



ANNO QUADRAGESIMO SEXTO ET QUADRAGESIMO SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1883-4.

No. 303.

An Act to amend the "Adelaide Sewers Act."

[Assented to, February 28th, 1884.]

WHEREAS it is desirable to amend the "Adelaide Sewers Act" so as to provide for the doing of certain drainage works on a system of deferred payments, and otherwise to amend the same—Be it therefore Enacted by the Governor of the Province of South Australia, by and with the consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

Preamble.

1. This Act may be called "The Adelaide Sewers Act Amendment Act," and shall, so far as the same is not hereby altered, be incorporated with the "Adelaide Sewers Act," hereinafter called "the principal Act."

Short title and incorporation.

2. Section 48 of the "Adelaide Sewers Act" is hereby repealed, and henceforth the cost of providing, laying down, constructing, and fixing in readiness for use such drains and fittings as are necessary for draining any land or premises, shall be payable by the owner of the first estate of freehold in such land or premises, and such owner shall be entitled to charge any tenant to such owner of such land or premises at the time of such cost being incurred interest during the remainder of the tenancy of such tenant at the rate of seven pounds per centum per annum on the amount of such cost, from the time of the same being paid by such owner or of such owner becoming liable to pay interest thereon, and such interest shall be paid by such tenant to such owner at the times appointed for the payment of rent under such tenancy, and shall be a debt from such

Repeal of clause 48 of Adelaide Sewers Act, and payment of cost of construction.

Adelaide Sewers Act Amendment Act.—1883-4.

such tenant to such owner, and shall also be recoverable by distress in the same manner as the rent reserved, and in like manner every tenant, or sub-tenant, who shall be charged interest under this clause shall be entitled to charge any sub-tenant to such tenant or sub-tenant of such land or premises at the time of such cost being incurred with interest during the remainder of such sub-tenancy, and such interest shall be paid by such sub-tenant at the times appointed for the payment of rent under such sub-tenancy, and shall be a debt from such sub-tenant, and shall also be recoverable by distress in the same manner as the rent reserved under such sub-tenancy: Provided always that the provisions of this section shall not invalidate or affect any existing or future contract.

Retrospective power of clause 2.

3. The provisions of clause No. 2 shall be retrospective as to all lands of which the freehold shall not have changed since the sewage connection was made, and all tenants who have heretofore paid the said cost, or a moiety thereof, as the case may be, shall be entitled to recover such cost or moiety from his immediate landlord, and the same shall be deemed a debt due from the immediate landlord to his tenant, and be recoverable by action, or may be deducted by the tenant from the rent, and such immediate landlord, after having paid the said cost, shall be entitled to avail himself of all the rights and remedies conferred by the said clause.

Persons liable to make connections may apply to have work done on deferred payments.

4. Where any owner is liable, under this Act and the principal Act, to bear the cost of the works referred to in section 48 of the principal Act, it shall be lawful for such owner, to make application in writing to the Commissioner, asking that the works referred to in section 48 aforesaid may be done under the direction of the Commissioner, on a system of deferred payment, and thereupon it shall be lawful for the Commissioner to enter into an agreement with the applicant for the doing of such works, under the direction of the Commissioner, at a price to be therein named, and for the payment of such price by the applicant in not more than twelve quarterly instalments from the completion of the works, and interest at the rate of six per centum per annum on the amount remaining to be paid shall be added to each instalment.

Commissioner upon completion of work to give notice to applicant.

5. Upon the execution of such agreement by the applicant, the Commissioner shall cause the works aforesaid to be done, and forthwith upon the completion thereof shall give notice in writing to the applicant of such completion, and of the quarterly days on which the instalments of payment will respectively fall due.

Sewers Act of 1878 amended.

6. Sections 87, 88, 89, and 92 of the "Adelaide Sewers Act, 1878," shall extend to charge the cost of laying down, constructing, and fixing in readiness for use such drains and fittings as are necessary for draining any land or premises upon such land and premises, and to enable the Commissioner to recover such cost and interest pursuant to all the provisions of such sections in like manner as if such

Adelaide Sewers Act Amendment Act.—1883-4.

such cost and interest formed portion of a sewerage rate made under authority of the said Act, and the said sections shall be read as if the words "or the cost of laying down, constructing, and fixing in readiness for use the drains and fittings, referred to in section 48, with interest," were inserted in the said sections after the words "sewerage rates," "rates" and "sewerage rate," wherever such words occur.

7. And whereas it is desirable that the system of rating and collection for water rates and sewers rates should be uniform, be it enacted that the waterworks assessment made by the Commissioner of Waterworks under "The Waterworks Act, 1882," or any Acts hereafter passed in that behalf, shall also be the sewers assessment under the "Adelaide Sewers Act," and the particulars of water rates and the particulars of sewers rates by those Acts respectively required to be delivered to owners or occupiers, and all other notices relating to the said rates respectively, may be comprised in the same document, and may be wholly written or wholly printed, or partly written and partly printed.

Waterworks assessment is to serve for sewers assessment, and notices of each may be delivered together.

8. The Central Board of Health may, in their discretion, by notice in writing, require any person whose premises are connected with the sewers to construct such works and do such things as may be by the said Board deemed necessary for deodorising or rendering as innocuous as possible any sewage matter before it enters the sewers.

Power for the Central Board of Health to require works constructed for deodorising sewage.

9. The Commissioner may, at the request of the Central Board of Health, refuse to admit into any sewers or drains any solid or liquid sewage matter which would prejudicially affect the sewers or drains, or which would from its temperature, nature, or otherwise, be injurious. For the purposes of this section the Commissioner may cause any sewers or drains to be disconnected or closed.

Power to refuse to admit sewage matter into sewers.

And to disconnect drains.

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

WILLIAM C. F. ROBINSON, Governor.