

TOWN BOARDS AMENDMENT BILL.

MEMORANDUM.

By the Town Districts Act, 1906, it was provided that town districts having a population of five hundred or more should no longer form part of the county in which they were situated. The Act, however, applied only to those town districts which possessed the required population at the date of the passing of the Act, and to those which were thereafter established and possessed the required population at the date of their establishment. No provision was made for taking a growing town district out of the county when its population reached five hundred, nor was any machinery provided for obtaining or preserving any authentic evidence as to the population of a town district. In the future, therefore, it may become uncertain whether a town district is part of the county or not. The Act also leaves uncertain the question as to the control and maintenance of county roads in town districts which remain part of the county.

This Bill makes the following provisions :—

- (1.) It contains in a Schedule the names of all those town districts which have already been taken out of the county by the Act of 1906.
- (2.) It provides that any other town district which satisfies the Governor that it has a population of five hundred may be taken out of the county by Order in Council.
- (3.) It provides that county roads within a town district which is not part of the county are to be controlled and maintained by the Town Board, and all other county roads by the County Council.

JOHN W. SALMOND,
Counsel to the Law Drafting Office.

No. 32—3.

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

Legislative Council.
22nd July, 1908.

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE.]
House of Representatives, 27th August, 1908.

Hon. Dr. Findlay.

TOWN BOARDS AMENDMENT.

ANALYSIS.

Title.

- | | |
|--|--|
| 1. Short Title. | 5. Financial adjustments. |
| 2. Section 6 of principal Act amended. | 6. Maintenance and control of town district roads. |
| 3. Certain town districts not to be part of county. | 7. Except as provided by Act, town districts to be part of county. |
| 4. Governor may declare that certain other town districts shall not be part of county. Repeal. | 8. Annual fee for removal of nightsoil. Schedule. |

A BILL INTITULED

AN ACT to amend the Town Boards Act, 1908.

Title.

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

Section 6 of principal Act amended.

Short Title.

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

Struck out.

2. Section six of the principal Act is hereby amended by omitting the words "under this Act" in subsection three.

Section 6 of principal Act amended.

3. (1.) The town districts mentioned in Part I of the Schedule hereto shall, as from the coming into operation of the Town Districts Act, 1906, on the twenty-ninth day of October, nineteen hundred and six, be deemed not to form part of the county within the boundaries of which they are respectively situated.

1906, No. 53, sec. 2
Certain town districts not to be part of county.

(2.) The town districts mentioned in Part II of the said Schedule shall, as from the time of their constitution, be deemed not to form part of the county within the boundaries of which they are respectively situated.

4. (1.) If at any time hereafter the Governor is satisfied that the population of any town district (other than those mentioned in the Schedule hereto) exceeds five hundred, he may, on the application of the Town Board of that district, declare by Order in Council gazetted that such town district shall not form part of the county within the boundaries of which it is situated.

Governor may declare that certain other town districts shall not be part of county.

(2.) Every such Order in Council shall have effect on the first day of April next after the date of the Order.

(3.) Every Order in Council purporting to be made under the authority of this Act shall be conclusive as to its own validity.

(4.) Section nine of the principal Act is hereby repealed.

Repeal.

Ibid, sec. 3

Financial
adjustments.
1881, No. 35, sec. 1

Maintenance and
control of town
district roads.

Except as provided
by Act, town dis-
tricts to be part of
county.

Annual fee for
removal of nightsoil.

Schedule.

5. The provisions of section eleven of the principal Act shall extend and apply as between the Board of the town district and the Council of the county on the constitution of any town district as well as in any case where a town district ceases to form part of the county.

6. (1.) As from the time when a town district ceases to form part of a county every road within the town district shall become a town district road, and the control thereof shall vest in the Town Board and not in the County Council, and the Town Board shall thereafter bear the cost of making and maintaining all such roads.

(2.) With respect to the town districts mentioned in Part I of the Schedule hereto this section shall be deemed to have been in operation as from the commencement of the Town Districts Act, 1906; and with respect to the town districts mentioned in Part II of the said Schedule this section shall be deemed to have been in operation as from the time of their constitution respectively.

(3.) Subject as aforesaid, the control of all county roads within a town district shall vest in the Council of the county, which shall bear the cost of making and maintaining the same, but nevertheless every such road shall be subject to any by-law affecting the same for the time being in force made by the Town Board, as well as to any by-law made by the County Council: Provided that, if those by-laws conflict, then those of the County Council shall to the extent of their inconsistency supersede those of the town district.

(4.) Nothing in this section shall affect the operation of Part VI of the Public Works Act, 1908.

7. Except in the cases mentioned in this Act, a town district shall be deemed to form part of the county within the boundaries of which it is situated, and the property therein shall be subject to the jurisdiction of the County Council.

New clause.

8. In districts in which no sewage-works exist it shall be lawful for the Board, in lieu of raising a separate rate as mentioned in section sixty of the Public Health Act, 1908, to levy an annual fee on the occupier of every property on which a house is erected, but such annual fee shall in no case exceed one pound for each such property.

SCHEDULE.

TOWN DISTRICTS NOT BEING PART OF COUNTY.

PART I.

North Island.

Clyde, Featherston, Helensville, Hunterville, Johnsonville, Martinborough, Opotiki, Taradale, Waipukurau.

South Island.

Bay, Hampstead, Otautau, Tinwald, Wyndham.

PART II.

North Island.

Ellerslie, Fitzroy, Frankton, Gonville, Hikurangi, Huntly, Ohakune, Upper Hutt.

South Island.

Pleasant Point.