

Statutes Amendment Act 1947

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An Act to amend certain enactments of the Parliament of New Zealand

1 Short Title

This Act may be cited as the Statutes Amendment Act 1947.

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Land drainage

Section 30 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

31 Special works rate over whole district

(1) Subject to the provisions of section 33 of this Act, where it appears to any Board that any particular work the Board is authorised to execute will benefit the whole district, but that the cost thereof cannot conveniently be defrayed out of the general rates, the Board may by special order make and levy a special works rate on all property within the district liable to be rated in respect thereof under the principal Act for the purpose of defraying the expenses incurred in executing the work.

(2) Save as provided in section 34 of this Act, the total amount of all special works rates made for any one year in the district shall not exceed five-twenty-fourths of a cent in the dollar on the capital value of all property in the district which is rateable property within the meaning of the Rating Powers Act 1988, or its equivalent on the unimproved value or annual value.

(3) Before making any such rate the Board shall cause an estimate to be prepared of the cost of the proposed work and the amount of the rate proposed to be levied, and shall give 30 days' public notice thereof.

(4) From the proceeds of every special works rate there may be deducted such sum as in the opinion of the Board is necessary to defray the cost of making and levying the rate and of the supervision and clerical work necessary in connection with the expenditure thereof.

(5) The amount so deducted shall form part of the ordinary revenue of the Board.

(6) The remainder of the special works rate shall be applied towards the expense of the work for the execution of which it was levied.

In subsection (2) a reference to the Rating Act 1967 was substituted, as from 1 April 1968, for a reference to the Rating Act 1925 pursuant to section 177(1) Rating Act 1967 (1967 No 123). This reference was in turn substituted, as from 29 June 1988, by a reference to the Rating Powers Act 1988 pursuant to section 209(1) Rating Powers Act 1988 (1900 No 97).

32 Special works rate over portion of district

Subject to the provisions of section 33 of this Act, where it appears to any Board that any work which the Board is authorised to execute is for the special benefit of any particular portion of the district, the Board may in like manner, for defraying the expenses incurred in executing the work, by special order defining such portion, make and levy a special works rate on all property within the portion so defined, subject to the same limitations and conditions as mentioned in the last preceding section, save that the public notice in any case under this section shall contain a description of the portion of the district in which the rate is proposed to be levied:

Provided that where the total proceeds of any such rate will not exceed \$100 in any year the Board may, instead of proceeding by special order, make and levy the rate by resolution at any meeting of which at least 14 days' public notice has been given.

33 Special works rate to be made upon petition, and may be annually recurring

- (1) No special order shall be made under either of the last 2 preceding sections unless there is first presented to the Board a petition signed by a majority of the ratepayers within the district or the defined portion of the district over which it is proposed to levy the rate.
- (2) Any special works rate may, if the petition so requests, be made as an annually recurring rate, leviable year by year without further petition by the ratepayers and without further proceeding on the part of the Board until the work is completed.

34 Provision as to maximum rate where special works rate levied on a graduated scale

Where any special works rate so levied by the Board is levied on a graduated scale according to a classification of the rateable property upon which the rate is to be levied, the maximum rate prescribed by section 31 of this Act shall not be deemed to be exceeded if the proceeds derivable from the rate levied on the graduated scale would not exceed the proceeds from the maximum rate on a uniform scale levied on all the rateable property in the district or, as the case may require, in the

defined portion thereof, notwithstanding that the rate actually levied on the lands comprised in any class of such rateable property may exceed the maximum rate prescribed as aforesaid.

35 Boards may provide dwellings for their employees

[Repealed]

In subsection (4) references to the Local Authorities Act 1956 and sections 34 to 38 of that Act were substituted, as from 1 April 1957, for references to the Local Bodies' Loans Act 1926 and sections 9 to 13 of that Act pursuant to section 135(1) Local Authorities Act 1956 (1956 No 63).

Section 35 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

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Mortgagors and lessees rehabilitation

43 Sections to be read with Mortgagors and Lessees Rehabilitation Act 1936

This section and the next 2 succeeding sections shall be read together with and deemed part of the Mortgagors and Lessees Rehabilitation Act 1936 (in those sections referred to as the principal Act).

44 Former Judge of High Court may be appointed Judge of Court of Review

The Governor-General may from time to time appoint any former Judge of the High Court to be the Judge of the Court of Review for such term as the Governor-General may determine, and the provisions of sections 12 and 14 of the principal Act shall not apply to any former Judge of the High Court so appointed.

Section 44 was amended, as from 1 January 2004, by section 48(1) Supreme Court Act 2003 (2003 No 53) by substituting the word "High" for the word "Supreme" in each place where it occurs. *See* sections 50 to 55 of that Act for the transitional and savings provisions.

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Partnership

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River boards

52 Sections to be read with River Boards Act 1908

[Repealed]

Section 52 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

53 Special works rate over whole district

- (1) Subject to the provisions of section 55 of this Act, where it appears to any Board that any particular work the Board is authorised to execute will benefit the whole district, but that the cost thereof cannot conveniently be defrayed out of the general rates, the Board may by special order make and levy a special works rate on all property within the district liable to be rated in respect thereof under the principal Act for the purpose of defraying the expenses incurred in executing the work.
- (2) Save as provided in section 56 of this Act, the total amount of all special works rates made for any one year in the district shall not exceed 5/24ths of a cent in the dollar on the capital value of all property in the district which is rateable property within the meaning of the Rating Powers Act 1988, or its equivalent on the unimproved value or annual value.
- (3) Before making any such rate the Board shall cause an estimate to be prepared of the cost of the proposed work and the amount

of the rate proposed to be levied, and shall give 30 days' public notice thereof.

- (4) From the proceeds of every special works rate there may be deducted such sum as in the opinion of the Board is necessary to defray the cost of making and levying the rate and of the supervision and clerical work necessary in connection with the expenditure thereof.
- (5) The amount so deducted shall form part of the ordinary revenue of the Board.
- (6) The remainder of the special works rate shall be applied towards the expense of the work for the execution of which it was levied.

In subsection (2) a reference to the Rating Act 1967 was substituted, as from 1 April 1968, for a reference to the Rating Act 1925 pursuant to section 177(1) Rating Act 1967 (1967 No 123). This reference was in turn substituted, as from 29 June 1988, by a reference to the Rating Powers Act 1988 pursuant to section 209(1) Rating Powers Act 1988 (1988 No 97).

54 Special works rate over portion of district

Subject to the provisions of section 55 of this Act, where it appears to any Board that any work which the Board is authorised to execute is for the special benefit of any particular portion of the district, the Board may in like manner, for defraying the expenses incurred in executing the work, by special order defining such portion, make and levy a special works rate on all property within the portion so defined, subject to the same limitations and conditions as mentioned in the last preceding section, save that the public notice in any case under this section shall contain a description of the portion of the district in which the rate is proposed to be levied:

Provided that where the total proceeds of any such rate will not exceed \$100 in any year the Board may, instead of proceeding by special order, make and levy the rate by resolution at any meeting of which at least 14 days' public notice has been given.

55 Special works rate to be made upon petition, and may be annually recurring

- (1) No special order shall be made under either of the last 2 preceding sections unless there is first presented to the Board a

petition signed by a majority of the ratepayers within the district or the defined portion of the district over which it is proposed to levy the rate.

(2) Any special works rate may, if the petition so requests, be made as an annually recurring rate, leviable year by year without further petition by the ratepayers and without further proceeding on the part of the Board until the work is completed.

56 Provision as to maximum rate where special works rates levied on a graduated scale

Where any special works rate so levied by the Board is levied on a graduated scale according to a classification of the rateable property upon which the rate is to be levied, the maximum rate prescribed by section 53 of this Act shall not be deemed to be exceeded if the proceeds derivable from the rate levied on the graduated scale would not exceed the proceeds from the maximum rate on a uniform scale levied on all the rateable property in the district or, as the case may require, in the defined portion thereof, notwithstanding that the rate actually levied on the lands comprised in any class of such rateable property may exceed the maximum rate prescribed as aforesaid.

57 Boards may provide dwellings for their employees
[Repealed]

In subsection (4) references to the Local Authorities Act 1956 and sections 34 to 38 of that Act were substituted, as from 1 April 1957, for references to the Local Bodies' Loans Act 1926 and sections 9 to 13 of that Act pursuant to section 135(1) Local Authorities Act 1956 (1956 No 63).

Section 57 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

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