

New Zealand.



ANALYSIS.

- | | |
|--|--|
| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Section 31 of principal Act amended. 3. Borrowing-powers. 4. Advances to landowners. 5. Expenditure of advances. 6. Order or certificate declaring advances due. | <ol style="list-style-type: none"> 7. District Land Registrar or Registrar of Deeds to register order. 8. Board may pay cost of future legislation. 9. Unauthorized expenditure. 10. Accident Fund. 11. Validating Accident Fund. Schedule. |
|--|--|

1923, No. 4.—*Local and Personal.*

AN ACT to amend the Christchurch District Drainage Act, 1907. Title.
[28th August, 1923.]

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

1. This Act may be cited as the Christchurch District Drainage Amendment Act, 1923, and shall be read together with and deemed part of the Christchurch District Drainage Act, 1907 (hereinafter referred to as the principal Act). Short Title.

2. Section thirty-one of the principal Act is hereby amended by inserting, after the words "storm water" wherever those words occur, the words "and water beneath the surface"; and by substituting the words "an efficient drain" in lieu of the words "an open drain paved or otherwise"; and by repealing all words after the word "structure," and adding the following subsections:— Section 31 of principal Act amended.

"(1.) The expenses of the construction and maintenance of any such drain shall be borne—

"(a.) By the owners of the land through whose land the said drain is constructed; and

"(b.) By the owners of the land adjoining the land through which the said drain is constructed—

in proportion to the degree of benefit conferred on the separate owners by such drain. The Board shall by resolution apportion to each such separate owner the amount of such expenses payable by him as aforesaid.

"(2.) The decision of the Board in this respect shall be final and binding on each such separate owner, and the expenses when so

allocated by the Board shall be repaid to the Board by such separate owners respectively in the aforesaid proportions, and the same may be sued for and recovered as a debt due to the Board in any Court of competent jurisdiction.

“(3.) Any resolution of the Board apportioning the expenses of the construction and maintenance of such drain may be proved for the purposes of any judicial proceedings by the production of a copy of such resolution certified as correct by the Chairman of the Board for the time being.”

Borrowing-powers.

3. (1.) The Board may from time to time, by special order and in manner provided by the Local Bodies' Loans Act, 1913, but without complying with the provisions contained in sections eight to twelve of that Act, borrow such sum as may be required for the purposes of making advances to owners of land as provided under section five hereof:

Provided that before borrowing any such money the approval of the Minister of Health shall be obtained to the work proposed to be undertaken with such loan-money on behalf of owners of land:

Provided further that no greater sum than five thousand pounds shall be borrowed for this purpose in any one year without the consent of the Governor-General in Council.

(2.) No money shall be borrowed under the authority of this Act which shall produce to the lender a higher rate of interest than five and a half per centum per annum.

Advances to land-owners.

4. Money borrowed by the Board under authority of section three of this Act shall be expended in making advances to owners of land as provided in section five of this Act.

Expenditure of advances.

5. The Board may from time to time make advances out of any fund at its disposal, including moneys borrowed under the authority of section three of this Act, to the owner of any land rateable under the authority of the principal Act for the purpose of enabling such owner—

(a.) To pay his share of the expenses of the construction of any drain made by the Board under the powers of section thirty-one of the principal Act and section two of this Act; or

(b.) To connect the land of such owner or any part thereof with any efficient drain, public watercourse, or main sewer, or drain, subject to the following conditions:—

(i.) Such advances shall bear interest until repayment at a rate not exceeding six and a half per centum per annum.

(ii.) Such advances, with interest as aforesaid, shall be repayable by monthly or quarterly instalments, at the option of the Board, within five years of the date of the advances being made.

(iii.) Any sum or sums of money so advanced and unpaid, together with interest as aforesaid or any instalment thereof, and together with the costs and expenses in connection therewith, including all costs and expenses incurred by the Board in preparing and registering the order or certificate referred to in sections six and seven of this Act, may be recovered in the same way and with the like remedies as rates overdue in respect of any premises may be recovered.

6. The Board may, by order or certificate in the form in the Schedule to this Act, or as near thereto as conveniently may be, declare the amount due in respect of moneys so advanced or paid.

Order or certificate declaring advances due.

7. (1.) Upon receiving any such before-mentioned order or certificate under the seal of the Board, certifying to the amount due in respect of moneys so advanced under the authority of this Act, it shall be the duty of the District Land Registrar or the Registrar of Deeds (as the case may require) of the Canterbury District to register such order or certificate against the lands and premises therein described.

District Land Registrar or Registrar of Deeds to register order.

(2.) Upon the registration of such order or certificate the amount therein shown to be due to the Board shall become and be a charge upon such land and premises, and the rights, easements, members, and appurtenances thereto belonging and appertaining; and such charge shall have priority both at law and in equity over all mortgages, encumbrances, liens, and interests then existing or which may thereafter arise or be created in respect of any such land and premises; and payment of any moneys or any instalment shown by such order or certificate to be due, owing, and payable to the Board may be enforced against the said land and any estate or interest therein in the same manner as and by any of the modes in which any person being a mortgagee or encumbrancer of the said land might upon default enforce payment of the amount due under a mortgage or encumbrance duly registered against the said land.

Refer 1931 Inset.

8. The Board may from time to time apply to Parliament for authority to extend, vary, or modify the powers conferred upon it by the principal Act or any Act amending the same, or by any other Act or law, and for that purpose may prepare and promote any local or other Bill, and may pay all costs, charges, and expenses of preparing, promoting, and passing any such Bill and incidental thereto.

Board may pay cost of future legislation.

9. The Board may in every financial year, out of its General Fund or Account, expend for purposes not authorized by the principal Act, or any other Act or law for the time being in force, any sums or sums not amounting in the whole to more than one per centum of the general rate struck for that year by the said Board, nor in any case to more than two hundred and fifty pounds.

Unauthorized expenditure.

10. (1.) The Board may from time to time set aside, out of its General Account, any moneys to form a fund or funds to meet claims for accidents arising in connection with any undertaking of the Board; but no greater sum shall be set aside in any one year than the amount that at current rates would have been payable for that year in respect of the insurance of workers employed by the Board and in respect of insurance against public risk.

Accident Fund.

(2.) The Board may from time to time invest any moneys so set aside and pay the proceeds either into the General Account or into a Special Accident Fund Account.

11. The allocation already made by the Board of the sum of one thousand pounds towards an accident fund is hereby validated.

Validating Accident Fund.

Schedule.

SCHEDULE.

CHRISTCHURCH DRAINAGE BOARD.

In the matter of the Christchurch District Drainage Amendment Act, 1923.

PURSUANT to the above-mentioned Act the Christchurch Drainage Board hereby certifies and declares that the sum of £ is due and owing to the Board for moneys advanced and paid under the authority of the said Act in respect of the land and premises described in the Schedule hereto, at the request of the owner thereof for the time being; and the said Board doth order that the said sum shall be payable in one sum and immediately, or that the said sum shall fall due and be payable by equal payments of £ each, extending over a period of years, together with interest thereon calculated from the day of , 192 , at the rate of per centum per annum, the first of such payments to fall due and be payable on the day of , 192 ; and the said Board requires this certificate to be registered as a charge against the said land and premises pursuant to the provisions of the said Act.

SCHEDULE.

All that parcel of land as the same is delineated on the plan drawn in the margin hereof and therein coloured green in outline, together with the rights, easements, members, and appurtenances thereto belonging and appertaining.

Given under the seal of the Christchurch Drainage Board, }
and by authority of the same, this day of }
 , 19 .