

Hon. Sir J. G. Ward.

TOWN DISTRICTS. (No. 2.)

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Power to constitute town districts in certain counties.</p> | <p>3. Town district not to form part of county.</p> <p>4. Apportionment of liabilities and assets.</p> |
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A BILL INTITULED

AN ACT to amend "The Town Districts Act, 1881." 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 Town Districts Act, 1905," and it shall form part of and be read together with "The Town Districts Act, 1881" (hereinafter referred to as "the principal Act"). Short Title.

2. Notwithstanding any Act wherein it is provided that no local body or authority other than the County Council shall, within the limit of any county, be created or exercise any jurisdiction or authority over any roads or over or in relation to any matter or thing in respect of which jurisdiction is conferred upon a County Council under the principal Act, it is hereby declared that such provision shall not prevent the constitution of any town district by the Governor under the authority of "The Town Districts Act, 1904." Power to constitute town districts in certain counties.

3. (1.) Notwithstanding anything in the principal Act or "The Counties Act, 1886," every town district shall cease to form part of the county within which it was included, in the case of an existing town district as from the date of the passing of this Act, and in the case of a town district hereafter constituted as from the date of such constitution; but the entity of the corporation of such county shall not thereby be destroyed. Town district not to form part of county.

(2.) Every main road or county road, or portion of any such road respectively, within the limits of such town district, shall be under the control of the Town Board, who shall bear the cost of making and maintaining the same.

(3.) Section two hundred and fifty-one of "The Counties Act, 1886," and section thirty-two of the principal Act are hereby repealed.

Apportionment of liabilities and assets.

4. (1.) The Board of every such town district, and the Council of the county of which such town district was a part, shall agree together and determine as to the following matters:—
- (a.) What part of the property, real and personal, of the said county shall become the property of the town district: 5
 - (b.) What part of the rates payable to such county at the date when such town district ceased to be a part thereof shall be deemed to be rates payable to the town district:
 - (c.) What part of the liabilities and engagements of such county outstanding at such date shall be liabilities and engagements of the town district: 10
 - (d.) What part of the interest and sinking fund of any loan (if any) raised by such county shall be paid by such town district.
- (2.) Every such agreement shall be in writing, and shall be final 15 as between the county and the town district.
- (3.) If no such agreement is made within two months after the passing of this Act (or, in the case of a town district hereafter established, within two months after the first election of the Town Board) the Governor may, upon the application of either the Board 20 or the Council, appoint any fit person or persons to hold an inquiry and make an award as to the several matters mentioned in subsection *one* hereof, and their award thereon shall be final.
- (4.) All property, real or personal, allotted to the town district by any such agreement or award shall become vested in the Board 25 thereof in the case of an existing town district as from the date of the passing of this Act, and in the case of a town district hereafter constituted as from the date of such constitution.
- (5.) Nothing in this Act shall affect the rights or interests of any bondholder or other creditor of any county from which a town 30 district has been taken, or shall relieve the ratepayers for the time being in the area comprised in such town district from their liability to pay any special rate made under the provisions of any Act as a security for any loan.