

Hon. Mr. Young.

THAMES BOROUGH COMMISSIONER AMENDMENT.

ANALYSIS.

Title.	
1. Short Title.	14. Provisions of Valuation of Land Act, 1925, not affected.
2. Interpretation.	15. Rates may be payable by instalments. Repeal.
3. Postponement of election of Council (with consequential extension of term of office of Commissioner).	16. Adjustment of annual charges on loans for period of three years ending 15th July, 1935.
4. Special valuation roll to be prepared.	17. Interest and sinking fund to be reduced by one-third for period of three years.
5. Notice of valuations in special valuation roll.	18. Repeal.
6. Special Assessment Court constituted.	19. Conversion of loans raised by Council.
7. President of special Assessment Court.	20. Proceeds of rates collected after 31st March, 1935, to pay instalments falling due after 15th July, 1935.
8. Appointment of assessors.	21. Dates of "interest year" altered.
9. Special Assessment Court to be deemed Assessment Court under Valuation of Land Act, 1925.	22. Buildings not to be demolished while judgment for rates unsatisfied.
10. Special valuation roll to be valuation roll for borough for rating purposes.	23. Materials in demolished building to become property of Corporation.
11. Valuations not to be altered pursuant to Valuation of Land Act, 1925.	24. Commissioner may acquire property in satisfaction of rates.
12. Period of operation of special valuation roll.	25. Agreements with local authorities relating to management of properties acquired by Commissioner in satisfaction of rates.
13. Special valuation roll to be a valuation roll under Valuation of Land Act, 1925.	

A BILL INTITULED

AN ACT to make further Provisions with respect to the Administration of the Borough of Thames by the Commissioner appointed under the Thames Borough Commissioner Act, 1932, and to extend the Term of Office of the Commissioner.

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No. 96—1.

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

- Short Title. 1. This Act may be cited as the Thames Borough Commissioner Amendment Act, 1934, and shall be read together with and deemed part of the Thames Borough Commissioner Act, 1932 (hereinafter referred to as the principal Act). 5
- Interpretation. 2. In this Act—
 “Ordinary valuation roll” means the district valuation roll for the borough for the time being in force under the Valuation of Land Act, 1925: 10
 “Special valuation roll” means the roll prepared for the borough in accordance with this Act. 15
- Postponement of election of Council (with consequential extension of term of office of Commissioner). 3. Section nine of the principal Act is hereby amended by omitting from subsection one the reference to the first Wednesday in May, nineteen hundred and thirty-five, and substituting a reference to the first Wednesday in May, nineteen hundred and thirty-eight. 20
- Special valuation roll to be prepared. 4. (1) As soon as practicable after the passing of this Act, the Valuer-General shall prepare and supply to the Commissioner a special valuation roll for the borough. 20
 (2) Subject to the provisions of this section, the special valuation roll shall contain the particulars prescribed in respect of the ordinary valuation roll by section seven of the Valuation of Land Act, 1925. 25
 (3) Except as hereinafter provided, the capital value and the unimproved value of the several properties in the borough and the value of the improvements thereon shall for the purposes of the special valuation roll be respectively the values appearing in the ordinary valuation roll on the thirty-first day of July, nineteen hundred and thirty-one. 30
 (4) If any separate property appearing on the special valuation roll did not appear on the ordinary valuation roll on the thirty-first day of July, nineteen hundred and thirty-one, or if the nature of the improvements on any property has changed since that date, the capital value, the unimproved value, and the value of improvements shall, for the purposes of the special valuation roll, be assessed by the Valuer-General in relation to the values on that date of similar properties in the borough. 40

See Reprint of Statutes, Vol. VII, p. 1030

5 (1) The Valuer-General shall give notice to the Commissioner of the valuations as set forth in the special valuation roll, and shall also give notice to each owner whose name appears on that roll of the valuations in such roll relating to the property of that owner.

Notice of valuations in special valuation roll.

(2) The notice shall prescribe a time within which objections may be made to such valuations.

10 (3) Objections may be made to any such valuations by the Valuer-General, the Commissioner, or any owner whose name appears on the special valuation roll.

(4) Any such objection may be on the ground that the valuation objected to is unfair or incorrect in relation to other valuations appearing in the ordinary valuation roll on the thirty-first day of July, nineteen hundred and thirty-one, and it shall not be competent for any person to object to any valuation in the special valuation roll on any other ground whatsoever.

20 (5) Except as hereinafter provided, such objections shall be heard and determined in all respects as if the objections had been made in accordance with the provisions of the Valuation of Land Act, 1925.

25 (6) For the purpose of hearing objections to the valuations appearing in the special valuation roll there shall be constituted a special Assessment Court (hereinafter referred to as the special Assessment Court).

Special Assessment Court constituted.

30 (7) There shall be a President of the special Assessment Court, who shall be the Magistrate usually exercising jurisdiction within the borough. In the absence of the Magistrate, the Governor-General may from time to time appoint any other person to be the President.

President of special Assessment Court.

(8) (1) The Governor-General may from time to time appoint two persons to be assessors of the special Assessment Court.

Appointment of assessors.

35 (2) One of such assessors shall be appointed on the recommendation of a committee that has been appointed to represent certain debenture-holders (known as the Loans Creditors Committee), and the other shall be appointed on the recommendation of the Advisory Committee.

40 (3) No person who is a member or a paid officer of the Council of any borough shall be appointed an assessor of the special Assessment Court.

45 (4) The two assessors appointed under this section shall be paid by the Commissioner out of the borough funds such reasonable fees and allowances as may be fixed by him.

(5) The production of a copy of any public notice or advertisement stating the names of the members of whom the special Assessment Court will be constituted shall be *prima facie* proof that the members of the special Assessment Court so constituted are duly appointed and qualified. 5

Special Assessment Court to be deemed Assessment Court under Valuation of Land Act, 1925.

9. (1) The special Assessment Court shall be deemed to be an Assessment Court under the Valuation of Land Act, 1925, and all the provisions of that Act relating to Assessment Courts shall, so far as they are applicable, apply to the special Assessment Court. 10

(2) The special Assessment Court shall be the only Court competent to hear objections to valuations appearing in the special valuation roll.

Special valuation roll to be valuation roll for borough for rating purposes. See Reprint of Statutes, Vol. VII, p. 977

10. (1) For the purposes of the Rating Act, 1925, the special valuation roll shall be deemed to be the valuation roll for the borough in lieu of the ordinary valuation roll, and all rates becoming payable to the Commissioner while the special valuation roll is in operation, in respect of any property appearing on the special valuation roll, whether levied before or after that roll becomes operative, shall be made and levied in accordance with the values as set forth in that roll. 15 20

(2) The provisions of the *last preceding* subsection shall apply only while the system of rating in force in the borough is on the capital value or the unimproved value. 25

Valuations not to be altered pursuant to Valuation of Land Act, 1925.

11. No entry shall be made in the special valuation roll of any alteration of the valuation of any property made since the thirty-first day of July, nineteen hundred and thirty-one, pursuant to the provisions of section forty-five or section fifty of the Valuation of Land Act, 1925, or section three or section four of the Valuation of Land Amendment Act, 1933, whether that alteration is made before or after the passing of this Act. 30

Period of operation of special valuation roll.

12. The special valuation roll shall become operative on the first day of April, nineteen hundred and thirty-five (whether completed before or after that date), and shall continue to be operative until the thirty-first day of March, nineteen hundred and thirty-eight. 35

Special valuation roll to be a valuation roll under Valuation of Land Act, 1925.

13. Save as otherwise expressly provided in this Act, the special valuation roll shall be deemed to be a valuation roll under the Valuation of Land Act, 1925, and all the provisions of that Act or of any other Act relating to or affecting valuations for rating purposes shall, so far as they are applicable, apply to that roll accordingly. 40

14. Nothing in this Act shall in any way affect the provisions of the Valuation of Land Act, 1925, or of any other Act in so far as they relate to the ordinary valuation roll, and that roll may from time to time be altered or amended in accordance with the provisions of the Valuation of Land Act, 1925.

Provisions of Valuation of Land Act, 1925, not affected.

15. (1) Where any rates are made or levied by the Commissioner, he may, when demanding such rates, make the same payable by such instalments and on such day or days as he fixes in that behalf. Such rates shall thereupon become due and payable by such instalments and on the day or days so fixed by the Commissioner without any further demand for payment.

Rates may be payable by instalments.

(2) Section thirty-seven of the Local Legislation Act, 1932-33, is hereby repealed.

Repeal.

(3) This section shall be deemed to have come into force on the tenth day of March, nineteen hundred and thirty-three.

16. (1) From the proceeds of all special rates which may be levied for the financial year ending on the thirty-first day of March, nineteen hundred and thirty-six, for the purpose of providing for the payment of interest and sinking fund on existing loans, the Commissioner shall appropriate such sum as he thinks fit, being not less than *three thousand nine hundred* pounds and not more than *four thousand two hundred* pounds.

Adjustment of annual charges on loans for period of three years ending 15th July, 1935.

(2) The amount so appropriated from the proceeds of each such special rate shall bear to the total sum so appropriated the same proportion as the total yearly amount of the interest and sinking fund on the loan in respect of which such special rate is levied bears to the total yearly amount of the interest and sinking fund on the whole of the loans for the payment of which such special rates are levied.

35 (3) The amounts remaining at the thirty-first day of March, nineteen hundred and thirty-five, to the credit of each of the accounts into which have been paid funds for the purpose of paying interest and sinking fund on existing loans, together with the proceeds of special rates appropriated by the Commissioner in accordance with subsection *one* hereof, shall be paid into an account, to be called the Amalgamated Loan Interest Account.

(4) On or before the fifteenth day of July, nineteen hundred and thirty-five, the Commissioner shall apply any moneys then standing to the credit of the Amalgamated

Loan Interest Account towards the payment of instalments of interest and sinking fund payable during the three interest years ending on that date, but so that the amount then paid to any debenture-holder, together with all sums previously paid to such debenture-holder on account of interest for such period, shall be in the same relative proportion as the amounts paid to all other debenture-holders. 5

(5) The total amount paid to debenture-holders up to and including the fifteenth day of July, nineteen hundred and thirty-five, on account of the instalments of interest falling due within the period of three interest years ending on that date shall be deemed to have been received in full satisfaction of those instalments; and the total amount similarly paid up to and including that date on account of the instalments of sinking funds falling due within such period shall be deemed to have been the instalments due during that period. 10 15

Interest and sinking fund to be reduced by one-third for period of three years.

17. (1) The instalments of interest and sinking fund on any existing loan payable during the period commencing on the sixteenth day of July, nineteen hundred and thirty-five, and ending on the fifteenth day of July, nineteen hundred and thirty-eight, shall be reduced by one-third of the amount of the instalments that would otherwise have been payable if section fourteen of the principal Act had not been passed. 20 25

(2) Where a special rate is levied for the purpose of providing for the payment of interest and sinking fund on any existing loan, the Commissioner or the Council, as the case may be, shall in each financial year levy so much of such special rate as, together with such other funds as are available for the purpose, will, in the opinion of the Commissioner or the Council, as the case may be, produce a sum sufficient to pay in respect of that loan the amount of interest and sinking fund prescribed by the *last preceding* subsection. 30 35

(3) The instalments of interest paid to debenture-holders in accordance with this section for the period commencing on the sixteenth day of July, nineteen hundred and thirty-five, and ending on the fifteenth day of July, nineteen hundred and thirty-eight, shall be deemed to be received in full satisfaction of those instalments. 40

18. Section fourteen of the principal Act shall be deemed to be repealed on the sixteenth day of July, nineteen hundred and thirty-five. Repeal.

19. The limitation of time prescribed by section fifteen of the Local Authorities Interest Reduction and Loans Conversion Act, 1932-33, shall have no application with respect to the conversion under that Act of securities issued by the Council. Conversion of loans raised by Council.

20. Where the proceeds of any special rate levied by the Commissioner during the period of the three financial years ending on the thirty-first day of March, nineteen hundred and thirty-five, for the purpose of paying the instalments of interest and sinking fund on any existing loan are collected after that date, such proceeds shall be applied towards the payment of the instalments of interest and sinking fund on the loan in respect of which such special rate was levied falling due after the fifteenth day of July, nineteen hundred and thirty-five. Proceeds of rates collected after 31st March, 1935, to pay instalments falling due after 15th July, 1935.

21. (1) Section two of the principal Act is hereby amended by omitting the words "sixteenth day of July" in the definition of the term "interest year", and substituting the words "first day of April". Dates of "interest year" altered.

(2) The interest year ending on the thirty-first day of March, nineteen hundred and thirty-six, shall be deemed to have commenced on the first day of April, nineteen hundred and thirty-five.

(3) This section shall come into force on the sixteenth day of July, nineteen hundred and thirty-five.

22. (1) Where during the term of office of the Commissioner judgment has heretofore been or is hereafter recovered by the Council for the amount of any rates due in respect of any land in the borough, and that judgment has not been satisfied, or where the Native Land Court has heretofore made or hereafter makes an order granting a charge over any land in favour of the Council, and while that charge remains in force, no person shall, without the prior consent of the Advisory Committee, demolish, or cause or permit to be demolished, or assist in the demolishing, or remove or cause or permit to be removed, or assist in the removal of any building or portion of a building situated on that land, or any wall, fence, or other fixture on that land, whether forming part of a building or not. Buildings not to be demolished while judgment for rates unsatisfied.

(2) Every person who does any act in contravention of this section commits an offence, and is liable on summary conviction to a fine of *twenty* pounds.

Materials in demolished building to become property of Corporation.

23. If any person demolishes, or removes, or causes or permits to be demolished or removed, any building, wall, fence, or other fixture contrary to the provisions of the *last preceding* section, the property in all the materials contained in and comprising such building, wall, fence, or other fixture shall thereupon vest in the Corporation, and the Commissioner may take all such steps as are necessary for the purpose of recovering all such materials that have been removed from the land affected. 5 10

Commissioner may acquire property in satisfaction of rates.

24. (1) The Commissioner may on behalf of the Corporation accept any rateable property in complete or partial satisfaction of any rates due to the Council, and for that purpose may pay an amount for purchase-money in addition to the amount owing for rates, notwithstanding that such property may not be necessary or convenient for the purposes of or in connection with any public work or undertaking of the Council, or for carrying out any of the purposes of any Act. 15 20

(2) The powers conferred on the Commissioner by the *last preceding* subsection shall be exercised by him only if he is of opinion that he would not be able to collect the rates owing in respect of the property without causing to be taken the steps prescribed by section seventy-nine of the Rating Act, 1925, or any other enactment providing for the sale, lease, or other disposition of property in respect of which rates are in arrear. 25 30

(3) Nothing in this Act or in any other Act or in any rule of law shall be deemed to invalidate the purchase or other acquisition by the Commissioner before the passing of this Act of any property in complete or partial satisfaction of any rates due to the Council. 35

Agreements with local authorities relating to management of properties acquired by Commissioner in satisfaction of rates.

25. (1) Where any property is acquired by the Commissioner under the provisions of the *last preceding* section or of section one hundred and thirteen of the Rating Act, 1925, and rates are due or likely to become due to any other local authority in respect of that property, the Commissioner may enter into an agreement with that local authority relating to— 40

(a) The control and management of the property so acquired : 45

- (b) The distribution between the Commissioner and such local authority of the proceeds derived from the sale, lease, letting, or other disposition of such property or of any interest therein :
- 5 (c) The payment to any such local authority of any portion of such proceeds in complete or partial satisfaction of any rates then due or to become due in respect of such property :
- 10 (d) Such other matters as may be necessary or desirable for the more effectual carrying out of the intention of any such agreement.
- (2) Nothing shall be deemed to invalidate any such agreement entered into by the Commissioner with any local authority before the passing of this Act.
- 15 (3) Any such agreement shall be binding on the parties thereto according to the tenor thereof, notwithstanding anything to the contrary in any Act or rule of law.