

PROVINCE OF WELLINGTON,
NEW ZEALAND.

THE HIGHWAYS ACT 1871 AMENDMENT
ACT 1873.

SESSION XXIV., No. 9.

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AN ACT to amend "The Highways Act, 1871." Title.

[19th May, 1873.]

WHEREAS assessors appointed under "The Highways Act 1871" have in many cases omitted to assess the value of certain land liable to be rated under the said Act and it is desirable that land so omitted to be assessed should be brought under the provisions of the said Act And whereas it is also desirable to further amend the said Act in manner herein appearing: Preamble.

BE IT THEREFORE ENACTED by the Superintendent of the Province of Wellington, with the advice and consent of the Provincial Council thereof as follows:

1. The short title of this Act shall be "The Highways Act 1871 Amendment Act 1873." Short Title.

2. The words "The said Act" when used herein shall mean "The Highways Act 1871." Interpretation.

3. Whenever it shall appear to the the Board of any district that any rateable property within such district has not from any cause whatsoever been assessed under the provisions of "The Highways Act 1871" it shall be lawful for the Board to appoint some competent person or persons to assess the value of such rateable property and such person or persons so appointed shall make a return in writing to the chairman of the Board within one calendar month after his or their appointment of the names of the persons liable to pay rates under Properties omitted may be assessed by person appointed by Board.

the said Act in respect of such rateable property and of the value of the property for which each such person is respectively liable to be assessed. Provided however that when any rateable property is unoccupied and the owner is unknown it shall be sufficient to enter in such return the word "owner" instead of the name of such owner. Provided also that no valuation or rate shall be questioned on the ground that any person so appointed by the Board to assess was not duly appointed.

Notice for inspection of assessment.

4. The Board shall within one week after the chairman of the Board shall have received such return as is in the last section mentioned give a similar notice to that mentioned in the thirty-sixth section of the said Act of the place where such return may be inspected and upon such notice being given such return shall be dealt with in all respects as the book made up in accordance with the provisions of the thirty-fifth section of the said Act is directed by the said Act to be dealt with and such return shall be open to the inspection of all persons liable to be rated in respect of such return and of all persons claiming to be affected thereby and of any persons authorised by them in writing for such times as are in the thirty-sixth section of the said Act mentioned. And any person who thinks himself aggrieved by such return on the ground of unfairness or incorrectness shall within one month after such notice is first published give such notice as is in the thirty-seventh section of the said Act mentioned and in default of such notice as last aforesaid shall not be entitled to object to such return.

Sections thirty-eight and thirty-nine of said Act to apply.

5. The provisions of the thirty-eighth and thirty-ninth sections of the said Act shall apply to such return in every respect as if the words "or return" had been inserted after the words "such book" in the thirty-eighth section of the said Act.

In certain cases rate to be retrospective.

6. When any return shall not have been objected to by the owner or occupier of any rateable property affected thereby within the time hereby prescribed and when any valuation objected to shall have been decided on by the Board the Board shall whether such return shall have been amended or not amend the district rate book by inserting the name of the owner or occupier of any rateable property included in such return and the value of the property for which each such person is respectively liable to be rated. And the Board shall proceed to make a rate on such rateable property as last aforesaid in the same manner as if it had been originally included in the district rate book and such rate shall be retrospective for one year only and shall become payable forthwith.

Board may amend rate book.

7. Whenever it shall appear to the satisfaction of the Board that the name of any person has been erroneously inserted in the rate-book as liable to pay any rate in respect of property for which some other person ought to be rated and it shall appear to the Board that no injustice will be done to any one by erasing the name of the person erroneously rated and substituting the name of the person who ought to have been originally rated for the same property it shall be lawful for the Board after giving thirty days' notice to the parties interested to amend the rate book by striking out the name of the person erroneously rated and inserting in lieu thereof the name of the person who ought to have been rated in respect of such property. After the rate book has been so amended the person whose name shall then appear as the person rated shall be liable to pay all rates then due in respect of the property for which he shall be so rated as if he had been originally rated.

Board may reduce valuation.

8. Notwithstanding any thing in the said Act or in this Act

contained the Board may in the month of July in every year if they shall think fit so to do increase reduce alter or amend the valuation of any property which shall have been in their opinion unfairly or incorrectly valued Provided however that the Board shall in no case increase the valuation of any such property without first delivering to the owner or occupier of such property or sending to him or her through the post addressed to him or her at his or her last known place of abode in the Province of Wellington a notice in writing stating the increased amount beyond the then valuation at which it is proposed to value such property and also stating a place day and hour at which the Board will sit for the purpose of hearing objections that such owner or occupier may have to make against any increase of the said valuation The Board shall sit on the day place and hour in such notice mentioned In case of the Board deciding that the valuation shall be increased the Board shall as soon as conveniently can be amend the rate book in accordance with the decision of the Board in respect of such valuation.

9. The forty-first section of the said Act is hereby repealed.

Section 41 repealed.

10. When any rate shall become due the Board shall cause a notice in the form in the schedule to this Act to be served or sent through the post by a collector duly authorised to receive the same to every person liable to pay the same and such notice shall appoint a time and a place not distant more than ten miles from the residence of the person to whom such notice shall be sent where the collector will personally attend to receive payment of such rate and the collector of the Board shall attend at the times and places in such notice mentioned and if such rate be not paid to the collector at the time and place in such notice mentioned or be not paid within thirty days after the posting of such notice it may be forthwith recovered as by the said Act provided but neither such service or sending through the post nor the attendance of the collector of the Board in accordance therewith shall be a condition precedent to the recovery of the rate Provided that any Highway Board may receive payment of any rate by equal instalments payable at such intervals as the Board shall fix.

Notice of rate.

11. In lieu of serving or sending through the post such notice as is in the last section mentioned the Board may by advertisement to be inserted in some newspaper (if any) circulated in the Education District where the persons to be affected by such rate shall reside and if there be no newspaper published in such district then in the nearest Education District and also by a notice to be posted in some conspicuous place within the district where the persons to be affected by such rate shall reside give notice of the times and places where a Collector will personally attend for the receipt of rates and a Collector of the Board shall attend at the times and places in such advertisement or notice mentioned. Provided that neither such advertisement or notice nor the attendance of a Collector shall be a condition precedent to the recovery of the rate.

Notice may be advertised or posted.

12. It shall be lawful for the Superintendent to proclaim the following clause to be in force in any Highway District on receiving an application from the Board of Wardens of a Highway District :—Whenever it shall appear to the satisfaction of any Highway Board that the weight carried on vehicles having the breadth of their wheels of less than five inches requires to be restricted the Board may by notice posted in the district or by advertisement inserted at least twice in some newspaper circulating in the district give notice that all such vehicles will be subject to a penalty of not less than one shilling per hundred weight or fractional part of a hundred weight so carried above

Board may advertise notice.

the weight of one ton five hundred weight on two wheels or two tons ten hundred weight on four wheels and that such penalty shall be recoverable at the suit of the Collector or other agent appointed for that purpose by the Board. Provided for the carrying into operation of this clause the Board shall be empowered to take such steps as to them shall appear necessary for ascertaining the weight of any load and no liability or damage shall accrue for any necessary delay in ascertaining the said weight.

To be part of Act of
1872.

13. This Act shall be read with and as part of the said Act.

SCHEDULE.

To Mr.

Take notice that the sum of _____ is due from you to the Highway Board of the Province of Wellington on account of the rate on property at _____ (owned) (occupied) by you and that the Collector of the Board will attend at _____ on the _____ day of 187 _____ between the hours of _____ to receive payment of the rate due by you and that unless the same be paid to the Collector at the time and place aforesaid or within thirty days from service or posting of this notice the Board may proceed to recover the said sum (and if necessary) the said sum may be paid by equal instalments at the following dates viz.