

*Municipalities Act Amendment.*

## No. XXXIII.

MUNICIPALITIES ACT  
AMENDMENT.

## An Act to amend the "Municipalities Act of 1867." [1st April, 1892.]

Preamble.

WHEREAS doubts have arisen respecting the provisions of the "Municipalities Act of 1867" for the recovery of rates: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Repeal of sec. 176 of  
31 Vic. No. 12.

1. From and after the commencement of this Act section one hundred and seventy-six of the "Municipalities Act of 1867" is hereby repealed.

Recovery of rates by  
distress.

2. If any person rated under the provisions of the said "Municipalities Act of 1867" fail to pay any of the rates due from him for the space of thirty days after demand thereof made in writing by the Council Clerk of the Municipality, or by a collector duly authorised in that behalf by the Council of such Municipality, or after publication in some newspaper circulating in the neighbourhood of a notice requiring such payment to be made, the Mayor may issue his warrant for levying the amount, with costs according to the prescribed scale, by distress and sale of goods and chattels found on the premises for which such rate is due, and which are in the occupation of the person on whom such demand shall have been made. And such warrant shall authorise the person executing the same or his assistant to remain on the premises during the interval between such distress and sale, whether such authority be expressed or not in such warrant. And, for the purposes of this section, the publication of the notice herein referred to shall be deemed to be a valid demand.

Recovery of rates  
otherwise than by  
distress.

3. Notwithstanding the provisions of the last preceding section, the Council may, at their discretion, withhold or abandon proceedings by distress and sale, and may, after default as aforesaid, or in the absence of any or a sufficient distress, recover the amount of rates due from the person rated for the same, in the Court of Petty Sessions or District Court for the district within which the assessed property shall be situated, or in any other Court of competent jurisdiction; and all amounts due as rates by the same person may be included in one proceeding.

Owner to pay rates  
under this Act in  
default of occupier.

4. Notwithstanding the provisions of the last two preceding sections, when any ratable property is rated, and the rate remains unpaid by the person rated for the same for three months after the same shall have become due, the Council or their collector, notwithstanding any judgment or order of any Court for the recovery of such rate from any other person, may at any time thereafter, by personal service of a notice in writing, or by notice published in some newspaper circulating in the Municipality, demand the amount of such rate or any part thereof from the owner for the time being of such ratable property; and, on non-payment thereof within one month from the service or publication of such demand, may recover the same from such owner in the Court of Petty Sessions or District Court for the district within which the assessed property shall be situate, or in any other Court of competent jurisdiction.

Unpaid rates to  
remain a charge  
upon the property.

5. All rates heretofore made in respect of any ratable property under the provisions of the "Municipalities Act of 1867," shall, if the same

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*Marriages Validation and Marriage Law Amendment.*

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same shall not have been paid at the commencement of this Act, and all rates hereafter to be made under the provisions of the "Municipalities Act of 1867," or of any Act amending the same, shall, until payment be and remain a charge upon such property, and may, notwithstanding any Statute of Limitations or anything contained in this Act or in the "Municipalities Act of 1867," at any time, be recovered from the owner of such property.

6. This Act may be cited for all purposes as the "Municipalities Short title. Act Amendment Act of 1892," and shall be read with, and as forming part of, the "Municipalities Act of 1867."

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