

Blayney Municipal Council Enabling.

BLAYNEY
MUNICIPAL COUNCIL
ENABLING.

An Act to declare valid the assessment made by the Blayney Municipal Council for the years 1883, 1884, 1885, 1886, 1887, 1888, and 1889, and to enable the said Council to recover rates, and for other purposes. [10th December, 1890.]

Preamble.

WHEREAS the Blayney Municipal Council, from various causes, omitted to comply with section one hundred and sixty-four of the "Municipalities Act of 1867," by not having, between the years one thousand eight hundred and eighty-three and one thousand eight hundred and eighty-nine inclusive, within three months of the election of Mayor, made, or caused to be made, an estimate of the probable amount which would be required for the then current year to carry on the various works mentioned and set forth in the said one hundred and sixty-fourth section of the said Act: And whereas doubts have arisen as to the validity of the assessments made and rates demanded in accordance with such assessments: And upon certain actions being brought to recover such rates the said Council was nonsuited: And whereas it is considered expedient to validate such assessment, and to enable the said Municipal Council to successfully prosecute, in any Court now having jurisdiction to try the same, any action for the recovery of rates due to the said Council, and to empower the said Council to retain, for the uses of the said Council, any moneys paid for rates in respect of the assessment for the years aforesaid: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Power to recover rates.

1. Notwithstanding the provisions of section one hundred and sixty-four of the "Municipalities Act of 1867" not having been complied with by the Municipal Council of Blayney for the years aforesaid, in so far as the said section required that the said Council should annually, within three months after the election of Mayor of the said Municipality, make or cause to be made an estimate of the probable amount which would be required for the current year for the purposes in the said section mentioned, it shall be lawful for the said Municipal Council to prosecute any actions, or suits, or other proceedings necessary for the recovery of rates charged for the years aforesaid without any further assessment or delivery of rate papers or notices; and that no defendant in any action, suit, or other proceeding as aforesaid, shall be entitled to set up as a defence any non-compliance by the said Municipal Council with so much of the provisions of the said one hundred and sixty-fourth section of the said Act, as hereinbefore set forth: Provided also, and be it further enacted that the said Municipal Council may retain all or any moneys which have been paid to the said Municipal Council for rates, notwithstanding such non-compliance as aforesaid.

Interpretation.

2. For the purposes of this Act the words "The said Municipal Council" wherever used shall be taken to mean "The Municipal Council of the Municipal District of Blayney."

Short title.

3. This Act may be cited as the "Blayney Municipal Council Enabling Act of 1890."