

Act No. 14, 1902.

An Act to amend the law with respect to proclamations incorporating municipalities ; and to amend the Municipalities Act, 1897.
[21st January, 1902.]

MUNICIPALITIES
(INCORPORATION
VALIDATING).

BE it enacted by the King'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 :—

1. This Act may be cited as the “Municipalities (Incorporation short title. Validating) Act, 1901,” and shall be construed as one with the Municipalities Act, 1897 (hereinafter referred to as the Principal Act).

2.

*Municipalities (Incorporation Validating).***Repeal.****Proclamation incorporating municipality.****Proclamation under section 35 of Principal Act to relate back.****Validation of acts of council of divided municipality.**

2. Section thirty-six of the Principal Act is hereby repealed.

3. Every proclamation by the Governor published in the Gazette before or after the commencement of this Act, and made or purporting to be made under the Municipalities Act of 1867 or the Principal Act and constituting a borough or municipal district, whether the procedure adopted and the conditions imposed by such Act were followed and complied with or not, shall have and be deemed to have had from the date thereof the effect of constituting the same accordingly for the purpose and within the meaning of the Principal Act, subject, however, to the provisions in that Act contained for the revocation of certain proclamations; and the production of the Gazette containing such proclamation shall in all proceedings on behalf of the municipality be conclusive evidence of the legality of the constitution thereof.

4. Where before or after the commencement of this Act the Governor has, by proclamation, constituted a borough or municipal district, and under section fifteen of the Municipalities Act of 1867, or section thirty-five of the Principal Act, has revoked and cancelled such proclamation, and published in substitution thereof a new proclamation in accordance with the provisions of the said Act, such new proclamation shall relate back and be deemed to have had effect on and from the day of the publication of the first-mentioned proclamation; and anything previously done or suffered in accordance with such first-mentioned proclamation shall be deemed to have been done or suffered under the authority of the new proclamation.

5. (1) Where before or after the said commencement any municipality has been divided under section twenty-five of the Principal Act, and the new municipalities thereby created have been proclaimed, all acts done, things suffered, engagements entered into, property acquired, liabilities incurred, and proceedings taken by the municipality so divided or the council of such municipality if such municipality or council professes to act on behalf of such new municipalities, or either of them, shall be deemed to have been suffered, entered into, acquired, incurred, and taken by or on behalf of such new municipalities or municipality. And every new municipality so created as aforesaid shall be and be deemed to have been the successor of the municipality so divided in respect of all property, contracts, rights of action and liabilities of such divided municipality, in so far as the same exist or existed or have arisen within the area of such new municipality or in connection therewith or are peculiar thereto. And such property, contracts, rights of action, and liabilities are hereby vested in such new municipality, and any legal proceedings begun in the name of such municipality so divided may be continued by such new municipality under the name of the municipality so divided as fully and effectually as if continued by such municipality.

(2)

Hay Irrigation (Amending).

(2) Where before or after the said commencement any municipality has been divided as aforesaid, and the new municipalities thereby created have been proclaimed, and in the year of such proclamation, and before the date thereof or in any previous year an estimate, assessment, and rate has been made by the council of the divided municipality in respect of property within the boundaries of such new municipality, the council of such new municipality may proceed in respect of the recovery of the amount of any such rate as if the estimate, assessment, and rate had been made by such council, and it shall not in any such case be necessary for such council to make any fresh estimate, assessment, or rate in the year of the proclamation.

(3) The proclamation of the thirty-first day of August, one thousand nine hundred in substitution of a proclamation of the twenty-ninth day of June of that year, and purporting to constitute a municipality under the name and style of the Municipal District of Hurstville, is hereby declared to be good and valid and to effect such constitution as aforesaid and all other purposes for which it purported to be made.
