



ANNO VICESIMO PRIMO

# GEORGII V REGIS.

## A.D. 1930.

\*\*\*\*\*

### No. 1972.

An Act to further amend the Municipal Corporations Act, 1923.

[Assented to, November 20th, 1930.]

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Municipal Corporations Act Amendment Act (No. 2), 1930". Short titles.

(2) The Municipal Corporations Acts, 1923 to 1929, the Municipal Corporations Act Amendment Act, 1930, and this Act may be cited together as the "Municipal Corporations Acts, 1923 to 1930".

(3) The Municipal Corporations Act, 1923, is hereinafter referred to as "the principal Act". No. 1558 of 1923.

2. The principal Act is amended by inserting therein after section 173 the following section:— Amendment of principal Act—

173A. (1) In this section "owner" means the person appearing on the assessment-book as the owner of any property. Cost of constructing public streets. Cf. 1924, 1929, s. 327.

(2) Where, in any Municipality, any one or more of the following works, namely, forming, making, levelling, paving, macadamising, or draining any public street or forming or making the footways or watertables in any public street have not previously been carried out, the Council may carry out either separately or together all or any of the said works not previously so carried out, and recover one-half of the cost of so doing (together with interest thereon at the rate of Six Pounds per centum per annum calculated from the date of the completion of the work) from the owners for the time being of ratable property abutting on the said street ratably according to the frontages of the said property abutting on the street: Provided that the total amount payable in respect of any ratable property shall not exceed the sum of Two Shillings per lineal foot of frontage thereof.

---

*Municipal Corporations Act Amendment Act (No. 2).—1930.*

---

(3) Subject to subsection (4), any amounts due by any owner under this section may be recovered in the same manner as an ordinary rate, and until fully paid or recovered shall be a charge upon the land of the said owner, notwithstanding any change in the ownership of that land or any part thereof.

(4) In any case where any land which is outside the Municipality abuts on a street which is within the Municipality, the said land shall for the purposes of this section be deemed to be within the Municipality and notwithstanding that the said land may be within another Municipality or within a District Council District, the Council may recover either summarily or in any Court of competent jurisdiction a proportion of the cost of carrying out any work referred to in subsection (2) and ascertained as provided in the said subsection from the owner of any such land which would be ratable property if the same were within the Municipality. For the purposes of this subsection the meaning of "owner" shall not be restricted by the definition of "owner" contained in subsection (1).

(5) A document purporting to be a certificate under the hand of the Mayor or Town Clerk shall be *prima facie* evidence in all Courts—

(a) that any work carried out under this section or any portion thereof has not previously been carried out as provided by subsection (2); and

(b) of the cost of any such work; and

(c) of the time or times of the completion thereof.

(6) The powers conferred upon the Council by this section shall be additional to and not in limitation of any powers conferred upon the Council by any other provision of this Act.

Amendment of  
principal Act,  
s. 340—

Method of  
assessment.

3. Paragraph (a) of section 340 of the principal Act is amended so as to read as follows:—

(a) As to any ratable property, except such as is mentioned in paragraph (b) of this section, at the estimated gross annual rental at which the same would let for a term not less than seven years with an allowance therefrom, not in any case exceeding one-fourth, to cover all outgoings, but so that no ratable property shall be assessed at an annual value which is less than five per centum of the value of the fee simple of the ratable property. In this paragraph "gross annual rental" means the annual rental at which any property might reasonably be expected to let for a term of seven years if the landlord undertook to pay all rates and taxes thereon and the cost of repairs, insurance, and all other expenses necessary to maintain the property in a state to command the said rental:

In the name and on behalf of His Majesty, I hereby assent to  
this Bill.

A. HORE-RUTHVEN, Governor.