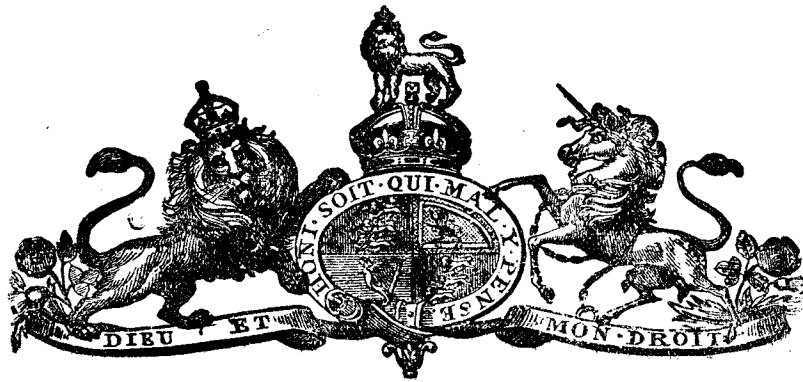


TASMANIA



1911.

ANNO SECUNDO

GEORGI V. REGIS.

No. 32.

ANALYSIS.

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| <ul style="list-style-type: none"> 1. Short title.
Acts to be read together. 2. Interpretation. 3. Amendment of Section 29 of 3 Edw. VII. No. 15. 4. Repeal of Subsections (2), (3), (4), and (5) of Section 36 of 3 Edw. VII. No. 15. | <ul style="list-style-type: none"> 5. Power to sell. 6. Orders subsequent to issue of first general notice. 7. Power to borrow. 8. Governor may grant loans to Board. 9. Power to repay borrowed money by instalments. 10. Confirmation of certain expenditure. |
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AN ACT to amend "The Metropolitan Drainage Acts, 1898 to 1910." A.D. 1911.

[10 January, 1912.]

WHEREAS it is desirable to amend "The Metropolitan Drainage Acts, 1898 to 1910," in manner hereafter appearing PREAMBLE.
62 Vict. No. 47.

Be it therefore enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as "The Metropolitan Drainage Amendment Act, 1911," and "The Metropolitan Drainage Acts, 1898 to 1910," and this Act are to be read together as one Act, and may be cited together as "The Metropolitan Drainage Acts, 1898 to 1911." Short title.
Acts to be read together.

2 In this Act, the expression "the said Act" shall mean "The Metropolitan Drainage Act, 1898." Interpretation.
62 Vict. No. 47.

4d.]

Metropolitan Drainage Amendment.

A.D. 1911.

Amendment of
Section 29 of
3 Edw. VII.
No. 15.

3 The words "if the Board so desires," in the Third line of Section Twenty-nine of "The Metropolitan Drainage Amendment Act, 1903," are hereby expunged, and in lieu thereof the words "after One month's notice has been given that the provisions of this Act will be enforced" are hereby inserted.

Repeal of
Subsections (2),
(3), (4), and (5)
of Section 36 of
3 Ed. VII. No. 15.
Power to sell.

4 Subsections (2), (3), (4), and (5) of Section Thirty-six of "The Metropolitan Drainage Amendment Act, 1903," are hereby repealed.

5—(1) Whenever any costs, expenses, instalment, sum of money, or interest payable to the Board in respect of any property shall be in arrear for the space of One year and upwards, it shall be lawful for the Board to apply by petition to the Supreme Court or a judge thereof for a sale of such property, or of such portion thereof as may be necessary to produce the amount due and accruing due to the Board.

(2) Three months at least before presenting such petition a notice shall be gazetted Once and advertised Twice in a newspaper published in Hobart in the form in the Schedule (1) hereto.

(3) A copy of the said notice shall also be affixed upon some conspicuous part of the property.

(4) The court or a judge on being satisfied that the amount claimed to be due to the Board is so due in respect of such property, that the other provisions of this section have been complied with, and that such further notice, if any, as the court or a judge upon hearing the petition may consider necessary has been given to the owner of the property, may order the sale of the same or of so much thereof as shall be sufficient to pay the claim up to the time of the sale, together with all costs of and attending the application, and of and attending the sale, and that the proceeds be paid into the court.

(5) A conveyance or transfer, as the case may be, of the property shall be executed to the purchaser in such form and by such officer of the court as the court or a judge may approve and direct.

The purchaser shall take an estate in fee simple free from encumbrances, and where the land is subject to "The Real Property Act" he shall be entitled to a certificate of title.

(6) The court or a judge shall order payment of the claim of the Board to be first made out of the proceeds of the sale, together with interest and all costs and expenses, and the balance shall be subject to any order of the court or a judge for the benefit of the parties interested therein; and after the expiration of Twenty-one years from the date of sale, the court or a judge may order that the balance and all interest thereon, not the subject of any order relating thereto, shall be paid to the Board.

(7) Upon payment to the Board at any time prior to the making of the order of the court or a judge of all moneys due to the Board, together with interest thereon to the date of payment, and of all costs and expenses incurred by the Board up to the date of payment, all further proceedings under this section shall be stayed.



Metropolitan Drainage Amendment.

6—(1) After the issue of a further general notice as provided by Section Four of "The Metropolitan Drainage Amendment Act, 1903," the Board may from time to time order that the owner or occupier of any property shall, within such time as shall be specified in such order, or within such further time as the Board may allow, make such alterations or additions to the water-closet or water-closets, drains, appliances, apparatus, or connections of the said property as the Board shall deem necessary. Such order shall be deemed to be an order made under the provisions of Section Seventy-eight of the said Act.

A.D. 1911.

Orders subsequent to issue of first general notice.

(2) If such order be not complied with, the Board may, if it thinks fit so to do, make and effect such alterations or additions, and do such things as may be necessary.

(3) Any legal costs incurred by the Board in securing or enforcing the execution of such order, and the costs and expenses incurred by the Board in making and effecting such alterations or additions, or doing such things as aforesaid, together with interest at the rate of Five Pounds per centum per annum, shall be recoverable from the owner or occupier, as the case may be, in the manner provided by the said Act and any amendment thereof.

7 It shall be lawful for the Board to borrow and take up at interest, for the purpose of effectuating the objects authorised by the said Act and any amendment thereof, any sum or sums of money, not exceeding Fifteen thousand Pounds in the whole, further and in addition to the several sums which the Board is authorised to borrow under the provisions of the said Act and any amendment thereof.

Power to borrow.

8 It shall be lawful for the Governor to grant, in accordance with the provisions of "The Local Public Works Loans Act, 1890," as a loan or loans to the Board for the purpose of effectuating the objects authorised by the said Act and any amendment thereof, any sum or sums of money not exceeding Fifteen thousand Pounds in the whole, such sum of money to be in addition to the sum or sums which the Governor is authorised to grant as a loan or loans to the Board under the provisions of the said Act and any amendment thereof; and such sum or sums shall be defrayed out of moneys to be provided by Parliament for the purpose.

Governor may grant loans to Board.
54 Vict. No. 30.

The proviso to Section Two of "The Local Public Works Loans Act, 1890," shall not apply to any loan authorised to be granted to the Board under the provisions of the lastmentioned Act.

9 The provisions of Sections Six and Seven of "The Metropolitan Drainage Amendment Act, 1906," shall extend to any moneys borrowed under the authority of this Act.

Power to repay borrowed money by instalments.

10 The payment by the Board of the moneys mentioned in Schedule (2) hereto, for the purposes therein set forth, out of moneys at the disposal of the Board, is hereby authorised and declared legal,

Confirmation of certain expenditure.

Metropolitan Drainage Amendment.

A.D. 1911.

SCHEDULES

(1.)

NOTICE OF INTENTION TO APPLY FOR SALE.

To all persons whom it may concern.

Whereas under the provisions of "The Metropolitan Drainage Acts, 1898-1911," the sum of _____ is now due to the Metropolitan Drainage Board with respect to the property No. _____ street, and numbered _____ in the assessment roll for the district of _____ for [*as the case may be*]: Notice is hereby given that at the expiration of Three months after the _____ day of _____ *19 _____, application will be made to the Supreme Court for a sale of the said property, unless all moneys due to the Board in respect to the said property, together with interest thereon to date of payment, and of all costs and expenses incurred by the Board of and incidental to this notice and in connection with the recovery of the said moneys or any portion thereof, are sooner paid.

* Date to be inserted to be date of final publication of notice.

Dated this _____ day of _____ 19 .

Secretary.

(2.)

	£	s.	d.
1. Amount paid to the late Secretary, Mr. Norman Dodds, on the 18th May, 1910, as salary in advance from that date to the 31st July, 1910	63	0	0
2. Amount paid late Engineer, Mr. G. W. Thom, from the 7th February, 1911, as a gratuity in the way of salary for the period 8th February, 1911, to 31st May, 1911	156	5	0