipal Corporations Amendment Act, 1913, is hereby amended by inserting in paragraph (b) after the words “ enable him,” the words “ to erect a worker’s dwelling on any land of which he is the owner, or.”

Section 52 of Amendment Act, 1913, amended.