

REPER 196. No.

New Zealand.

ANALYSIS.

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1936, No. 55.

Title.

AN ACT to suspend the Powers of the Chatham Islands County Council to make and levy Rates on Lands within the County, and to empower the Council to collect Import and Export Dues on Goods imported into or exported from the County.

[31st October, 1936.]

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

Short Title.

1. This Act may be cited as the Chatham Islands County Council Empowering Act, 1936.

2. In this Act, if not inconsistent with the context,— Interpretation.

“ Council ” means the Chatham Islands County Council:

“ County ” means the County of Chatham Islands:

“ Goods ” includes all kinds of movable personal property, including animals.

3. (1) On the first day of April, nineteen hundred and thirty-seven, the powers of the Council to make and levy rates of any kind whatsoever upon rateable property within the county, or to demand any rates theretofore levied, shall be deemed to be suspended, and in lieu thereof the Council shall be entitled to charge and receive the prescribed dues on goods imported into or exported from the county by any means whatsoever.

Conferring power to impose dues on goods in lieu of rates on land.

(2) Nothing herein contained shall be deemed to prevent the Council from recovering any rates demanded before the said first day of April, nineteen hundred and thirty-seven, and unpaid on that date.

4. (1) The Governor-General may from time to time, by Order in Council, prescribe the dues to be payable under this Act, and every person who imports into or exports from the county goods of the description referred to in any such Order in Council shall be liable to the Council for the payment of the dues prescribed in relation to such goods.

Dues to be prescribed by Governor-General in Council.

(2) In prescribing the dues payable in accordance with the provisions of this Act the Governor-General may fix a differential scale of dues so that higher dues shall be payable in respect of goods imported into or exported from that portion of the county comprising Chatham Island than are payable in respect of goods imported into or exported from the other islands within the county.

(3) The Governor-General may at any time, by Order in Council, exempt any specified goods or classes of goods from payment of dues under this Act.

5. All moneys received by the Council from dues collected in accordance with the provisions of this Act shall be paid into the County Fund, and shall be available for the purposes of that Fund.

Application of proceeds of dues.

Modifications of provisions of Counties Act (as to elections) in their application to the county.
See Reprint of Statutes, Vol. V, p. 202

Computation of annual subsidy to Council from Public Account.

6. (1) The provisions of section fifty-seven of the Counties Act, 1920, shall have no application to rate-payers of the county nor to any election or poll taken or held in respect of the county.

(2) Save as aforesaid, nothing in this Act shall be deemed to affect the provisions of the Counties Act, 1920, or any other Act, as to the preparation of electors rolls, or the qualification of electors, or the election of Councillors, in relation to the county.

7. (1) The Council shall be entitled to receive in each and every year a subsidy in terms of section nine of the Appropriation Act, 1916, in all respects as if it had made and levied a general rate over the county in respect of any such year.

(2) The subsidy shall in each year be calculated on such portion of the amount received by the Council by way of dues under this Act as would have been receivable by it by way of general rates for that year if this Act had not been passed and if the Council had duly made and levied a general rate. If any dispute arises as to the amount of subsidy payable to the Council under this section in any year the matter shall be determined by the Minister of Finance, whose decision shall be final.

(3) In fixing the amount of subsidy payable to the Council under section nine of the Appropriation Act, 1916, in respect of general rates collected for the financial year ending on the thirty-first day of March, nineteen hundred and thirty-seven, any moneys received by the Council during the said year in terms of a compromise of rates on Native lands effected pursuant to sections five hundred and thirty-six and five hundred and thirty-seven of the Native Land Act, 1931, shall be deemed to have been received on account of general rates made and levied by the Council for the said year.

8. All dues prescribed under the authority of this Act shall be deemed to be dues within the meaning of the Harbours Act, 1923, and to have been made under that Act accordingly in all respects as if the Council were a Harbour Board, and all the provisions of that Act relating to dues, except so far as they may be inconsistent with the provisions of this Act, shall be deemed to apply to the dues prescribed under this Act.

Ibid.,
Vol. VI, p. 336

Dues under this Act deemed to be harbour dues.

Ibid.,
Vol. III, p. 568

9. Nothing in this Act shall in any way affect the rights or interests of any debenture-holder or other creditor of the county in respect of any loan heretofore raised by the Council under the authority of any Act.

Saving of rights of debenture-holders.

10. The Governor-General may at any time, by Order in Council, restore the powers of the Council to make and levy rates on lands within the county, and on the date on which such Order in Council comes into force this Act shall be deemed to be repealed.

Governor-General may restore rating-powers of Council.

11. The Governor-General may from time to time, by Order in Council, make such regulations as may in his opinion be necessary for giving full effect to the intent and purposes of this Act.

Regulations.
