

Regulations under the Swamp Drainage Act, 1915.

JELlicoe, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 14th day of July, 1924.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the power and authority conferred by section twelve of the Swamp Drainage Act, 1915 (hereinafter referred to as the said Act), and of every other power and authority enabling him in this behalf, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby make the following regulations for the purposes of the said Act; and doth hereby declare that the regulations hereby made shall take effect as from the date of the publication hereof in the *New Zealand Gazette*.

REGULATIONS.

1. IN these regulations, if not inconsistent with the context,—

“Chief Drainage Engineer” means the officer for the time being in charge of the drainage operations of the Department of Lands and Survey:

“Drain” includes every passage, natural water-course, or channel on or under ground through which water flows continuously or otherwise (except a navigable river), and which is maintained by the Chief Drainage Engineer:

“Drainage area” means any area of land declared by the Governor-General to be a drainage area to which the said Act applies:

“Drainage-works” means works of any kind or description necessary to control the flow of water for the purposes of draining any drainage area constituted under the said Act, and includes drains, stop-banks, weirs, dams, flood-gates, and sluices:

“Minister” means the Minister of Lands:

“Occupier” means the person by whom or on whose behalf any property which is liable to be rated under the said Act is actually occupied, if that person is in occupation by virtue of a tenancy which was for not less than six months certain; and as to property so rateable and occupied by virtue of a tenancy not coming within the above description, and also in the case of unoccupied property so rateable, means the owner of the same; and as to Crown lands, whatever may be the term of the tenancy thereof, means the lessee or licensee thereof, or, where there is no such lessee or licensee, means the Minister of Lands.

APPOINTMENT OF ARBITRATORS FOR CLASSIFICATION OF LAND FOR RATING PURPOSES.

2. For the purpose of the election by the occupiers of land within a drainage area of an arbitrator as provided by section five of the said Act, the Minister may from time to time, when he deems it expedient so to do, by advertisement in a newspaper circulating in that drainage area, call upon the occupiers within such drainage area to hold a public meeting, at such time and place as he therein appoints, being not less than thirty days after the date on which the said advertisement first appears in the said newspaper, for the purpose of electing an arbitrator.

3. At such meeting the occupiers present whose names appear on the rate-book for the time being of the drainage area shall elect from among themselves a chairman and two scrutineers.

4. The said occupiers present at such meeting shall then elect an arbitrator to act under section 5 of the said Act, the mode of election to be by nomination and subsequent ballot, the voting to be conducted by the Chairman and scrutineers aforesaid.

5. The chairman of a meeting held as aforesaid shall forthwith notify the Minister of the name of the arbitrator elected at such meeting.

6. If the arbitrator so elected refuses to act, or if he dies, or resigns his position at any time, or for any reason becomes incapable of acting as required by the said Act, a fresh arbitrator shall be elected in his place in the manner aforesaid, save that the public meeting of the occupiers at which he is to be elected may be held at any time after fourteen days from the publication of the advertisement calling for such meeting.

7. The Minister shall have full power to decide whether or not an arbitrator so elected has become incapable of acting as required by the said Act, and his decision shall be final: Provided that he shall not have power to decide until he has been previously requested so to do by at least six occupiers.

8. Any arbitrator elected as aforesaid shall hold office for one year, after which time a fresh election shall be held if an arbitrator is required.

9. The remuneration of the arbitrators and umpire elected or appointed under these regulations and the said Act shall be at a rate not exceeding three guineas a day, exclusive of travelling-expenses.

10. The remuneration and expenses of the said arbitrators and umpire shall be paid out of the Swamp Land Drainage Account.

RATING OF LANDS WITHIN DRAINAGE AREAS.

11. The Valuer-General shall, when requested by the Minister so to do, prepare from the district valuation rolls in force under the Valuation of Land Act, 1908, a valuation roll containing particulars of all lands in a drainage area which are referred to in subsection (2) of section 5 of the said Act.

12. From the valuation roll of the drainage area supplied by the Valuer-General, corrected each year as at the 31st March, the Minister shall cause a rate-book to be prepared in the form in the First Schedule hereto.

13. Not less than fourteen days before making any rate the Minister shall publicly notify in a newspaper circulating in the drainage area his intention to make such rate, and in the same advertisement shall also give notice of the following, viz:—

(a.) The period for which the rate is made;

(b.) The date on which it is to become payable; and

(c.) That the valuation roll is open for inspection at the office of the Collector of Rates appointed hereunder, also that a copy of the same may be inspected at such other place or places and at such time or times as the Minister from time to time publicly notifies.

14. The Minister may, by notice under his hand published in the *New Zealand Gazette*, make and levy the rate on the unimproved value of all land within the drainage area on a graduated scale according to the classification of the land, and in such proportion on each class of land as the arbitrators have appointed.

15. The rate shall be an annual rate payable in one sum on a date to be fixed by the Minister at the time of making the rate, and shall be for such amount in the pound on each class of land as will provide for the payment of the expenses of the administration of the said Act in the drainage area and for the payment of interest on the loan-moneys expended in the drainage area, together with a sinking fund of one per centum per annum on the moneys so expended.

16. The rate-book shall be signed by the Minister, and shall be kept in the office of the said Collector of Rates, and shall at all times during office hours be available for inspection by the ratepayers. A copy of the rate-book shall also be kept at such place in the drainage area as may be publicly notified from time to time by the Minister, for inspection by the ratepayers during office hours.

17. The Minister shall, under his hand, appoint a Collector of Rates, who shall issue all demands for rates in the form prescribed in the Second Schedule hereto.

18. The Minister and the Collector of Rates shall be deemed to have all the powers and authorities of a Chairman and Clerk of a local authority respectively pursuant to the Rating Act, 1908.

19. Notwithstanding anything to the contrary in the Rating Act, 1908, or in the last preceding regulation, all alterations and corrections made in the rate-book shall be initialled by the Chief Drainage Engineer.