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GOVERNMENT OF THE SOVEREIGN DEMOCRATIC REPUBLIC OF FIJI
DECREE NO. 21 OF 1992

LOCAL GOVERNMENT ACT (AMENDMENT) DECREE, 1992

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Interpretation
3. Deduction of money for rates

In exercise of the powers vested in me as President of the Sovereign Democratic Republic of Fiji and Commander-in-Chief of the Armed Forces, and acting in accordance with the advice of the Prime Minister and the Cabinet, I hereby make the following Decree:

Short title

1. This Decree may be cited as the Local Government Act (Amendment) Decree 1992.

Interpretation

2. In this Decree:

"Act" means the Local Government Act;

"Council" means the council of a city or town;

"Minister" means Minister responsible for Urban Development.

Deduction of money for rates

3. The Act is amended by inserting the following Section immediately after Section 78:

Deduction of rates from moneys payable to a person from whom rate is recoverable

78A.—(1) Where any sum payable by way of rates, under this Act, remains unpaid for a period of at least 30 days from the date when such sum becomes valid and binding under any provisions of this Act, and a notice has been served upon the person from whom the rate is recoverable in the manner provided in subsection (4) warning him that such sum has become due and payable, the Town Clerk shall by notice in writing in the form prescribed by the Minister a copy of which shall be sent to such person, require any person to deduct such sum as may be specified in the notice, not exceeding the rate due and payable, or any instalment thereof, from any amount of moneys which is or which may, at any time within 12 months from the date of such notice, be payable or become payable to the person from whom the rate is recoverable and to pay the sum so deducted to the Council within the time specified in such notice and the sum so paid shall be to the credit of the person from whom the rate is recoverable.

(2) Any amount so deducted shall be deemed to have been deducted with the consent of the ratepayer and no action shall lie against any employer or person merely by reason of the making of such deduction.

(3) The sum deducted from any amount pursuant to a notice under the provisions of this section shall be without prejudice to any other remedies against the ratepayer and recoverable in the same manner in all respects as if it were rates payable by the ratepayer.

(4) Any person receiving such notice of deduction as aforesaid who is unable to comply therewith on account of the fact that the monies in question do not come into his possession within the period specified in such notice shall notify the Town Clerk within fourteen days of the expiration of period acquainting him with the facts, or shall notify the Town Clerk within fourteen days if the ratepayer leaves his employment during the currency of the order.

(5) For the purpose of subsection (1) notice shall be served upon a person from whom rate is recoverable by:

- (a) delivering it personally to the person, or
- (b) posting it to the address of the person last known to the Council, or
- (c) in the case of a non-resident by delivering it personally or posting it to the agent of the non-resident.

(6) The provisions of subsections (1) to (5) of this Section shall not apply where any sum payable is by way of rates accruing or owed in respect of any unalienated or undeveloped land within a town or city."

Made at Suva this 21st day of April 1992.

PENAIA K. GANILAU
President of the Sovereign Democratic Republic of Fiji and
Commander-in-Chief of the Armed Forces
