



ANALYSIS

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1969, No. 133

An Act to amend the Counties Act 1956

[24 October 1969]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Counties Amendment Act (No. 2) 1969, and shall be read together with and deemed part of the Counties Act 1956 (hereinafter referred to as the principal Act).

2. New sections as to differential general rating inserted—The principal Act is hereby amended by inserting, after section 111, the following heading and sections:

“Differential General Rates

“111A. **Interpretation**—(1) For the purposes of sections 111B to 111o of this Act,—

“ ‘Differential general rate’ means a general rate on all rateable property within a differential rating area:

“ ‘Differential rating area’ means any part of the county constituted a differential rating area pursuant to section 111B of this Act or to a poll held pursuant to a demand under section 111c of this Act, and having such name as the Council assigns to it:

“ ‘15 percent’, in relation to the ratepayers of the county or of any riding, means 15 percent of the total number of ratepayers who were on the rolls of electors for all the ridings of the county or, as the case may be, the roll of electors for the riding concerned for the immediately preceding general election of Councillors.

“(2) Nothing in sections 111B to 111o of this Act shall derogate from the provisions of section 61 of the Counties Amendment Act 1968 (relating to differential rating in county towns), or from the provisions of the said section 61 as applied to county boroughs by section 84 of that Act, or from the provisions of any other enactment authorising the Council to make and levy differential general rates.

“(3) The provisions of sections 111B to 111o of this Act shall have effect notwithstanding anything in sections 105 to 111 of this Act.

“111B. **Council may declare differential rating areas**—

(1) Subject to the succeeding provisions of this section, the Council may, pursuant to a special order,—

“(a) Declare that for the purposes of making and levying the general rate in the county or, where the general rate is made and levied separately in each riding, in any specified riding, the county or, as the case may be, that riding shall be divided into such differential rating areas as are described in the special order; or

“(b) Alter the boundaries of any differential rating areas;
or

“(c) Declare that any division of the county, or, as the case may be, of any riding, into differential rating areas shall be revoked:

“Provided that—

“(d) A poll of the ratepayers of the county or, as the case may be, of the riding shall be taken on the proposal to divide the county or the riding into differential rating areas or to alter the boundaries of any such areas or to revoke the division of the county or riding into differential rating areas, where not less than 15 percent of the ratepayers of the county or, as the case may be, of the riding, by writing under their hands in a form provided by the Council delivered or sent by post to the County Clerk and received at the office of the Council not later than the day before the date fixed for the confirmation of the resolution to make the special order, demand that a poll be taken on the proposal; and

“(e) Where a poll is so demanded, the county or riding shall not be divided into differential rating areas or, as the case may be, the boundaries of any such areas shall not be altered or the division of the county or riding into such areas shall not be revoked unless the proposal is carried in accordance with section 111H of this Act.

“(2) Every resolution to which this section applies shall specify the date on which the division of the county or riding into differential rating areas or, as the case may be, the alteration of boundaries or the revocation of the division of the county or riding into such areas shall come into force, which shall be a day not earlier than the 1st day of April preceding the date fixed for the confirmation of the resolution and not later than 12 months after that 1st day of April.

“(3) Before giving public notice of any resolution under subsection (1) of this section for the division of the county or, as the case may be, any riding into differential rating areas or for the alteration of the boundaries of any such areas, the Council shall cause to be deposited in the office of the Council—

“(a) A plan of the county or riding showing the boundaries of the proposed differential rating areas or, as the case may be, showing the proposed alteration of boundaries; and

“(b) A statement specifying—

“(i) The matters taken into account as the basis for the proposed division of the county or riding, or, as the case may be, for the proposed alteration of boundaries; and

“(ii) The general effect that the division or alteration of boundaries is expected to have on the incidence of general rates as between the several proposed differential rating areas or, as the case may be, between the altered differential rating areas.

“(4) Every such plan and statement shall be open for inspection by the public without fee for at least 1 month before the date fixed for the confirmation of the resolution to make the special order, and public notice of the times when and the place where that inspection may be made shall be given by the Council.

“(5) Every public notice of a resolution to which this section applies shall, in addition to any other particulars required to be given therein, contain a statement to the effect that a poll of ratepayers of the county or, as the case may be, of the riding is required to be taken if 15 percent of the ratepayers of the county or riding so demand by writing under their hands delivered or sent by post to the County Clerk and received at the office of the Council not later than the day before the date fixed for the confirmation of the resolution.

“111c. **Ratepayers may demand poll to constitute, alter, or revoke differential rating areas**—(1) Subject to the succeeding provisions of this section, not less than 15 percent of the ratepayers of the county, or, where the general rate is made and levied separately in each riding, not less than 15 percent of the ratepayers of any riding, may demand that a poll be taken on a proposal that—

“(a) For the purposes of making and levying the general rate in the county or, as the case may be, in the riding, the county or the riding be divided into differential rating areas as described in the demand; or

“(b) The boundaries of any differential rating areas be altered in the manner specified in the demand; or

“(c) The division of the county or, as the case may be, of the riding into differential rating areas be revoked.

“(2) Every demand to which this section applies shall be in writing in a form provided by the Council, shall be signed by the ratepayers demanding the poll, and shall be delivered or sent by post to the County Clerk at the office of the Council.

“(3) Every ratepayer who signs any demand for a poll under this section shall at the same time enter on the demand the date on which he signed it, and no signature on such a demand shall be valid for the purposes of this section if it is dated

more than 12 months before the date on which the demand is delivered or sent by post to the County Clerk.

“111D. Alteration of boundaries of differential rating areas—Where the boundaries of any differential rating areas have been altered pursuant to section 111B of this Act or pursuant to a demand for a poll of ratepayers under section 111C of this Act, the next alteration of boundaries shall not be made pursuant to the said section 111B or to such a poll so as to come into effect before—

“(a) The expiration of 5 years after the coming into effect of the immediately preceding alteration of boundaries made pursuant to the said section 111B or to such a poll of ratepayers; or

“(b) The date of the coming into force of the first revision of the district valuation roll for the county under the Valuation of Land Act 1951 made after the coming into effect of the immediately preceding alteration of boundaries pursuant to the said section 111B or to such a poll,—

whichever is the earlier.

“111E. Alteration of boundaries of differential rating areas on alteration of boundaries of county or riding—Where at any time while the county or any riding is divided into differential rating areas the boundaries of the county or, as the case may be, that riding are altered, then, notwithstanding anything in section 111B or section 111C or section 111D of this Act, the Council may, by resolution, alter the boundaries of any such differential rating areas in such manner as it considers to be necessary in consequence of that alteration in the boundaries of the county or riding.

“111F. Alteration of boundaries of differential rating areas on alteration of zoning under district scheme—Where—

“(a) The county or any riding has been divided into differential rating areas having the same boundaries as the several zones into which the county or riding, as the case may be, is divided under an operative district scheme under the Town and Country Planning Act 1953; and

“(b) The boundaries of any of those zones are altered by any change of that district scheme or by the substitution of another operative district scheme for that district scheme or of an operative part of a district scheme for any part of that district scheme,—

then, notwithstanding anything in section 111B or section 111c or section 111D of this Act, the Council may, by resolution, alter the boundaries of any of those differential rating areas or redivide the county or riding, as the case may be, into differential rating areas, in such manner as may be necessary in order that the boundaries of the several differential rating areas will continue to be the same as the boundaries of the several zones under the changed or substituted district scheme.

“111G. Taking of polls—(1) Upon receipt of a valid demand for a poll made and delivered to the County Clerk pursuant to section 111B or section 111c of this Act, the County Clerk shall, not later than 14 days after receiving the demand, deliver it to the Returning Officer of the county.

“(2) The day on which a poll is to be taken pursuant to a demand for a poll made and delivered under section 111B or section 111c of this Act shall be a day fixed by the Returning Officer of the county, being not less than 35 nor more than 42 clear days after the date of the receipt by him of a copy of the demand for a poll:

“Provided that where the demand for a poll is received by the Returning Officer on any day after the 8th day of November and before the 27th day of December in any year, the day to be so fixed shall be a day not less than 35 nor more than 42 clear days after the 27th day of December.

“(3) Notwithstanding the provisions of subsection (2) of this section, where the demand is so received after the 31st day of January and before the 1st day of September immediately preceding the date on which a triennial general election of Councillors is to be held pursuant to the Local Elections and Polls Act 1966, the poll shall be taken on the day fixed for that election.

“(4) On the day appointed, a poll shall be taken in the manner provided by the Local Elections and Polls Act 1966 for the taking of polls other than elections, and every ratepayer of the county or riding, as the case may be, shall be entitled to vote accordingly.

“111H. Majority required to carry proposal—If the majority of valid votes recorded at the poll is in favour of the proposal, then, and not otherwise, the proposal shall be deemed to be carried, and the Council shall proceed with the proposal accordingly; but if the proposal is not carried the Council shall not so proceed.

“111I. Result of poll to be published—Within 21 days after a poll has been taken, the Returning Officer shall cause to be published in one or more newspapers circulating in the county a notice stating the number of votes recorded for and against the proposal, the number of informal votes recorded, and declaring the proposal to be carried or rejected, as the case may be.

“111J. Disputed polls—(1) If the result of any poll is disputed, any 10 ratepayers of the county or, as the case may be, of the riding may, in the manner and within the time prescribed by the Local Elections and Polls Act 1966, require an inquiry to be held, and the matter in dispute shall be determined in the manner prescribed by that Act in the case of disputed polls.

“(2) For the purposes of this section, the period of 14 days after the giving of public notice under section 42 or section 43 of the Local Elections and Polls Act 1966, as the case may be, declaring the result of a poll prescribed by section 69 of that Act shall be deemed to be the period of 14 days after the date on which notice of the result of the poll is first published in a newspaper.

“111K. Date of implementation of proposal if carried—Where a proposal on which a poll is taken pursuant to demand under section 111c of this Act is carried, the proposal shall have effect on the 1st day of April next succeeding the date on which the result of the poll is published.

“111L. Notice to Valuer-General—Where the county or any riding is divided into differential rating areas or the division of the county or of any riding into such areas is revoked or the boundaries of any such areas are altered, the County Clerk shall forthwith give notice thereof in writing to the Valuer-General.

“111M. Levying of general rate in differential rating areas—So long as the county, or, as the case may be, any riding of the county, is divided into differential rating areas, the Council, instead of making and levying a uniform general rate over the county as a whole, or, as the case may be, over that riding as a whole, shall make and levy a general rate on all rateable property within each differential rating area of such differential amounts in the dollar on the rateable value of the rateable property in each such area as the Council by resolution fixes and determines from year to year:

“Provided that the rate in the dollar of the differential general rate that may be made and levied in any year in any differential rating area shall not exceed the maximum rate in the dollar permitted by subsection (2) of section 105 of this Act to be made and levied on rateable property in the county otherwise than in a dependent town district situated within the county.

“111N. Differential general rate in dependent town district—Notwithstanding anything in section 111M of this Act, where any dependent town district situated within the county or any part of any such town district is constituted as or forms part of a differential rating area, the following provisions shall apply:

“(a) When the town district or any part thereof comprises the whole of a differential rating area, the maximum differential general rate that may be made and levied pursuant to section 111M of this Act over that area in any year shall not exceed the maximum rate in the dollar permitted by the proviso to subsection (2) of section 105 of this Act to be made and levied on rateable property in that town district:

“(b) Where the town district or any part thereof comprises part only of a differential rating area, there shall be made and levied in any year pursuant to section 111M of this Act on rateable property situated in that town district, or, as the case may be, in that part of the town district, a differential rate equal to half the differential general rate that is made and levied in that year over the remainder of the differential rating area.

“111o. Application of proceeds of differential general rate—The proceeds of any differential general rate made and levied by the Council pursuant to section 111M of this Act shall be applied by the Council as if it were a general rate made and levied over the county as a whole or, as the case may be, over the riding as a whole.”