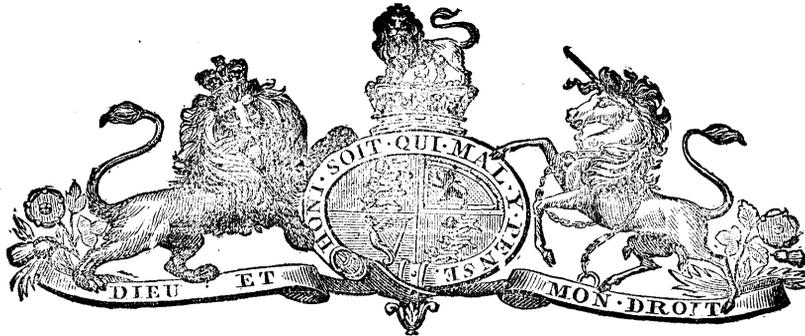


NEW ZEALAND.



TRICESIMO QUINTO

VICTORIÆ REGINÆ.

[*Local and Personal.*]

No. IV.

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ANALYSIS.

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| <p>Title.<br/>Preamble.<br/>1. Short Title.<br/>2. Capital increased from £50,000 to £65,000.<br/>3. Section 25 of the Company's Act 1864 repealed.<br/>4. Section 26 of the Company's Act 1864 repealed.<br/>5. Mode of appeal from Company's decision.<br/>6. Rates payable by owner and occupier.<br/>7. Section 28 subsections 1 2 and 3 of Company's Act 1864 amended.</p> | <p>8. Section 28 subsection 4 of Company's Act 1864 amended.<br/>9. Section 29 of Company's Act 1864 repealed.<br/>10. Section 36 of Company's Act explained and amended.<br/>11. Buildings not in blocks rateable when mains laid.<br/>12. Section 38 of the Company's Act repealed.<br/>13. Definition of works.<br/>14. Payment of rates.<br/>15. Vacant premises. Limit of interest.<br/>16. Interpretation clause.</p> |
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AN ACT to amend "The Dunedin Waterworks Act 1864" and to increase the Capital of the Dunedin Waterworks Company and to make further provision for the Management of the said Company. Title.

[14th November 1871.]

WHEREAS by the tenth section of "The Dunedin Waterworks Act 1864" it is enacted that the capital of the Dunedin Waterworks Company therein particularly mentioned and described shall be fifty thousand pounds divided into five thousand shares of ten pounds each And whereas in order to extend the supply of water to the well-populated parts of the town of Dunedin it is essential that the capital of the said Company should be increased so as to provide for the outlay and expenditure which will be necessarily occasioned by the extension of the Company's pipes and in making additional provision for an increased water supply Preamble.

*Dunedin Waterworks Act Amendment.*

And whereas it has been made to appear to the Superintendent and Executive Council of the Province of Otago that the extension of the capital of the said Company for the purpose aforesaid is desirable on public grounds and will not injuriously affect the public interests of the said Province or vary or affect the security of a certain guarantee given to the holders of shares in the original capital stock of the said Company under and by virtue of certain Ordinances of the Superintendent and Provincial Council of the said Province And whereas it is desirable to make further provision for the management of the said Company and to amend and explain divers of the provisions contained in the said "Dunedin Waterworks Act 1864:"

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

Short Title.

1. The Short Title of this Act shall be "The Dunedin Waterworks Act Amendment Act 1871."

Capital increased  
from £50,000 to  
£65,000.

2. In addition to the capital provided for by the tenth section of the said "Dunedin Waterworks Company's Act 1864" (hereinafter referred to as "the said Act") the said Dunedin Waterworks Company (hereinafter referred to as "the said Company") shall be at liberty to issue one thousand five hundred new shares of ten pounds each making the entire capital of the Company sixty-five thousand pounds The full amount of such new shares shall be paid up on the allotment thereof to the applicants therefor unless the Directors of the said Company shall otherwise determine Provided that the issue of the said one thousand five hundred shares shall be upon the terms and conditions following that is to say—

- (1.) The money to arise from the sale of the said one thousand five hundred shares shall be laid out and expended in laying down pipes and extending and maintaining the works of the said Company.
- (2.) An account shall be kept of the income derived by the said Company from any such extension of their works and the said income shall be applied in the first place towards defraying the cost of maintaining and repairing the same and in the next place towards paying half-yearly on the first day of July and the first day of January in each year a dividend on the said shares at any rate not exceeding the rate of interest or dividend for the time being payable on shares interest on which is guaranteed by the Superintendent of the Province of Otago as aforesaid and any balance or surplus of such income shall form part of and be treated as ordinary revenue of the said Company.
- (3.) Nothing in this Act contained shall be held or construed to bind the said Superintendent to pay or charge the revenues of the Province of Otago with the payment of any dividend interest or other sums of money in respect of the said one thousand five hundred shares or to charge the revenues of the said Province with the payment of any sum or sums of money whatsoever to the said Company or to any person or persons whomsoever beyond such sum or sums as the said revenues of the said Province are now charged or chargeable with under or by virtue of any Ordinance of the Superintendent and Provincial Council of the said Province.

25th section of the  
Company's Act 1864  
repealed.

3. The twenty-fifth section of the said Act is hereby repealed and in lieu thereof it is enacted:—That notice of the amount of such

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valuation shall be given to the occupier or occupiers of the messuage or tenement rated and assessed and to the owner or owners thereof by delivering the same to him or them or by leaving the same for him or them at his or their last known place or places of abode or if the messuage or tenement be unoccupied by affixing the same to some part of the messuage or tenement rated and assessed or by sending the same through the medium of any Post Office to the last known place of abode of such occupier or occupiers owner or owners or by publishing on two consecutive days in some daily newspaper printed and published in Dunedin aforesaid a reference to or description of the messuage or tenement rated and assessed the amount of the valuation placed upon such messuage or tenement together with the name or names of the supposed or reputed owners and occupiers of the said messuage or tenement. Provided always that the failure of the said Company to give such notice as aforesaid to the owner or owners of the messuage or tenement rated and assessed shall not exonerate the occupier or occupiers from their liability nor shall the failure of the said Company to give such notice as aforesaid to the said occupier or occupiers exonerate the owner or owners of the said messuage or tenement rated and assessed from his or their liability.

4. The twenty-sixth section of the said Act is hereby repealed and in lieu thereof it is enacted :—That the owners and occupiers or any or either of the owners and occupiers of the messuages and tenements rated and assessed may appeal to the said Company against such valuation on giving notice in writing of such appeal to the Secretary of the said Company within fourteen days from and after the day on which notice of the amount of the valuation aforesaid shall have been given or served to for or upon the person or persons appealing.

26th section of the  
Company's Act 1864  
repealed.

5. In the event of any person or persons desiring to appeal from the decision of the said Company in disallowing wholly or partially any appeal against the said valuation as provided by the twenty-seventh section of the said Act such person or persons shall give notice in writing of his or their intention so to appeal to the Clerk of the Resident Magistrate's Court in Dunedin aforesaid and to the said Company and the said Clerk shall appoint a time and place for the hearing of such appeal and secure the attendance of two or more Justices of the Peace residing or usually officiating in Dunedin to hear and determine the same such Justices not being shareholders in the Company.

Mode of appeal from  
Company's decision.

6. Whenever any messuage or tenement shall be rated and assessed and notice of valuation given in manner aforesaid and no appeal shall be brought against such valuation or if any such appeal shall be brought and disallowed wholly or partially the rates payable in respect of the valuation adopted by the said Company or finally fixed and determined on appeal shall be payable by and recoverable from any person who shall be or become the owner (irrespective of the amount of the valuation) or occupier of the messuage or tenement so rated and assessed within the period of twelve calendar months from the time of such notice of valuation being given as aforesaid although and notwithstanding such person may not have been served with notice of the valuation aforesaid.

Rates payable by  
owner and occupier.

7. For the word "houses" in subsections one two and three of section twenty-eight of the said Act the words "messuages or tenements" shall be substituted or read. Provided that the word tenement shall not apply to any piece or pieces of land not occupied or built upon or not used in connection with any messuage or separately for the storage of goods or merchandise or as a garden or for any purpose of profit or emolument.

Section 28 sub-  
sections 1 2 and 3 of  
Company's Act 1864  
amended.

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Section 28 subsection  
4 of Company's Act  
1864 amended.

8. In lieu of subsection four of the said section twenty-eight of the said Act which is hereby repealed it is enacted as follows:—Messuages and tenements other than dwelling-houses in which the quantity of water usually or likely to be consumed is or may be greater or less than the ordinary supply of water for or the consumption of water in dwelling-houses of equal value shall be subject to such special rate on the annual value as the Company may think fit to impose and as may be agreed to by the owners or occupiers in addition to or deduction from the rating on their annual value as provided by subsections one two and three of section twenty-eight of the said Act but no messuages or tenements shall under the provisions of this section be liable to less than the two-thirds rate Provided always that it shall not be compulsory for the Company to supply water to any messuages or tenements for less than the full rate.

29th section of  
Company's Act 1864  
repealed.

9. In lieu of the twenty-ninth section of the said Act which is hereby repealed it is enacted as follows:—An ordinary supply of water or a supply of water in respect of which no special rate shall be claimed or payable shall not include a supply of water for railway purposes public baths wash-houses cattle or for washing horses or carriages kept for hire or for ornamental purposes or for any machinery steam-engine mill manufactory brewery distillery coach-house stable cellar vault or for any other like purpose whatsoever.

36th section of  
Company's Act  
explained and  
amended.

10. The thirty-sixth section of the said Act is hereby declared and shall be taken to mean that the said Company shall only when requested lay the service pipes and fix the cocks in the said section mentioned and until the said Company shall be so requested the owners and occupiers of any messuages or tenements coming within the scope and meaning of the thirty-seventh section of the said Act shall be liable to and shall pay the two-third rates imposed and provided for by the twenty-eighth section of the said Act and upon such request being made to the said Company as aforesaid and upon and immediately after the laying of the service pipes and the fixing of the stop-cock as in the thirty-sixth section of the said Act Provided the owner and occupier of the message or tenement rated shall be liable without any notice whatsoever from or on behalf of the said Company to and shall pay the full rates imposed and provided for by the said twenty-eighth section of the said Act.

Buildings not in  
blocks rateable when  
mains laid.

11. Upon all messuages and tenements in or fronting any street or public thoroughfare wherein main pipes have been or shall be laid opposite to such messuages or tenements it shall be lawful for the said Company to charge a water rate as if the said messuages or tenements were in a block of buildings completely surrounded by streets and came within the meaning and operation of the said thirty-seventh section of the said Act.

38th section of the  
Company's Act  
repealed.

12. The thirty-eighth section of the said Act is hereby repealed.

Definition of  
"works."

13. The term "works" in the fortieth section of the said Act shall not be held to include the laying of pipes within the streets of the said City of Dunedin or within the streets or roads of the suburbs or neighbourhood nor shall the powers granted to the Company in relation to the laying of pipes be held to have ceased or determined.

Payment of rates.

14. All rates payable to the said Company shall be payable in advance by equal or proportionate quarterly payments on the first day of January the first day of April the first day of July and the first day of October in each year Provided that in the event of any message or tenement becoming liable to a water rate during the currency of any of the quarterly periods hereinbefore mentioned a proportionate part of the rate payable in respect of such message or tenement to be calculated with regard to the unexpired portion

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of such quarterly period shall be paid in advance on such liability accruing.

15. The liability of any message or tenement or of any person or persons on account thereof to any rate hereby or by the said Act imposed shall not be defeated barred or suspended by reason of the said message or tenement being or becoming unused unoccupied vacant or untenanted but such unused unoccupied vacant or untenanted messages or tenements shall not be liable to more than the two-third rate. The limit of dividends interest bonus or profit in the new shares created by this Act shall not exceed in any one year ten per centum.

Vacant premises.

Limit of interest.

16. This Act shall be read with the said Act and "The Dunedin Waterworks Act Amendment Act 1866."

Interpretation clause.

WELLINGTON, NEW ZEALAND:

Printed under the authority of the New Zealand Government, by GEORGE DIDSBUY, Government Printer.