

VICTORIÆ REGINÆ.

No. 35.

ANALYSIS.

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| <p>Title.
Preamble.
1. Short Title.
2. No land to be sold for Non-payment of Rates except under this Act.
3. Arrears of rates may be Registered by way of equitable charge.</p> | <p>4. Land may be sold under the direction of the Supreme Court.
5. Notice of Sale to be Gazetted.
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An Act for Regulating the Sale of Land Title.
for Non-payment of Rates.
[8th September, 1862.]

WHEREAS it is expedient to make provision by law enabling Land to be sold for non-payment of rates in certain cases. Preamble.

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

I. The Short Title of this Act shall be "The Sale for Non-payment of Rates Act 1862." Short Title.

II. From and after the passing of this Act no Land shall be sold under the authority of any Act or Ordinance of any Provincial Legislature for non-payment of Rates Assessments or other liabilities imposed by such Act or Ordinance except in accordance with the provisions of this Act. No land to be sold for Non-payment of Rates except under this Act.

III. Where under and by virtue of any Act or Ordinance of any Provincial Legislature or by the authority of any corporation board commission or other person or persons acting under or in pursuance of any Act or Ordinance of any Provincial Legislature any such Rate Assessment or other liability as aforesaid shall have been or shall be duly imposed on any Land within the Colony or upon the owner of any such land If such Rate Assessment or other liability as aforesaid shall have been or shall be behind and unpaid for the space of twenty-eight days after the same ought to have been or ought to be paid The Collector or Collectors of such Rate Assessment or other liability as aforesaid or other person or persons duly appointed in that behalf may make and subscribe a memorial in the form contained in the Schedule A to this Act setting forth therein the particulars and amount of the arrears of such Rate Assessment or other liability as aforesaid charged on such Land or the owner of such land remaining due and unpaid and may Register such Memorial in the Register of Deeds for the Province in which the Land is situated or by way of Inhibition in the Register of Land under Arrears of Rates may be registered by way of equitable charge.

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the "Land Registry Act 1860" or in both the said Registers and every such Memorial shall have the effect of equitably charging the Land with the amount of such arrears specified in such Memorial so far as the Land or the owner of the Land may be liable to the same and every such charge so far as aforesaid may be recovered by the Collector or Collectors or other person or persons duly appointed in that behalf in like manner as if the same were an equitable charge created by the owner of such Land in favour of such Collector or Collectors or other person or persons Provided that no such Memorial shall be registered until Judgment for the amount of such rate shall have been recovered in some Court of competent jurisdiction provided also that if the owner of the land in respect of which such rate is sought to be recovered be not resident within the Province in which such land is situated any summons issued with a view to obtaining such judgment may be served by affixing such summons on some conspicuous place on such land.

Land may be sold under direction of the Supreme Court.

IV. If such arrears shall remain unpaid for twelve months after such memorial be filed in either of the said registers the collectors or other persons as aforesaid may at any time after the expiration of such period apply by petition to the Supreme Court for such order as is hereinafter mentioned And the Court upon hearing such petition and after such enquiries and after such proof of the material circumstances as to it shall seem fit may make an order for the sale of the land so charged or such part thereof as the Court shall direct in such manner in all respects as the Court shall direct for the purpose of raising and paying the costs and expences of proceedings under this Act and of such sale and after the payment thereof then for the purpose of raising and paying the amount of such arrears together with interest thereon at the rate of ten per cent per annum computed from the time at which the rate was due and the Court may from time to time make such orders as to it shall seem fit touching the time and manner of such sale the payment of purchase money into Court the payment thereof of such costs and expenses as aforesaid and of such arrears as aforesaid and touching the final distribution of any balance remaining unapplied of such purchase monies.

Notice of Sale to be Gazetted.

V. No sale of land under this Act shall take place until after three calendar months' previous notice in the *Government Gazette* of the Province and also in one of the Newspapers in circulation within the Province in which the Land is situate.

Conveyance may be made by Registrar of Court.

VI. The Court may order the conveyance of any land sold under this Act to be made by the Registrar of the Court and every such conveyance shall be as valid as if made by the person named in the proceedings as the owner of the land.

Memorial of Satisfaction may be registered.

VII. Upon payment or satisfaction of any rate or assessment for the recovery of which any Memorial may have been registered under the provisions of this Act it shall be the duty of the Collector or other Officer who may have received payment of such Rate (being the person duly authorised to receive

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the same) to sign a Memorial of satisfaction of such Rate in the form contained in Schedule B to this Act which Memorial of satisfaction may be registered against the Land charged by such first mentioned Memorial and upon such Memorial of satisfaction being duly registered the Land charged by the original Memorial shall be exonerated discharged and released from the charge thereby created.

SCHEDULE A.

Form of Memorial.

Be it remembered that by a certain Rate Assessment or liability duly made under authority of an Act or Ordinance of the Provincial Legislature of _____ to wit an Act or Ordinance intituled [*Set forth the Title or Short Title of the Act or Ordinance*] the Land (*or the owner of the Land*) described in the Schedule to this Memorial became liable to pay a certain rate assessment or liability whereof the sum of £ _____ is in arrear whereupon this Memorial is made and subscribed by me (*or us*) _____ the Collector (*or Collectors*) of such Rate or Assessment (*or other person or persons duly appointed in that behalf*) according to the provisions of the "Sale for Non-payment of Rates Act 1862" for the purpose of equitably charging the Land with such amount Dated &c.

Signed &c.

Schedule.

Describe the Land specifying all the particulars requisite for identifying the same.

SCHEDULE B.

Form of Memorial of Satisfaction.

Be it remembered that the Land described in the Schedule hereto is discharged from certain arrears of Rate Assessment or Liability charged thereon by virtue of a Memorial dated the _____ day of _____ registered under the "Sale for Non-payment of Rates Act 1862." Dated &c.

Signed &c.

Schedule.

Describe the Land specifying all the particulars requisite for identifying the same.