

Hon. Mr. Richardson.

WAIMEA PLAINS RAILWAY RATING.

ANALYSIS.

<p>Title. Preamble. 1. Short Title. 2. Interpretation. 3. Certificate of cost of railway already constructed to be deemed to represent ultimate cost. Certificate may be altered. 4. Cost to be ascertained from time to time. 5. Direction as to mode of estimate. For certain years cost of railway deemed to be £95,000. 6. Certificate of deficiency of rates to be reduced in certain cases.</p>	<p>7. On what reduced rate to be levied. 8. No new rate necessary; rate-books already made to be sufficient. 9. Rate-books may be altered to meet this Act. 10. Rates in amended rate-book deemed effectually made. 11. When rates already made to be payable. 12. Amounts paid by Treasury to company in excess to be recovered. 13. Amounts paid by ratepayers in excess to be repaid.</p>
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A BILL INTITULED

AN ACT to authorize the levying and recovery of certain Rates by Title.
the Waimea Plains Railway Company (Limited).

WHEREAS the Waimea Plains Railway Company (Limited) has Preamble.
5 constructed a railway from Gore, in the Provincial District of Otago,
to the Elbow, in the same district, and under the provisions of "The
District Railways Act, 1877," and its amendments, made certain rates
for the years ending respectively on the thirty-first day of March, one
thousand eight hundred and eighty-three, one thousand eight hundred
10 and eighty-four, and one thousand eight hundred and eighty-five; and
such rates were made under the said Acts upon a certificate of cost of
the Waimea Plains Railway, amounting to one hundred and eight
thousand seven hundred and thirteen pounds: And whereas such
15 certificate of cost has been held to be erroneous in certain particulars,
and it has been decided by the Supreme Court of New Zealand, at
Dunedin, that the said rates so made as aforesaid, and proposed to be
recovered, were invalid: And it is expedient that provision should
be made in respect of such rates and otherwise, as hereinafter set
forth:

20 BE IT THEREFORE 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 Waimea Plains Railway Short Title.
Rating Act, 1885."
- 25 2. In this Act, if not inconsistent with the context,— Interpretation.
"Company" means the Waimea Plains Railway Company
(Limited):
"The said Acts" mean "The District Railways Act, 1877,"
and include any amendments of that Act now in force.

Certificate of cost of railway already constructed to be deemed to represent ultimate cost.

3. Any certificate already given to the company, setting forth the cost or value of the said railway in terms of the *Fifth* Schedule of "The District Railways Act 1877 Amendment Act, 1878," shall be deemed to represent merely the ultimate cost or value authorized for the railway, including the equipment thereof when entirely completed and equipped, as originally proposed by the company; but notwithstanding anything contained in any such certificate, or in clause twenty-two of the said Act, the cost or value of the said railway for the purposes of the guarantee of interest from year to year shall be such amount as is or may be fixed under this Act from time to time. 5 10

Certificate may be altered.

Cost to be ascertained from time to time.

4. Such cost or value shall in no case exceed the amount which may be ascertained by a Commissioner to be appointed under the said Acts, and shall be so ascertained from time to time upon the actual value of the works at the date that they were executed or made, exclusive of any interest or discount on the moneys employed; and the said cost or value shall in no case exceed the estimate of the cost of the proposed railway and the equipment thereof, transmitted by the company according to the provisions of the eleventh section of "The District Railways Act, 1877." 15 20

Direction as to mode of estimate.

5. In estimating such cost or value from time to time, the Commissioner appointed shall not in any case certify to a larger amount on any class, whether for works or materials, than was provided in the original estimate for each of the said classes; but when all the work and all the equipment originally contemplated under each item is completed, then the total cost of that item as originally estimated may be allowed. 25

For certain years cost of railway deemed to be £95,000.

Provided that in the case of rates made by the company for the years hereinbefore mentioned the cost or value of the said railway, for the purposes of guarantee of interest on cost, shall be deemed to be ninety-five thousand pounds. 30

Certificate of deficiency of rates to be reduced in certain cases.

6. Where a certificate of deficiency of rates has already been given for a larger amount than would be due under this Act, the amount of rate which the company was authorized to levy and collect in pursuance of such certificate shall be reduced in the proportion that the certificate of cost on which it was based bears to the cost as fixed or ascertained under this Act, and the company may proceed to levy and recover the reduced rate accordingly. 35

On what reduced rate to be levied.

7. Where any rate heretofore authorized has not been collected, and it shall be necessary to reduce such rate in order to comply with this Act, the same shall be levied upon the rateable property in the railway district declared and constituted under the said Acts for the purposes of the railway. 40

No new rate necessary; rate-books already made to be sufficient.

8. If any such rate has been made on the annual value of the rateable property in the said district, or upon the capital value of such property, as the same respectively appear and are set forth in any rate-books heretofore made by the company under and for the purposes of the said Acts, then it shall not be necessary to make or levy a new rate, but any rate-book already made by the company, and the properties and values therein set forth, shall be deemed to be the rateable properties and rateable values thereof for the purposes of the several rates authorized to be made and levied under this Act. 45 50

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9. It shall not be necessary for the company to comply with the seventeenth or eighteenth sections of "The Rating Act, 1882," and any necessary alteration in any such rate-book, for the purpose of showing the amount of the rate in the pound or any other particulars to give effect to this Act and any Act relating to rating, may be made by the directors of the company, and all such alterations shall be initialed by the chairman of the directors, and there shall be no appeal against any such rate-book.

Rate-book may be altered to meet this Act.

10. The rates set forth in such amended rate-book, if in accordance with this Act, shall be deemed to be effectually made for all purposes, and the company may proceed to levy and recover the same in accordance with law, and all proceedings may be had and taken for that purpose as if the rates authorized by this Act had been made in the manner prescribed by "The Rating Act, 1882."

Rates in amended rate-book deemed effectually made.

11. Notwithstanding anything contained in the said Acts or any of them as to payment of rates by instalments, any rate heretofore made by the company and payable under the said Acts for the years ending the thirty-first day of March, one thousand eight hundred and eighty-three, and the thirty-first day of March, one thousand eight hundred and eighty-four, and one moiety of the rate for the year ending the thirty-first day of March, one thousand eight hundred and eighty-five, shall be deemed to be due and payable on the passing of this Act, and may be levied and recovered by the company accordingly.

When rates already made to be payable.

The second moiety of the rate for the year ending the thirty-first day of March, one thousand eight hundred and eighty-five, shall become due and payable on the thirty-first day of December, one thousand eight hundred and eighty-five, and may be levied and recovered by the company accordingly.

12. If it shall be made to appear that the amount at any time heretofore paid to the company out of the Consolidated Fund of the colony exceeds the amount the company would have been entitled to receive had it been based upon the cost as ascertained or fixed under this Act, such excess shall be refunded by the company to the Colonial Treasurer, and shall be deemed to be a debt due to the Crown, and may be recovered accordingly, and when recovered shall be paid into the Public Account and form part of the Consolidated Fund.

Amounts paid by Treasury to company in excess to be recovered.

13. If at any time heretofore any ratepayer in any railway district shall have paid the company a greater amount than the company would have been entitled to recover under the provisions of this Act had the rates been based upon the cost as ascertained or fixed under this Act, the amount so paid in excess shall be deemed to be a debt due by the company to such ratepayer, and may be sued for and recovered accordingly.

Amounts paid by ratepayers in excess to be repaid.