

NOTE.—The sale of land for non-payment of rates was originally entrusted to the Public Trustee and subsequently transferred to the Registrar of the Supreme Court.

Both systems proving inconvenient, the whole law on the subject is hereby re-enacted, imposing upon local bodies the onus of recovering their own rates.

Clauses 8 and 9 modify the law as to public reserves, prohibiting their sale but authorising their lease for rates in arrear.

RATING ACT 1882 AMENDMENT.

ANALYSIS.

Title.	6. On conditions being complied with, local body may execute transfer, &c.
1. Short Title.	7. Purchaser not affected by impropriety, &c., in sale.
2. Repeals.	8. Instruments under Transfer Act to be registered without production of duplicate certificate.
3. If judgment not satisfied, local body to give notice to persons interested. Notice, how served. Six months after notice served local body may sell or lease property. If notice not served, sale to be postponed six months.	9. Exceptional provisions as to public reserves.
4. Proceeds as to sale or letting.	10. Rates on public reserves to be a first charge.
5. Proceeds of sale, how applied.	11. References to "Rating Act, 1882," to apply to "Rating Act, 1876," in certain cases. Schedule.

A BILL INTITULED

AN ACT to amend "The Rating Act, 1882," and "The Rating Act 1882 Amendment Act, 1885." 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 Rating Act 1882 Amendment Act, 1887." It shall be read together with "The Rating Act, 1882," hereinafter referred to as "the said Act." Short Title.

2. Sections thirty-seven to forty-six of the said Act, both inclusive, and the Sixth and Seventh Schedules thereof, and also sections two, three, four, and five of "The Rating Act 1882 Amendment Act, 1885," are hereby repealed respectively, and the provisions following are substituted in lieu thereof. Repeals.

3. If any judgment for rates is not satisfied, with costs of suit, within six months thereafter, the local body in whose favour such judgment is given shall immediately give notice to all persons known or believed to have any interest in the property in respect of which the rates for which judgment has been obtained are payable, in the form given in the Schedule hereto, and signed by the Chairman of the local body, that such property will be sold or leased after six If judgment not satisfied, local body to give notice to persons interested.

months from the date of such notice, unless the amount of such judgment and costs are paid in the meanwhile.

Notice, how served.

(1.) Such notice may be served personally, or it may be left at or posted, by registered letter addressed to any such person as aforesaid, at his last known place of residence or business; and the production of the Post Office receipt for any such letter shall be deemed to be sufficient proof of service of such notice. 5

(2.) Where any notice is sent by registered letter through the post addressed to any person at his last known place of residence or business, with a special request that such letter may be returned to the sender at the expiration of a certain time if the person to whom the letter is addressed cannot be found, the return of such letter by the Post Office shall be deemed sufficient proof that the aforesaid person has quitted such place; and in such case no sale of land shall be made until further proceedings have been taken to give notice to the person to be affected thereby, as hereinafter mentioned. 10 15

Six months after notice served local body may sell or lease property.

(3.) Where service of such notice has been effected as provided by subsection *one*, then six months after the date of such notice the local body may cause the said rateable property, or such part thereof as may be necessary, to be sold or leased by public auction, unless the amount of such judgment and costs, and all expenses incurred in recovering the same, including the cost of a notification as in this section hereinbefore provided, together with interest at the rate of ten pounds per centum per annum upon the amount of such rate from the day on which judgment was obtained for the same, and all rates due in respect of the said property up to the date of payment, and any charges incurred by the local body upon the sale or leasing of the property, and of advertising or preparing the same for sale or leasing, are paid prior to such sale. 20 25 30

If notice not served, sale to be postponed six months.

(4.) Where service of such notice is not effected as provided in subsection *one*, and if a registered letter be returned from the Post Office as not being capable of delivery as above mentioned; or if any person to be affected by any such notice is not resident within the county wherein is situate the land to which such notice relates, and has not left with the Clerk of the Council of the said county, or with the Clerk of the Road Board of the road district (if any) wherein the said land is situate, any address where such notice may be delivered or served; or if the said person has no known agent resident in the colony who is authorized to accept service of such notice, then and in every such case the local body shall cause search to be made in the Deeds or Lands Register for the district to discover, if possible, the owner, and shall, if possible, send notice to him through his solicitors, if known. 35 40 45 50

Failing this, the local body shall cause an advertisement to be inserted in a newspaper having general circula-

tion in the county wherein the land is situate, and also in a newspaper having general circulation in the capital town of the provincial district wherein the land is situate, not less than four times in each newspaper, at an interval of not less than one month between each insertion in the same paper. Each such advertisement shall state the date of the first insertion of the said advertisement in the newspaper, and shall give notice to the person to be affected by the said notice that, after the lapse of six months from the date of the said first insertion, the land belonging to him will be liable to be sold for rates in arrear and expenses; and the said local body shall be entitled to recover all costs incurred by them for the aforesaid advertisements and notices.

- (5.) After the expiry of the time required for the aforesaid advertisements, the local body may cause the said rateable property to be sold as hereinbefore mentioned in subsection *three* of this section in the same manner as if notice had been served personally upon the person to be affected thereby.

4. With respect to any such sale or letting the following provisions shall apply :—

Provisions as to sale or letting.

- (1.) The sale or letting shall be by public auction, and the local body, through their representative or agent, shall have a right to bid for or buy in the property, or place a reserve upon the same, and may put it up for sale as often as may be required until it be sold.
- (2.) The consideration to be given by the purchaser or lessee shall be a sum of money to be paid forthwith or by instalments, as may be fixed by the local body.
- (3.) The highest bidder at the auction, subject to the rights reserved to the local body by subsection *one* hereof, if his bid shall equal or exceed the sum required to pay the arrears of rates and the costs incurred, and if he shall comply with the conditions precedent, if any, fixed by the local body, shall be the purchaser or lessee.
- (4.) The term of years of any such letting shall be fixed by the local body, but shall not exceed fourteen years, and the local body may fix two or more terms in the alternative, and in that case the property shall be offered for letting in the first place for the shortest term, and, if necessary, for such other terms in succession until the highest bidding for the term offered shall equal or exceed the sum required as aforesaid.
- (5.) The lease shall contain such covenants and conditions as the local body shall think fair and equitable.
- (6.) In the case of a letting, when and so soon as all rates, costs, and expenses due up to date have been paid out of the rents or other moneys receivable from the lessee, the local body shall, if there be some person in the colony entitled to receive the rents, cease to receive or collect the rents; and the same shall, upon notice to that effect by the local

body to the lessee, be payable only to such person entitled as aforesaid.

(7.) The purchaser or lessee, upon having the transfer, conveyance, or lease executed, shall be entitled to and may recover possession of the property so sold or leased to him 5 as against or from all persons whomsoever.

Proceeds of sale,
how applied.

5. The proceeds of every such sale or letting shall be appropriated, first, to the payment of such judgment, interest, costs, and expenses; next, to the payment of any other rate due to the same local body for which judgment has been obtained, including, in the case of a 10 letting, all rates which may become due on such property from the person on whose behalf it was let during the time that the local body is in receipt of the rents of the same; next, to the payment of any incumbrance on the said property; and the balance, if any, shall be paid into the Public Trust Office, and shall be paid by the Public 15 Trustee, upon the order of a Judge of the Supreme Court, which order may be made upon a summons in Chambers to such persons as may become entitled thereto, together with reasonable interest thereon, not exceeding four pounds per centum per annum.

On conditions being
complied with, local
body may execute
transfer, &c.

6. In the case of a sale, on the purchase-money being fully paid, 20 and, in the case of a lease, on all the conditions prescribed at the sale in that behalf being complied with, the local body may execute a transfer, conveyance, or lease, as the case may require, on behalf of the owner whose interest has been sold, adding after their seal of office the words "under 'The Rating Act, 1882.' " 25

Purchaser not
affected by
impropriety, &c., in
sale.

7. No purchaser or lessee under any such instrument shall be bound to inquire whether the sale or letting has been properly made under this Act, or be affected by notice either express or implied that there has been any impropriety or irregularity in connection therewith, and notwithstanding any such impropriety or irregularity such 30 sale or letting shall be good, valid, and effectual at law or in equity for all purposes whatsoever.

Instruments under
Transfer Act to be
registered without
production of
duplicate
certificate.

8. Any instrument under "The Land Transfer Act, 1885," executed for the purpose of carrying into effect any such sale or letting, shall be registered by the District Land Registrar of the district in 35 which the land dealt with thereby is situate, without the production of the duplicate certificate or other document of title relating to the land, or interests in land, dealt with by such instrument, if the local body is unable to produce the same.

Exceptional
provisions as to
public reserves.

9. Notwithstanding anything hereinbefore contained, no public 40 reserve nor any part of a public reserve, whether Crown-granted or not, or in whomsoever vested, shall be sold for the non-payment of rates due in respect thereof; but the local body to which the rates for such reserve are payable may lease the same from year to year, or so much thereof as shall be required to produce a yearly rental that shall 45 be equivalent to the amount of rates payable in respect of the whole reserve together with five per centum added to such amount for expenses.

Rates on public
reserves to be a first
charge.

10. All rates payable in respect of any public reserve, or any part thereof, shall be a first charge on the property of the persons, or 50 society, body, or corporation, in or to whom or which such reserve is

vested or granted, and may be recovered from the said persons, society, body, or corporation, as a debt due to the local body to which such rates are payable.

11. Whenever in any Act reference is made to "The Rating Act, 1882," such reference shall be construed and shall operate as if it had been made to "The Rating Act, 1876," in relation to every borough or town district wherein "The Rating Act, 1882," has not been adopted.

References to "Rating Act, 1882," to apply to "Rating Act, 1876," in certain cases.

SCHEDULE.

Schedule.

WHEREAS under the provisions of "The Rating Act, 1882," judgment was given, upon the day of , 18 , in the Resident Magistrate's Court [or Supreme Court or District Court] sitting at [*Name the place*], for the sum of pounds shillings and pence, being the arrears of rates due by A.B., as the owner of [or due by "the owner" of [*Give the description of the property in the valuation roll*]: This is to give notice that the said property will be sold or leased by public auction, under the provisions of the said Act, after six months from the date of this notice, unless the amount of the said judgment, together with interest thereon at the rate of ten pounds per centum per annum from the date of the said judgment to the date of payment, and all costs and expenses incurred in recovering the same, and all other rates due on such property up to the date of payment, are paid prior to such sale.

Dated this day of , 18 .

Chairman of Local Body.