

# *The Municipal Debentures Repayment Act*

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Chapter 145 of *The Revised Statutes of Saskatchewan, 1940*  
(effective February 1, 1941).

## **NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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## CHAPTER 145

### An Act respecting the Repayment Terms of Municipal Debentures

#### Short title

**1** This Act may be cited as *The Municipal Debentures Repayment Act*.

R.S.S. 1930, c.121, s.1; R.S.S. 1940, c.145, s.1.

#### Extension of payment of debentures over lifetime of undertaking

**2** When a municipality has issued debentures or has passed a bylaw authorizing the issue of debentures and the council is of opinion that the period for payment of the debentures is less than the lifetime of the work or undertaking and desires to pass a new bylaw extending the payment for the work or undertaking over the lifetime of the same, then the municipality may make application to the Local Government Board for permission to do so pursuant to the provisions of *The Local Government Board Act*.

R.S.S. 1930, c.121, s.2; R.S.S. 1940, c.145, s.2.

#### Fixing period of indebtedness

**3** If the Local Government Board decides to grant the application it shall do so on such terms as it deems advisable and shall fix the period over which the indebtedness may be spread, such period to be based on the lifetime of the work or undertaking or other object of the proposed extending bylaw as the same may be estimated by the board.

R.S.S. 1930, c.121, s.3; R.S.S. 1940, c.145, s.3.

#### Alteration in mode of assessment

**4** When the proposed bylaw relates to local improvements and the council desires to alter the mode of assessment, it may do so under the local improvement sections of the respective Act or Acts applicable thereto upon first obtaining the consent of the Local Government Board to the altered mode of assessment, and the reassessment shall be made accordingly.

R.S.S. 1930, c.121, s.4; R.S.S. 1940, c.145, s.4.

#### No assessment appeal; exception

**5** Notwithstanding anything contained in any Act to the contrary, there shall be no appeal against the reassessment except on the ground that there is an error in the frontage assessed, but the municipality shall forward notices of the reassessment of the party assessed, giving particulars thereof as provided by the Act respecting such notice:

Provided that the non-transmission or non-delivery of such notice shall not invalidate the reassessment but the same shall be valid and binding in all respects.

R.S.S. 1930, c.121, s.5; R.S.S. 1940, c.145, s.5.

**Adjustment when assessment altered**

**6** If the assessment and charges of a local improvement are commuted and a different mode or method of assessment is adopted whereby a lesser assessment is made against the property affected, then the municipality shall rebate the difference if any to the party entitled thereto. If, however, the new methods of assessment result in a heavier assessment or charge being placed against the property affected, then the municipality shall assess and levy the additional charge in the same manner as it would an original charge pursuant to the provisions of the Act or Acts respectively applicable thereto.

R.S.S. 1930, c.121, s.6; R.S.S. 1940, c.145, s.6.

**Where change in assessment allowed superseding bylaws passed**

**7(1)** If the consent of the Local Government Board is obtained as herein provided, the council of the municipality may, without the assent of the burgesses authorized to vote on money bylaws, pass a bylaw or bylaws providing for raising a sum of money and levying a rate or rates sufficient to meet the indebtedness at the maturity of the extended period as herein provided.

(2) From and after the passage of such superseding bylaw or bylaws and the execution and issue of debentures as thereby authorized, the municipality shall levy yearly the sums thereby required to be raised sufficient with interest compounded yearly at the rate of four per cent per annum to meet the indebtedness at maturity, taking into consideration the amount at the credit of the sinking fund under the superseded bylaw or bylaws, to form a sinking fund for the payment of the principal of the debentures, and shall cease to levy the respective sums required to be levied by and under the superseded bylaw or bylaws for the purpose of forming sinking funds for the payment of the principal of the debentures issued under such bylaw or bylaws.

(3) The municipality shall continue to levy yearly under the superseded bylaw or bylaws the respective amounts required to pay the interest on the debentures issued thereunder or on such of the debentures issued thereunder as may be outstanding.

(4) The superseding bylaw or bylaws shall make provision for the issue of debentures to an amount sufficient to meet the principal at maturity, bearing the same rate of interest as that provided for by the superseded bylaw or bylaws, but no levy shall be made for the interest during the period in which levies are being made for interest under the superseded bylaw or bylaws.

(5) The superseding bylaw or bylaws shall also provide for the issue of a debenture or debentures to an amount sufficient to meet any difference which may arise in the sinking fund from year to year between the amount provided by the superseded bylaw or bylaws and the amount provided by the superseding bylaw or bylaws, such debenture or debentures to be placed to the credit of the sinking fund until sold or otherwise disposed of and the proceeds placed to the credit of the sinking fund.

(6) Any shortage arising from the sale or other disposition of such debentures shall be made up by annual levies by the municipality as the same occur.

(7) A separate bylaw or bylaws may be passed to provide for such difference instead of making provision therefor in the superseding bylaw.

R.S.S. 1930, c.121, s.7; R.S.S. 1940, c.145, s.7.

**New debentures under superseding bylaw**

8 When debentures have been issued under any superseding bylaw the municipality may, with the consent of the Local Government Board and upon obtaining the consent of all parties interested, issue new debentures in such form as it may deem expedient, and may, if agreed, exchange such debentures for outstanding debentures under the same bylaw, which outstanding debentures shall be forwarded to the Local Government Board for cancellation.

R.S.S. 1930, c.121, s.8; R.S.S. 1940, c.145, s.8.

**Destruction of debentures and new issue**

9 The municipality may in case any debentures authorized by bylaw have not been issued, or, having been issued, have become the property of the municipality, provide by bylaw that such debentures if issued be destroyed and if unissued be not issued, and may authorize debentures to be issued under the authority of the bylaw providing for the extended period of payment for any work or undertaking.

R.S.S. 1930, c.121, s.9; R.S.S. 1940, c.145, s.9.

**Application of purchase money**

10 The purchasers of debentures issued under the authority of this Act shall not be bound to see that the purchase money is applied for the purposes herein or in the bylaws specified.

R.S.S. 1930, c.121, s.10; R.S.S. 1940, c.145, s.10.

**Loans under superseded bylaw not part of general debt of municipality**

11 No portion of any loan raised by a municipality under the provisions of a superseded bylaw shall, after the passage of a superseding bylaw, form part of the general debt of the municipality within the meaning of any Act limiting the borrowing powers of municipalities, and it shall not be necessary to recite the amount of the loan secured by such superseded bylaw.

R.S.S. 1930, c.121, s.11; R.S.S. 1940, c.145, s.11.

**Bylaws unrepealed until debt paid**

12 No bylaw passed under the provisions of this Act, unless otherwise provided, shall be repealed until the debt created under the bylaw is fully paid and satisfied.

R.S.S. 1930, c.121, s.12; R.S.S. 1940, c.145, s.12.

**Municipal Acts apply**

13 The provisions of Acts relating to municipalities shall, except in so far as inconsistent herewith, be applicable hereto.

R.S.S. 1930, c.121, s.13; R.S.S. 1940, c.145, s.13.

**Retirement of debenture debt prior to maturity**

14 Application may be made by a municipality to the Local Government Board for authority to provide a fund sufficient with interest at four per cent. per annum to retire the debenture indebtedness under any bylaw during the estimated lifetime of the work or undertaking and prior to the maturity of the debenture.

R.S.S. 1930, c.121, s.14; R.S.S. 1940, c.145, s.14.

**Fixing period for raising sum**

**15** If the Local Government Board decides to grant such application it shall fix the period within which a sufficient amount to retire the indebtedness within such shorter period is to be raised.

R.S.S. 1930, c.121, s.15; R.S.S. 1940, c.145, s.15.

**Covering bylaw**

**16** The council of the municipality shall thereupon pass a bylaw without referring the same to the burgesses, which shall make provision for an annual levy sufficient, with interest compounded yearly at four per cent per annum, to raise the amount within the fixed period, such bylaw to be in a form approved by the Local Government Board.

R.S.S. 1930, c.121, s.16; R.S.S. 1940, c.145, s.16.

**Depreciation Fund**

**17** The amount of the annual levy shall from time to time be placed to the credit of the sinking fund account of the municipality, but shall be specially marked "Depreciation Fund", and it shall be subject to the same provisions as to the raising and investment thereof as the sinking fund.

R.S.S. 1930, c.121, s.17; R.S.S. 1940, c.145, s.17.

**Special use of fund**

**18** Application may from time to time be made by a municipality to the Local Government Board for permission to use such fund or a portion thereof to replace the work or undertaking or any part thereof required to be replaced, and if permission is obtained the municipality may use so much of the "Depreciation Fund" as the board may authorize.

R.S.S. 1930, c.121, s.18; R.S.S. 1940, c.145, s.18.

**Approval of forms of debentures and bylaws conclusive**

**19** Notwithstanding anything contained in any Act to the contrary the bylaws and debentures herein referred to may be in such form as may be approved of by the Local Government Board, and upon such approval being obtained no irregularities in the form of any of the debentures issued under the authority of this Act or any bylaw authorizing the issue thereof or any other bylaw herein referred to shall render the same invalid or be allowed as a defence to any action against the municipality for the recovery of the amount thereof or the interest thereon or any part thereof.

R.S.S. 1930, c.121, s.19; R.S.S. 1940, c.145, s.19.

**Meaning of "debenture"**

**20** Unless the context otherwise requires, where the word "debenture" or "debentures" is used herein it shall be construed to include "stock" or "consolidated stock".

R.S.S. 1930, c.121, s.20; R.S.S. 1940, c.145, s.20.