

## TASMANIA.

## THE RATES AND CHARGES RECOVERY ACT 1936.

## ANALYSIS.

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| <ol style="list-style-type: none"> <li>1. Short title.</li> <li>2. Repeal.</li> <li>3. Interpretation.</li> <li>4. Application of Act.</li> <li>5. Demand for payment of rates or charges.</li> <li>6. Service of demand.</li> <li>7. Recovery of rates and charges.</li> <li>8. Recovery of rates by distress.</li> <li>9. Proceedings upon complaint.</li> <li>10. Council may take possession of land in certain cases.</li> <li>11. Notice to be given before possession taken.</li> <li>12. Power to council to grant leases, to insure, and to repair buildings.</li> <li>13. Application of rents.</li> <li>14. Release of land upon payment of amount due.</li> <li>15. Land to become property of council in certain cases.</li> </ol> | <ol style="list-style-type: none"> <li>16. Power to sell land in certain cases.</li> <li>17. Procedure on sale.</li> <li>18. Power to convey or transfer.</li> <li>19. Transfer of land under 25 Vict. No. 16.</li> <li>20. Application of moneys.</li> <li>21. Receipt of council a discharge.</li> <li>22. Rates and charges not recoverable after six years.</li> <li>23. Mistake or informality not to invalidate proceedings.</li> <li>24. Distress not unlawful for want of form.</li> <li>25. Provisions as to distress.</li> <li>26. Council may collect rent in certain cases.</li> <li>27. Certificate as to rates and charges may be demanded.</li> <li>28. Remedies concurrent</li> <li>29. Forms.</li> <li>30. Regulations.</li> </ol> |
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TASMANIA



1936.

ANNO PRIMO

# EDWARDI VIII. REGIS ET PRIMO GEORGII VI. REGIS.

No. 46.

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 AN ACT to provide for the Collection and Recovery  
 of Rates and Charges payable to Local Bodies in  
 respect of Property. [23 December, 1936.]

A. D.  
 1936.  
 —

BE it 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 *Rates and Charges Recovery Act 1936.* Short title.

**2** The enactments enumerated in the first schedule are hereby repealed to the extent therein indicated. Repeal.

**3** In this Act, unless the contrary intention appears—  
 “Charges” means any moneys payable to a council in respect of work executed, or services rendered, by the council in relation to any land :

Interpreta-  
 tion.

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*Rates and Charges Recovery.*


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A.D. 1936.

“Clerk” means the town clerk of a city, the council clerk of a municipality, or the secretary of any other local body :

“Collector” means a person appointed by a council to collect rates or charges :

“Council” includes the executive body administering the affairs of a local body :

“Local Body” means any statutory body authorised by law to make, levy, and collect rates in respect of property within a specified area :

“Ratepayer” means any person liable for the payment of any rate or charge in relation to which the term is used.

Application  
of Act.

**4**—(1) Where by any Act a council is authorised or empowered in respect of any land to—

- i. Make and levy any rate :
- ii. Execute or perform any work at the cost of the owner or occupier :
- iii. Render any service and to make a charge therefor on the owner or occupier : or
- iv. Recover from the owner or occupier any expenses incurred by the council—

upon or in relation to, or for the benefit of such land, such rates, costs, charges, and expenses, may be recovered by such council as provided by this Act ; and the relevant provisions of this Act shall be deemed to be incorporated with such firstmentioned Act.

(2) Except as provided in subsection (3) hereof all proceedings instituted or commenced after the passing of this Act for the recovery of any rates or charges authorised and payable under any such Act as aforesaid, shall be taken and had in accordance with the provisions of this Act and not otherwise.

(3) This section shall not affect the operation of any enactment empowering a council to sell any materials in relation to which any work has been done by it at the cost of the owner of such materials.

Demand for  
payment of  
rates or  
charges.

**5**—(1) Every demand for payment of any rate or charge shall be in writing and set forth—

- i. The name of the person required to make the payment :
- ii. The amount payable :

*Rates and Charges Recovery.*

- iii. The period, if any, in respect of which the amount is payable: A.D. 1936.
- iv. The date on or before which payment is to be made:
- v. The address at which payment is to be made:
- vi. A sufficient description of the property in respect of which the amount is payable: and
- vii. In the case of charges, particulars of the work or services in relation to which the amount is payable—

and the name of the collector, or of the treasurer to the council shall be signed or printed thereon.

**6**—(1) Any such demand as aforesaid may be served on the person named therein— Service of demand.

- i. Personally:
- ii. By post: or
- iii. By delivering it at his usual or last known place of abode to some person apparently over the age of sixteen years: and

if such person is absent from the State, the demand may be served in any of the foregoing ways upon his known agent in this State.

(2) Where the demand is upon a person whose address is unknown to the council, and who has no known agent in this State, it may be served by publishing a copy thereof three times in a newspaper at intervals of not less than seven days; and if the name of the person on whom it is to be served is not known to the council, it may be addressed to the owner or occupier, as the case may be, of the property to which the demand relates.

(3) A duplicate of every such demand shall be retained by the council and any such duplicate endorsed by the person effecting the service of the demand with that date on which, and the manner in which, such service was effected by him shall be *prima facie* evidence of such service.

**7**—(1) Where payment of any rate or charge has been demanded as provided by this Act and the ratepayer refuses or neglects to pay the amount thereof in accordance with such demand the same may be recovered as hereinafter provided. Recovery of rates and charges.

- (2) Such recovery may be enforced—
- i. In the case of a rate, by distress:

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*Rates and Charges Recovery.*

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A.D. 1936.

ii. Upon complaint under the *Justices Procedure Act* 1919; or

iii. Where the rate or charge is declared by the Act under which it is payable to be a charge on the land in respect of which it is so payable—

(a) By taking possession of the land in respect of which the amount is payable: or

(b) By sale of the land—

as provided by this Act, or by action in any court of competent jurisdiction.

(3) For the purposes of this section any reference to a rate or charge includes any interest payable in respect thereof.

Recovery of rates by distress.

**8**—(1) Upon proof upon oath that any ratepayer has failed or refused for the space of thirty days to pay any rate lawfully demanded from him and that such rate is still unpaid any justice may issue a warrant of distress in the prescribed form.

(2) Such warrant shall authorise the person therein named to distrain the goods and chattels of such ratepayer wherever the same may be found, and also all goods and chattels found upon the premises in respect of which such rate is payable (not being goods or chattels which by law are exempt from such distress), or so much thereof as may reasonably be considered sufficient to satisfy the distress and costs, and to cause the goods and chattels so distrained to be sold, unless within four days after such distress is made the amount for which the same was levied together with costs of the distress have been paid.

(3) Proof that a rate has been demanded, and is unpaid, may be made by the affidavit of the collector, or of the clerk, or of the treasurer appointed by the council.

(5) The moneys arising from any such distress and sale as aforesaid shall be applied—

i. In payment of the prescribed costs of such distress and sale: and

ii. Secondly, in or towards liquidation of the amount due to the council—

and the balance, if any, shall be paid on demand to the person whose goods and chattels were distrained.

(4) It shall be the duty of every police officer, if so required to aid and assist in making a distress under this section.

*Rates and Charges Recovery.*

9—(1) If any person liable to pay any rates or charges fails to pay the same for the space of thirty days after the same have been demanded, any justice may summon the defaulter to appear before him or any other justice, at a time and place to be mentioned in the summons, to show cause why the rates or charges should not be paid; and in case the defaulter fails to appear, according to the exigency of the summons, or no sufficient cause for non-payment be shown, the justice may issue a warrant of distress in the prescribed form.

A.D. 1936.

Proceedings upon complaint.

(2) The provisions of subsections (2) and (4) of section eight shall apply to such warrant in relation to the rates or charges recoverable in like manner as the same apply to a warrant issued under that section.

(3) The provisions of section twenty-two of the *Justices Procedure Act* 1919 shall not apply to proceedings under this section.

10 Where default has been made in payment of any rates or charges which, by the Act under which such rates or charges are payable, are made a charge on the land in respect of which the same are payable and—

Council may take possession of land in certain cases.

- i. Default in respect of any portion of such rates or charges has continued for not less than four years: and
- ii. The amount due in respect thereof including any—
  - (a) Interest payable in respect of such rates or charges: and
  - (b) Costs properly incurred in any proceedings previously taken for the recovery thereof—

is not less than the aggregate amount of the ordinary annual rates levied in respect of such land during the five rating years then last past, and such land is unoccupied—

the council to whom such rates or charges are payable may take possession of such land as hereinafter provided and hold the same against all claimants thereto.

11 Before exercising the power conferred by section ten the council shall serve on the persons, and in the manner, prescribed by subsection (3) of section sixteen a demand in

Notice to be given before possession taken.

*Rates and Charges Recovery.*

A.D. 1936.

the prescribed form for payment of the amount due in respect thereof together with a notice that after the expiration of one month after service of such notice the council will take possession of such land unless in the meantime such amount is paid to the council.

Power to council to grant leases, to insure, and to repair buildings.

**12**—(1) Where the council has taken possession of any land under this Act, the council may grant leases of such land as hereinafter provided.

(2) Every such lease shall reserve the best rent that can reasonably be obtained for such land, and shall be for such term, not exceeding seven years, as the council may think fit.

(3) On taking possession of any property as aforesaid, the council shall cause to be affixed upon some conspicuous part thereof a notice that possession of such land has been taken by the council under the provisions of this Act, and that such land is to be let on lease.

(4) Where a council has entered into possession of any land under this Act the council may effect such repairs, and pay such premiums, as may be reasonably necessary or may be thought advisable by the council to make the property let more readily, and to keep such buildings as the council may think fit insured against loss or damage by fire; and may fence any such land where necessary.

Application of rents.

**13**—(1) All rents received by the council in respect of any such lease shall be applied by the council in payment of—

- I. All costs of and incidental to the preparation and execution of such lease :
- II. All sums reasonably expended by the council for insurance against fire :
- III. The rates, charges, and other outgoings accruing due in respect of such land : and
- IV. The amount mentioned in paragraph II. of section ten, together with interest at the rate of five pounds per centum per annum on the annual balance thereof remaining unpaid from year to year, computed from the date of service of the demand mentioned in section eleven—

and after all such payments have been made the balance, subject to the provisions of subsection (2) hereof, shall be paid



*Rates and Charges Recovery.*

on demand to the person who, but for the provisions of this Act, would have been entitled to the rents and profits of the land in respect of which the same was received. A.D. 1936.

(2) Unless some person entitled in that behalf claims such balance within thirty years after the date on which the council entered into possession of the land, the moneys comprised in such balance shall become the property of the council and all rights of every such person in respect thereof shall cease and determine.

**14**—(1) If within thirty years after the council has taken possession of any land under this Act any person having any estate or interest therein pays to the council all moneys then due to the council in respect of such land, the council shall forthwith give up possession of the land.

Release of  
land upon  
payment of  
amount due.

(2) The council, upon the demand of any such person, shall furnish him with a statement showing, in respect of such land, the amount—

- i. Payment of which was demanded as provided by section eleven and the date of service of such demand :
  - ii. Of all rates, charges, and outgoings which have accrued due or become payable since that date :
  - iii. Of all rents received by the council with particulars of the application thereof : and
  - iv. Which the council claims to be payable—
- at the date of such statement.

(3) Upon receipt of such payment as aforesaid, the council, at the request and cost of such person, shall do and execute all such acts, matters, and things as may be necessary to give effect to the provisions of this section and to vest the possession of the land in the person entitled thereto ; and shall deliver to such person the counterpart of any subsisting lease granted by it in respect of the land, and shall give notice in writing forthwith to the lessee thereunder that such person has become the lessor of the land

(4) No lease lawfully granted by the council shall be prejudiced or affected by the provisions of this section, but the lessee thereunder shall by force of this section become the lessee of the person in whom possession of the land becomes vested, and such person shall have the like rights and obligations as if the lease had been granted by him and in his name as lessor.

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*Rates and Charges Recovery.*


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A.D. 1936.

Land to  
becom prop-  
erty of  
council in  
certain cases.

**15**—(1) If, at the expiration of thirty years after the council has taken possession of any land as provided by this Act, no person has made a valid claim to have the same released as provided by section fourteen, the land shall vest in and belong to the corporation represented by the council absolutely, and the council shall be entitled to retain for its own use all moneys received by it in respect of such land under this Act.

(2) The council shall thereupon cause a statutory declaration to be made by its mayor, warden or chairman, as the case may be, or by the treasurer or clerk of the council, setting forth—

- i. That on the date therein specified possession of the land thereafter described was taken by the council under this Act, and that for a period of thirty years no person had fulfilled the conditions entitling him to a release of such land :
- ii. The name, if known to the council, of the person in whom on such specified date the property was vested : and
- iii. A full description of such land.

(3) Such statutory declaration may be registered in accordance with the provisions of the *Registration of Deeds Act 1935*, as if the same were a conveyance by the owner of the land to the corporation represented by the council ; and the memorial thereof shall be signed by the mayor, warden or chairman, as the case may be, and by the clerk.

(4) For the purposes of the *Real Property Act 1862*, application shall be made under the seal of the corporation to have the corporation registered as proprietor, and upon such application being lodged, and such statutory declaration being produced, the Recorder of Titles shall issue a certificate of title in respect of the land therein described in the name of the corporation.

Power to sell  
land in cer-  
tain cases.

**16**—(1) In any case to which the provisions of section ten apply, the council in lieu of, or after, taking possession of the land to which they so apply, may sell the same as hereinafter provided, and may convey or transfer the land so sold.

(2) In the exercise of the power hereby conferred, the council may sell the land, or any part thereof, either as a whole or in lots, by public auction or by private contract, subject to such terms and conditions respecting title, or evidence of title, or payment of the purchase money, or

*Rates and Charges Recovery.*

other matter as the council thinks fit, with power to vary any contract of sale, and to buy in at any auction, or to rescind any contract for sale, and to resell without being answerable for any loss occasioned thereby, and with power to make such roads, streets, and passages, and grant such easements of right of way or drainage over the same as the circumstances of the case may require and the council thinks fit; but no such land shall be sold by private contract unless the same has first been offered for sale by public auction.

A.D. 1936.

(3) Before exercising the power conferred by this section, the council shall cause a demand for payment of all rates and charges due in respect of the land to be—

i. Served as prescribed by section six—

(a) In case of land under the *Real Property Act 1862*, on every person appearing by the Register Book: and

(b) In any other case, on every person appearing by any memorial of registration in the Registry of Deeds—

to have any estate or interest in the land: and

ii. Posted—

(a) On the land: and

(b) In a conspicuous position at the office, or principal office, if more than one, of the council—

not less than one month before such power is exercised.

(4) In addition to the particulars required by section five, there shall be included in such demand a notice stating that in default of payment of the amount thereby demanded, together with interest at the rate of five pounds per centum per annum up to the date of payment thereof, the land therein described will be offered for sale by public auction after the expiration of three months from the date of such notice at a time and place to be appointed by the council.

(5) In any case, where any such demand is to be served by advertisement, the council may include in one advertisement demands in respect of lands belonging to more owners than one, or of different lands of the same owner, and such demand may be in the prescribed form.

**17—(1)** The council shall appoint a time and place for the sale of the land not less than three, and not more than twelve, months after service of the demand on the owner thereof.

Procedure on  
sale.

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*Rates and Charges Recovery.*

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A.D. 1936.

(2) Notice of such sale specifying with sufficient particularity the land to be sold shall be advertised by—

- i. Publication in not less than three issues of a newspaper at intervals of at least a week :
- ii. Posting a copy of the advertisement—

(a) In a conspicuous position at the council's office, or principal office, if more than one: and

(b) On the land to be sold --

and by such further or other means as in the circumstances are reasonable and proper.

(3) The council may include in any such advertisement lands belonging to more owners than one, or different lands of the same owner.

Power to  
convey or  
transfer.

**18**—(1) A council exercising the power of sale conferred by this Act shall, in the name of the municipality, have power by deed (where the land is not under the *Real Property Act 1862*), and by transfer (where the land is under that Act), to convey or transfer the land sold for such estate and interest therein as are subject to the charge of the council freed from all estates, interests, and rights, to which the council has priority by virtue of its charge.

(2) Where a conveyance or transfer is made in professed exercise of the power of sale conferred by this Act the title of the purchaser shall not be impeachable on the ground that no case had arisen to authorise the sale, or that due notice was not given, or that the power was otherwise improperly or irregularly exercised; but any person damaged by an unauthorised, or improper, or irregular exercise of the power shall have his remedy in damages against the council in whose name the power was exercised.

(3) An instrument of transfer expressed to be in exercise of the power of sale conferred by this Act shall, if accompanied by a statutory declaration by the clerk or other responsible officer of the council that the provisions of this Act have been complied with, be accepted by the Recorder of Titles as sufficient evidence that the power of sale has been duly exercised.

Transfer  
of land  
under 25  
Vict. No. 18.

**19** Where the land sold is under the *Real Property Act 1862*, the following provisions shall apply —

*Rates and Charges Recovery.*

- A.D. 1936.
- i. The instrument of transfer to be executed in exercise of the power of sale conferred by this Act shall be executed under the seal of the corporation and shall be in the prescribed form :
  - ii. The Recorder of Titles may dispense with the production of the duplicate grant or certificate of title for the purpose of registering any instrument of transfer made in exercise of the power of sale conferred by this Act, and in every such case, upon the registration of the transfer, the Recorder shall notify in the memorial in the Register Book that no entry of such memorial has been made on the duplicate, and such transfer shall be as valid and effectual as if such memorial has been entered thereon :
  - iii. The Recorder shall, before dispensing with the duplicate grant or certificate, require that at least fourteen days' notice of his intention to register such transfer be given to every person appearing by the Register Book to have any right, estate, or interest to, or in the land by registered letter posted to him at his address appearing in the Register Book :
  - iv. The Recorder shall, upon the registration of a transfer in exercise of the power of sale conferred by this Act, cancel any mortgages or charges registered as encumbrances on the land by writing or printing on each memorial of registration of each instrument so registered the word "discharged," and the date of cancellation and signing his name thereto : and
  - v. The registration of such instrument of transfer shall vest in the transferee named therein, all the estate and interest in the land therein mentioned of the registered proprietor, free from all estates, interests, and rights, to which the council has priority by virtue of its charge ; and on such registration the transferee shall be deemed thenceforth to be the proprietor of the land for all the said estate and interest free as aforesaid.

**20**—(1) The money received by the council arising from the sale shall be held by the council in trust to be applied—

- i. First, in payment of all costs, charges, and

Application  
of moneys.

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*Rates and Charges Recovery.*


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A.D. 1936.

expenses properly incurred by the council as incidental to the sale, or any attempted sale, or otherwise :

- ii. Secondly, in discharge of the rates, charges, interest, and costs, and other moneys, if any, due to the council and charged on the land, including any moneys and charges ranking *pari passu* therewith, and due to any other statutory body : and
- iii. Thirdly, in discharge of any mortgages and charges, whether registered or not, to which the charge of the council has priority, according to their respective priorities as far as the same can be ascertained by the council—

and as to the residue thereof, to be paid, within twelve months after the receipt thereof, to the registered proprietor or owner of the land, or into the Supreme Court, under the provisions of section forty-eight of the *Trustee Act 1898*.

(2) Where money has been so paid into court any petition or other application, and any claim or action for or in respect of any such money, shall be presented, made, or instituted within six years next after payment as aforesaid into court, after the expiration of which period all money then or at any time thereafter standing to the credit of the account in the matter of the particular trust concerned shall, if there is no such petition, application, claim, or action pending, or any order of the Supreme Court to the contrary, be paid into the Consolidated Revenue.

Receipt of  
council a  
discharge.

**21** The receipt in writing of the council, sealed with the seal of the corporation, shall be a sufficient discharge for any money arising under the power of sale conferred by this Act, and a person paying the same to the council shall not be concerned to inquire whether any money remains due to the council for rates or charges in respect of the land sold.

Rates and  
charges not  
recoverable  
after six  
years.

**22**—(1) Except as provided in paragraph iv. of subsection (2), and subsection (3) hereof, no rate or charge, or any part thereof respectively, shall be recoverable, and no summons or warrant shall be issued or other proceedings commenced for the recovery thereof at any time after the expiration of six years after such rate or charge became payable, or three years after the commencement of this Act whichever is the later.

*Rates and Charges Recovery.*

(2) Where by the Act under which any such rate or charge is payable the same is charged upon the land in respect of which it is payable it shall cease to be charged upon such land at the expiration of the said period of six or three years after the commencement of this Act, whichever is the later, unless prior to such expiration the council has—

A.D. 1936.

- i. Entered into possession of such land:
- ii. Commenced the proceedings prescribed by section sixteen, for the enforcement of the charge upon such land, and without undue delay carries such proceedings to completion:
- iii. Commenced proceedings for the recovery of such rate or charge in accordance with this Act, and prosecutes such proceedings to completion without undue delay: or
- iv. Received from the person who at the date of such expiration was the owner of such land an acknowledgment in writing signed by such owner or his agent, of his indebtedness in respect of such rate or charge, or a payment on account thereof.

(3) Where any such acknowledgment or payment as is mentioned in paragraph iv. of subsection (2) hereof has been received as aforesaid, the rate or charge may be recovered under this Act if proceedings for such recovery are commenced within six years after the date of such acknowledgment or payment.

**23**—(1) No misnomer, mistake, or informality committed in any proceedings for recovery of any rates, charges, or expenses under this Act, shall prejudice the recovery thereof, nor shall such proceedings fail, lapse, cease, or abate by the death, resignation, or removal of the collector instituting the same, or by any change in the persons composing the council; but it shall be lawful for the collector for the time being to prosecute and follow forth procedure commenced and carried on in the name of any previous collector in all respects as if such procedure had been taken by himself.

Mistak or informality not to invalidate proceedings.

(2) It shall not be competent for any person to sue, nor for any court to entertain any action or proceeding against the council or any collector or any person employed in executing any warrant of distress in respect of any rate or charge under this Act by reason of any misnomer, mistake, or informality,

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*Rates and Charges Recovery.*


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A.D. 1936.

if the goods or other effects seized or sold under such warrant were the property or in the lawful possession of the person liable for the payment of such rate or charge.

Distress not unlawful for want of form.

**24** No distress made under the authority of this Act shall be deemed unlawful, or the person making the same be deemed a trespasser, on account of any defect or want of form in the warrant of distress, or in any other proceeding relating thereto; nor shall the person distraining be deemed a trespasser *ab initio* on account of any irregularity which he may afterwards commit, but the person aggrieved by such irregularity may recover by action, full satisfaction for the special damage.

Provisions as to distress.

**25**—(1) All goods and chattels whatsoever (unless exempted by any Act from such distress) found upon the property in respect of which any rate is payable, to whomsoever the same may belong, and notwithstanding any previous seizure or possession thereof by any landlord under any warrant of distraint for the recovery of rent, or by the holder of any bill of sale, shall be liable to be taken under any warrant of distress issued for the recovery of such rate.

(2) Where the goods and chattels are those of an occupier who is not the owner, and who is not the person liable for payment of the amount for the recovery of which the distress is levied, if such occupier shall pay to the council the amount of rent due from him to the owner at the time of the distress, or during such distress accrues and becomes payable by the occupier, such distress shall be withdrawn; but the occupier shall first satisfy the council that the amount of such rent as aforesaid is less than the sum distrained for.

(3) Where the proceeds of the distress are insufficient to pay the amount for which the distress was levied, together with the costs of the distress and sale, a further distress may be levied to recover the balance thereof.

(4) Upon any distress under this Act costs may be levied in accordance with the scale in the third schedule.

Council may collect rent in certain cases.

**26**—(1) Where any distress has been withdrawn as provided by section twenty-five, the council may serve on the occupier of the land a notice requiring such occupier to pay to the council all rent accruing due from such occupier in respect of the premises occupied by him until the amount due to the council, together with interest thereon and all rates and charges accruing due while such notice is in force, have been paid.



*Rates and Charges Recovery.*

(2) Such notice shall set forth the amount then due to the council in respect of such premises, and the amount of any rate or charge then accruing, and shall require the occupier to pay to the council all rent accruing due from him in respect of such premises as, and when the same becomes payable. A.D. 1936.

(3) Upon receipt of such notice, the occupier shall pay to the council all rent payable by him in respect of such premises while such notice is in force, and such payment shall be a discharge to the occupier of his liability in respect of the rent so paid and he shall not be bound to inquire whether any balance remains due to the council.

(4) The council when required shall account to the ratepayer for all rents received by it under this section.

(5) So soon as the council has received the amount of all moneys payable to it in respect of the premises to which such notice as aforesaid relates, it shall cancel the notice and pay to the ratepayer the balance, if any, of the moneys received by the council thereunder after payment of such amount as aforesaid.

**27** The owner, prospective purchaser, mortgagee, prospective mortgagee, tenant, or occupier of any property may require the council to state what, if any, unpaid rates, or charges there may be due, in respect thereof or charged thereon, and may upon payment of the sum of one shilling require from the council a certificate under the hand of the clerk setting out what, if any, rates or charges are due in respect thereof, or charged thereon, or, if none, that no rates or charges are so due or charged, and thereby the council shall be estopped from demanding any rates or charges in respect of that property, except such as are shown in such certificate, and such as shall subsequently become due or payable.

Certificate as to rates and charges may be demanded.

**28** All remedies for the recovery of rates, charges, interest, or other outgoings may be concurrent, and any remedy or proceeding may be taken or proceeded with notwithstanding that some other remedy or proceeding has been instituted, commenced, or proceeded with.

Remedies concurrent.

**29** The forms set forth in the second schedule shall be used in the several cases to which the same respectively are appropriate.

Forms.

**30** The Governor may make regulations for the purposes of this Act.

Regulations.

*Rates and Charges Recovery.*

A.D. 1986.

## THE FIRST SCHEDULE.

Section 2.

Regnal Year and Number.	Title of Act.	Extent of Repeal.
22 Vict. No. 27	<i>An Act to facilitate the Collection and Recovery of Rates</i>	The whole Act
42 Vict. No. 43	<i>An Act to amend an Act to facilitate the Collection and Recovery of Rates</i>	The whole Act
55 Vict. No. 14	<i>An Act to amend the Law relating to the Collection and Recovery of Rates</i>	The whole Act
58 Vict. No. 30	<i>The Launceston Corporation Act 1894</i>	Sections 124, 125, and 129 to 141
6 Ed. VII. No. 31	<i>The Local Government Act 1906</i>	Section 182 Subsections (1) and (3) to (8) of section 185 Subsections (2) and (3) of section 230 Subsections (1), (4), (9), and (10) of section 236, and the words "at any time" in subsection (2) thereof Divisions X. and XI., of Part VI., comprising sections 237 and 238 Forms IX. to XIV. in the second schedule The fourth schedule
9 Geo. V. No. 11	<i>The Launceston Corporation Act Amendment Act 1918</i>	Sections 43 to 52 and 56
20 Geo. V. No. 44	<i>The Hobart Corporation Act 1929</i>	Sections 129 to 132, 134 to 142, and 144 to 149

*Rates and Charges Recovery.*

THE SECOND SCHEDULE.

A.D. 1936.

FORM I.

DEMAND FOR PAYMENT OF RATE OR CHARGE.

Section 5.

City [or Municipality] of  
 DEMAND for Rates and Charges for the Year [or half-year, or as the case may be] ending , 19 ,  
 in respect of property [here insert a sufficient description of the property].

To

[Here insert name and address of rate-payer.]

[Here insert particulars of rates or charges period, if any, for which [Amount of same are payable, or date on which each item.] any special charge became due.]

[The amount of arrears, if any, may be inserted here.]

TAKE notice that the above amount of rates and charges for the half-year ending 31st December, 1936, is now payable in advance, and I hereby demand from you payment thereof, together with the arrears of former rates and charges, if any.

Date

.....

Treasurer.

[or Collector of Rates.]

N.B.—Payment of the above rates [and charges, or charges (simply, as the case may be)] should be made at [here insert place and hours for payment]. [Any further or other directions may be inserted as desired.]

FORM II.

Section 8.

WARRANT OF DISTRESS FOR RATES.

TASMANIA ) To C.D., [Collector of Rates for the City (or  
 TO WIT. ) Municipality) of (or as the case  
 may be)].

WHEREAS it has been proved upon oath before me, a justice of the peace, that A.B., of in , has failed or neglected to pay the sum of payable by, and lawfully demanded from, him for [here state description of rate], made and levied on the day of , 19 , and that the said sum is still unpaid: These are therefore to command you forthwith to make distress of the goods and chattels of the said A.B., whereso-

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*Rates and Charges Recovery.*


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A.D. 1936.

ever the same may be found, and also of all goods and chattels (not being goods exempt by law from such distress) found by you upon the property in respect of which such rates are due and payable, to whomsoever the same may belong, and that (unless at any time before the sale of the goods and chattels so by you distrained, the said sum, together with all costs, charges, and expenses attendant upon such distress, be paid to you) you cause the said goods and chattels, so by you distrained to be sold, and out of the money arising by such sale that you retain the said sum and also all costs, charges, and expenses attendant upon such distress and sale, rendering, on demand, to the said A.B., or other person whose goods and chattels are so distrained by you, as the case may be, the overplus, if any, and the said sum you are hereby commanded to pay to X.Y., the Treasurer of the said City [*or Municipality*]; and if no sufficient distress can be made of the goods and chattels of the debtor, or otherwise as aforesaid, that then you certify the same to me, together with this warrant.

Given under my hand, this \_\_\_\_\_ day  
of \_\_\_\_\_, 19 \_\_\_\_\_

E.F.,

A Justice of the Peace.

Section 9.

## FORM III.

WARRANT OF DISTRESS FOR RATES OR  
CHARGES ON COMPLAINT.

[*Heading as in Form II.*]

WHEREAS complaint has been made before me, a justice of the peace, that A.B., of \_\_\_\_\_, in \_\_\_\_\_, has failed or neglected to pay the sum of \_\_\_\_\_, payable by, and lawfully demanded from, him for [*here state particulars of the rate or charge sought to be recovered, with date when the same was levied or became payable*]:

AND whereas it appears to me, upon the oath of \_\_\_\_\_, that the said sum has been lawfully demanded from the said A.B. and is still unpaid:

AND whereas the said A.B., having appeared before me in pursuance of a summons issued by [*me*] for that purpose, has not shown sufficient cause why the said sum of \_\_\_\_\_ should not be paid: [*or And whereas it has been proved to me upon oath that the said A.B. has been summoned to appear before [*me*] or such other justice of the peace as might now be here, to show cause why the said sum of \_\_\_\_\_ should not be paid, and the said A.B. has neglected to appear according to such summons (or has not shown any sufficient cause why the said sum of \_\_\_\_\_ should not be paid)*]:  
These are therefore, &c. [*as in Form II.*].

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*Rates and Charges Recovery.*


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## FORM IV.

DEMAND AND NOTICE THAT POSSESSION  
WILL BE TAKEN.

A.D. 1936.

Section 11.

City [*or Municipality*] of

To A.B., of

WHEREAS default has been made in payment of rates [*or charges; or rates and charges*] amounting to £  
payable to the Council of the City [*or Municipality*] of  
in respect of the property [*here insert a  
sufficient description of the land affected*], and such default  
has continued for four years and over, and there is now due  
and owing in respect thereof to the said Council the sum  
of £ :

Now therefore payment of the said sum is hereby demanded  
and notice is hereby given that, unless the said sum be paid  
to the said Council at within one month after  
the service [*or, if notice is advertised, the publication*] of  
this notice, the Council will enter into possession of the land  
above mentioned.

*C.D.,*  
[Mayor, Warden, Clerk, *or*  
Treasurer.]

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## FORM V.

## DEMAND AND NOTICE OF SALE.

Section 16.

City [*or Municipality*] ofTo A.B., the owner [*or registered proprietor*] of—

*C.D.*, a person appearing by the register to have an estate  
or interest in—[*or*]

*E.F.*, a person appearing by registered memorial to have  
an estate or interest in—

the land hereinafter described.

[*As in Form IV. to "Notice is hereby given", and proceed*]  
that unless the said sum, together with interest thereon at  
the rate of five pounds per centum per annum up to the date  
of payment, be paid to the said Council at  
within three months after the service [*or publication*] of this  
notice the said land will be offered for sale by public auction  
at a time and place to be appointed by the Council.

*G.H.,*  
[Mayor, *or, &c., as in Form IV.*]

NOTE.—Where several properties belonging to different  
owners are included in one notice for advertisement, the notice  
may be headed "To the several persons named in the first  
column of the schedule hereto, who appear to be the owners  
or registered proprietors of, or to have estates or interests in,  
the several lands set forth in the fifth column of the said

*Rates and Charges Recovery.*

A.D. 1936. — schedule respectively”, and the descriptions of the lands may be set forth in a schedule appended to the notice, thus—

SCHEDULE.

Names of Registered Proprietors or Owners, and also of All Other Persons having an Estate or Interest in the Land.	Date Since Which the Default has Continued.	Amount Owing.		Descriptions of the Several Pieces of Land Referred to.
		Rates.	Interest.	

FORM VI.

TRANSFER OF LAND.

THE [*insert name of Council*] in exercise of the power of sale conferred on the Council by the *Rates and Charges Recovery Act 1936*, and in consideration of the sum of [*state amount in words*] paid to it by [*the transferee*], hereby transfers to *E.F.* [*insert name of transferee*] of for an estate in fee simple [*or, as the case may be*], freed from all registered mortgages and charges, but subject to the encumbrances notified hereunder, in all that piece of land, &c. [*describe the land*], being the land [*or, part of the land, as the case may be*] more particularly described in the grant [*or, certificate of title, as the case may be*] entered in the Register Book, Vol.           , Fol.            [*insert numbers*].

Dated the            day of           , 19   .

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*Rates and Charges Recovery.*

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A.D. 1936.  

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THE THIRD SCHEDULE.  

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## COSTS OF DISTRESS.

For every warrant of distress .....	Five shillings
For man in possession, each day or part of day .....	Ten shillings
For inventory, sale, commission, and delivery of goods .....	Not exceeding one shilling in the pound on the proceeds of the sale

*Mileage.*

For every mile or part of a mile, where the warrant is executed not more than two miles from the office of the Council .....	Two shillings
Where such distance exceeds two miles, for every mile or part of a mile beyond .....	One shilling

