

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 17 April 1975.

Words struck out by the Committee are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]

House of Representatives, 12 June 1975.

Words inserted by the Committee are shown in roman underlined with a triple rule.

Hon. Mr May

COUNTIES AMENDMENT (NO. 3)

ANALYSIS

Title	
1. Short Title and commencement	6. Council may prohibit consumption or possession of intoxicating liquor in roads closed for public functions or gatherings
2. Levying of general rate in differential rating areas	7. Bylaws as to hawkers, pedlars, etc.
3. Minimum charge for water and minimum water rate	8. Reserves along seashore and banks of lakes, rivers, etc.
4. Adjusted valuation	9. References to County Fund and to General Account
5. Remuneration of Chairman and Councillors	

A BILL INTITULED

An Act to amend the Counties Act 1956

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

1. **Short Title and commencement**—(1) This Act may be cited as the Counties Amendment Act **(No. 3) 1974** 1975 and shall be read together with and deemed part of the Counties Act 1956* (hereinafter referred to as the principal
10 Act).

(2) Section 5 of this Act shall come into force on a date to be fixed by the Governor-General, by Order in Council.

(3) Section 9 of this Act shall be deemed to have come into force on the 1st day of April 1974.

15 (4) Except as provided in subsections (2) and (3) of this section, this Act shall come into force on the date of its passing.

*Reprinted 1969, Vol. 2, p. 1077

Amendments: 1970, No. 58; 1971, No. 63; 1972, No. 132; 1974, No. 8

No. 165—3

Price 20c

Struck Out

2. Levying of general rate in differential rating areas—
 Section 111M of the principal Act (as inserted by section 2
 of the Counties Amendment Act (No. 2) 1969) is hereby
 amended by repealing the proviso, and substituting the
 following proviso: 5

“Provided that the total amount that would be produced
 from all general rates in the county or riding, as the case may
 be, shall not exceed the total amount that would be provided 10
 if the maximum rate specified in section 105 (2) of this Act
 was made and levied on a uniform basis on all rateable
 property in the county (where the Council levies the general
 rate over the county as a whole) or on a uniform basis on all
 rateable property in the riding (where the Council levies the
 general rate over the riding as a whole).” 15

New

2. Levying of general rate in differential rating areas—
 The principal Act is hereby further amended by repealing
 sections 111A to 111O and the heading preceding section 111A
 (as inserted by section 2 of the Counties Amendment Act 20
 (No. 2) 1969), and substituting the following heading and
 sections:

“Differential General Rates

“111A. **Interpretation—**(1) For the purposes of sections
111B to 111H of this Act— 25

“‘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
 (whether a continuous area or not), constituted a
 differential rating area pursuant to section 111B of 30
 this Act.

“(2) Nothing in sections 111B to 111H of this Act shall
 derogate from the provisions of section 155 of the Local
 Government Act 1974 (relating to differential rating in com-
 munities) or from the provisions of any other enactment 35
 authorising the Council to make and levy differential general
 rates.

“(3) The provisions of sections 111B to 111H of this Act
 shall have effect notwithstanding anything in sections 105 to
 111 of this Act. 40

New

“111B. Council may declare differential rating areas—

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

5 “(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

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

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

“ (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.

25 “(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—

30 “(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

35 “(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

40 “(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.

45

New

“(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

“111c. **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, the next alteration of boundaries shall not be made pursuant to the said section 111B so as to come into effect before— 10

“(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 15

“(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 differential general rating or the immediately preceding alteration of boundaries pursuant to the said section 111B— 20

whichever is the earlier.

“111d. **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 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. 25 30

“111e. **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 35 40

New

5 “(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,—

10 then, notwithstanding anything in section 111B or section 111C 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
15 under the changed or substituted district scheme.

20 “111F. **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.

25 “111G. **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
30 rateable property in each such area as the Council by resolution fixes and determines from year to year:

35 “Provided that the total amount that would be produced from all general rates in the county or riding, as the case may be, shall not exceed the total amount that would be produced if the maximum rate specified in section 105 (2) of this Act was made and levied on a uniform basis on all rateable property in the county (where the Council levies the general rate over the county as a whole) or on a uniform basis on all rateable property in the riding (where the Council levies the
40 general rate over the riding as a whole).

New

“111H. **Application of proceeds of differential general rate**—The proceeds of any differential general rate made and levied by the Council pursuant to section 111G 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.” 5

2A. Repeals and transitional provisions—(1) The following enactments are hereby consequentially repealed: 10

- (a) The Counties Amendment Act (No. 2) 1969;
- (b) Section 12 of the Counties Amendment Act 1974;
- (c) So much of the Third Schedule to the Local Government Act 1974 as relates to section 111A of the principal Act.

(2) Where before the passing of this Act any differential rating area has been declared by the Council pursuant to section 111B of the principal Act (as inserted by section 2 of the Counties Amendment Act (No. 2) 1969), the provisions of sections 111D to 111H of the principal Act (as enacted by section 2 of this Act) shall apply with respect to that area— 20

- (a) As if that area had been so declared pursuant to section 111B of the principal Act (as enacted by section 2 of this Act); and
- (b) In any case where before the passing of this Act the boundaries of any such area were altered pursuant to section 111D or section 111E or section 111F of the principal Act (as inserted by section 2 of the Counties Amendment Act (No. 2) 1969), as if the alteration had been made pursuant to section 111C or, as the case may be, section 111D or section 111E of the principal Act (as enacted by section 2 of this Act). 30

3. Minimum charge for water and minimum water rate—
 (1) Section 118 (2) (a) of the principal Act (as amended by section 5 (1) of the Counties Amendment Act 1961 and by section 7 of the Decimal Currency Act 1964) is hereby further amended by omitting from the proviso the expression “\$6” in both places where it occurs, and substituting in each case the expression “\$10”. 35

(2) Section 120 (1) of the principal Act (as substituted by section 5 (2) of the Counties Amendment Act 1961 and amended by section 7 of the Decimal Currency Act 1964) is hereby further amended by omitting from paragraph (a) the expression “\$6”, and substituting the expression “\$10”.

(3) Section 5 (1) of the Counties Amendment Act 1961 is hereby repealed.

4. Adjusted valuation—The principal Act is hereby further amended by inserting, after section 130, the following section:

“130A. (1) Where the Council makes and levies any rate on the capital value or land value system, the Council may from time to time of its own motion, where the current valuation roll for the county or community within the meaning of the Local Government Act 1974, (or town district, as the case may be,) has been in effect for at least one year or, as the case may be, where the last preceding certificate under this section took effect at least one year previously, apply to the Valuer-General to make an updated assessment of the total capital value of all the rateable property within the county or community (or town district).”

“(2) On receipt of any application under subsection (1) of this section, the Valuer-General shall, within 2 months after the receipt by him of that application, or as soon thereafter as may be, supply to the Council a certificate specifying the total amount of the rateable values on the capital value, calculated as at a date determined by the Valuer-General, of all the rateable property in the county or community (or town district).”

“(3) Notwithstanding anything in section 29 of the Valuation of Land Act 1951, every certificate by the Valuer-General under this section shall have effect for the purposes of rates made by the Council after the 31st day of March in the calendar year in which the certificate is given and subsequent years, and until—

“(a) It is superseded by a certificate issued under this section by the Valuer-General on a subsequent application; or

“(b) A subsequent revaluation of the county or community (or town district, as the case may be,) is made by the Valuer-General; or

“(c) Where the boundaries of the county or community (or town district) are altered after the date of the issue of that certificate, the 31st day of March following the date of that alteration—

whichever event first occurs.

Counties Amendment (No. 3)

“(4) Where the valuation roll for the county or community
(*or town district*) took effect more than 5 years before the
1st day of April following the date on which *(the)* an
application was made under subsection (1) of this section,
then, notwithstanding anything in subsection (2) of this 5
section, the Valuer-General, if he considers that in the
circumstances it is impracticable to make an updated assess-
ment under this section, may refuse to supply a certificate.

“(5) The decision of the Valuer-General on any application
under this section shall be final. 10

“(6) There shall be payable to the Valuer-General by
the Council in respect of any application under this section
such fee as the Valuer-General fixes in each case.”

5. Remuneration of Chairman and Councillors—(1) The
principal Act is hereby further amended by repealing section 15
137A (as substituted by section 15 (1) of the Counties Amend- 15
ment Act 1974), and substituting the following section:

Struck Out

“137A. (1) The Chairman of the county and each other
member of the Council shall or may be paid out of the general 20
revenues of the county an annual allowance, in the case of the
Chairman, or remuneration, in the case of a Councillor, at
such rates and subject to such conditions as may from time to
time be fixed by the Governor-General, by Order in Council.

“(2) Different rates of annual allowances may be so fixed 25
in respect of Chairmen of different specified counties or of
counties having different specified populations, and different
rates of remuneration may be so fixed in respect of Councillors
who are Chairmen of standing committees appointed by the
Council under section 71 of this Act.” 30

New

“137A. (1) The Governor-General may from time to time, by Order in Council, fix—

5 “(a) The rate of the annual allowance of the Chairman of the county:

“(b) The rate of the annual allowance or remuneration of Councillors who are Chairmen of standing committees appointed by the Council under section 71 of this Act:

10 “(c) The rate of remuneration of other Councillors:

“(d) The conditions subject to which any such allowance or remuneration payable is to be paid.

“(2) Every Order in Council under subsection (1) of this section may—

15 “(a) Fix different rates of allowances in respect of Chairmen of different specified counties or of counties having different specified populations:

20 “(b) Fix different rates of allowances or remuneration in respect of Chairmen of specified standing committees appointed by specified Councils or by Councils of counties having different specified populations:

“ (c) Provide that the rate of any allowance or remuneration shall be the actual rate that is to be paid or shall be the maximum rate that may be paid.

25 “(3) Any annual allowance or remuneration paid pursuant to any such order shall be paid out of the general revenues of the county.”

30 (1A) The Local Authorities (Mayors and County Chairmen) Allowances Order 1974, so far as it relates to County Chairmen, is hereby validated and declared to be and always to have been validly made.

“ (2) The following enactments are hereby repealed:

35 (a) Section 69 of the principal Act (as substituted by section 2 (1) of the Counties Amendment Act 1970):

(b) Section 2 of the Counties Amendment Act 1970:

40 (c) Sections 10 and 15 of the Counties Amendment Act 1974 and so much of Part I of the First Schedule to that Act as relates to section 69 of the principal Act.

6. Council may prohibit consumption or possession of intoxicating liquor in roads closed for public functions or gatherings—The principal Act is hereby further amended by inserting, after section 210, the following heading and section:

*“Consumption Or Possession of Intoxicating Liquor in Roads
Closed for Public Functions or Gatherings”* 5

“210A. (1) In addition to the powers conferred on the Council by section 191A of this Act or by regulations made pursuant to section 77 (1) (u) of the Transport Act 1962, the Council may, in any case where it considers that— 10

“(a) Any road or any specified part thereof (in this section referred to as the specified road) should be closed to ordinary vehicular traffic for any specified period or periods on the occasion of the holding in the specified road of any public event or function or gathering; and 15

“(b) The drinking of intoxicating liquor in the specified road during that period or those periods, and the bringing of intoxicating liquor or empty glass intoxicating-liquor containers into the specified road during that period or those periods, and the possession of intoxicating liquor or empty glass intoxicating-liquor containers in the specified road during that period or those periods should be prohibited,— 20 25

the Council may, by resolution,—

“(c) Close the specified road to ordinary vehicular traffic for any period or periods specified in the resolution; and

“(d) Prohibit the drinking of intoxicating liquor in the specified road during that period or those periods, and the bringing of intoxicating liquor or empty glass intoxicating-liquor containers into the specified road during that period or those periods, and the possession of intoxicating liquor or empty glass intoxicating-liquor containers in the specified road during that period or those periods. 30 35

“(2) No closure and prohibition under this section shall have effect for more than 12 hours in any consecutive period of 24 hours. 40

“(3) No prohibition under this section shall be deemed to prohibit—

5 “(a) The transport of intoxicating liquor from premises on land having a frontage to the specified road during any period while pursuant to the Sale of Liquor Act 1962 intoxicating liquor may lawfully be sold on those premises for consumption off the premises, provided the liquor is promptly removed from the specified road:

10 “(b) The transport of intoxicating liquor from outside the specified road for delivery to premises on land having a frontage to the specified road, being premises licensed for the sale of intoxicating liquor pursuant to the Sale of Liquor Act 1962:

15 “(c) The transport of intoxicating liquor from outside the specified road to premises on land having a frontage to the specified road by or for delivery to a person residing on those premises, or by his bona fide visitors, or from such premises to a place outside the specified road by a person residing on the premises, provided the liquor is promptly removed from the specified road.

20 “(4) Every resolution of the Council under this section shall be publicly notified in a form prescribed by regulations made under this Act in a newspaper circulating in the county on at least 3 occasions during the period of 21 days immediately preceding the day on which the road closure and prohibition are to have effect, or, where the road closure and prohibition are to have effect on 2 or more days, the first of those days. Without limiting the matters that may be prescribed in that form, the form shall specify the following matters:

25 “(a) The road or part thereof to be closed to ordinary vehicular traffic:

35 “(b) The acts forbidden by the prohibition under subsection (1) of this section:

40 “(c) The day or days on which the road closure and prohibition are to have effect, and the hours of each day during which the road closure and prohibition are to have effect:

“ (d) The powers conferred on the Police by this section:

“ (e) The maximum penalty for offences against this section.

“(5) Every person commits an offence, and is liable on summary conviction to a fine not exceeding \$500, who, knowing that the closure and prohibition are in force in respect of the specified road—

“(a) Drinks intoxicating liquor in any specified road in breach of any prohibition imposed pursuant to subsection (1) of this section; or 5

“(b) Brings intoxicating liquor or any empty glass intoxicating-liquor container into any specified road in breach of any such prohibition; or 10

“(c) Is in possession of intoxicating liquor or any empty glass intoxicating-liquor container in any specified road in breach of any such prohibition; or

“(d) Drives or rides any motor vehicle (being ordinary vehicular traffic) in any specified road that is for the time being closed to such traffic: 15

“Provided that nothing in this paragraph shall apply to the driving or riding of a motor vehicle by a person residing in premises on land having a frontage to the specified road or by his bona fide visitors. 20

“(6) Any constable may, without warrant,—

Struck Out

“(a) Arrest any person whom he finds committing an offence against this section or whom he has reasonable cause to suspect of having committed such an offence: 25

New

“(a) Arrest any person whom he finds committing an offence against this section: 30

“(aa) During the period of the closure, arrest any person whom he has reasonable cause to suspect of having committed such an offence:

“(b) Search any parcel, package, bag, case, or other container in the possession of any person in or entering or about to enter any specified road in respect of which any prohibition under subsection (1) of this section is for the time being in force, for the purpose of ascertaining whether or not the parcel, package, bag, case, or container contains any intoxicating liquor or any empty glass intoxicating-liquor container: 35 40

New

5 "Provided that before exercising the power of search conferred by this paragraph, the constable shall inform the person in possession of the parcel, package, bag, case, or other container, of the provisions of subsection (7) of this section, and in any case where that person is in possession thereof in the specified road, give him a reasonable opportunity of removing the same from the specified road."

10 "(7) A constable shall not exercise the power of search conferred by subsection (6) of this section, if the person in possession of the parcel, package, bag, case, or other container removes it from or, as the case may be, refrains from taking it into the specified road and leaves it outside that road until the
15 period of the prohibition ceases.

"(8) Any constable may seize and remove any intoxicating liquor and any intoxicating-liquor container which he has reasonable cause to believe would be evidence of the commission of an offence against this section. Any liquor or
20 container so seized in respect of which any person is convicted of an offence under this section, together, in the case of any liquor, with the vessels containing the liquor, shall be deemed to be forfeited to the Crown.

"(9) In this section—
25 "‘Intoxicating liquor’ means liquor as defined in the Sale of Liquor Act 1962:
"‘Ordinary vehicular traffic’, in relation to any specified road, means all vehicular traffic other than traffic of any kind (if any) that pursuant to the resolution
30 of the Council under subsection (1) of this section is permitted to use the specified road during the period of the closure."

7. **Bylaws as to hawkers, pedlars, etc.**—(1) Section 401 (1) of the principal Act is hereby amended by repealing para-
35 graph (27), and substituting the following paragraph:

"(27) Defining and licensing and regulating the conduct of hawkers, pedlars, itinerant purchasers of goods, keepers of coffee and other stalls, porters, and boatmen, and requiring any such person to display such means of identification as
40 may be required by the Council:

"Provided that the licence fee for a hawker or pedlar shall not exceed \$10 a year:

“Provided also that no such bylaw shall apply to the owner of a fishing boat registered under Part I of the Fisheries Amendment Act 1963 and in respect of which a boat-fishing permit is for the time being in force, where he, or a person appointed by him in that behalf, sells fresh fish or fresh shellfish (being fresh fish or fresh shellfish taken from that boat in accordance with the conditions of the permit) from that boat at the place where it is moored, berthed, or beached or from a stall (including a vehicle used as a stall) within 450 metres of that place:”.

(2) Section 35 of the Counties Amendment Act 1971 is hereby consequentially repealed.

8. Reserves along seashore and banks of lakes, rivers, etc.—

(1) Section 29 (1) of the Counties Amendment Act 1961 is hereby amended by inserting, after the words “there shall be set aside as reserved for public purposes”, the words “, within the land proposed to be subdivided,”.

New

(1A) Section 29 (1) of the Counties Amendment Act 1961 is hereby amended—

(a) By omitting the words “and along the margin of every lake with an area in excess of 8 hectares”:

(b) By inserting, after the words “unnecessary so to do”, the words “along the margin of every lake with an area in excess of 8 hectares and”.

(2) Section 29 of the Counties Amendment Act 1961 is hereby further amended by repealing subsection (1A) (as substituted by section 28 (1) of the Counties Amendment Act 1974).

(3) Section 29 of the Counties Amendment Act 1961 is hereby further amended by repealing subsection (1c) (as substituted by section 28 (2) of the Counties Amendment Act 1974), and substituting the following subsection:

“(1c) Nothing in subsection (1) or subsection (1B) of this section shall require a strip of land to be set aside as reserved for public purposes along the banks of any river or stream where that land adjoins any allotment having an area of 4 hectares or more and, in the opinion of the Council, that allotment is intended to be used, or will continue to be used, wholly or principally in a manner conforming with accepted farming or management practices, for agricultural or horticultural or silvicultural or pastoral purposes or the keeping of bees or poultry or other livestock.”

(4) Section 29 (4) of the Counties Amendment Act 1961 (as amended by section 23 of the Counties Amendment Act 1972) is hereby further amended by omitting the words "of an average width of less than 10 metres".

5 (5) The following enactments are hereby consequentially repealed:

(a) So much of Part II of the Third Schedule to the Counties Amendment Act 1972 as relates to section 29 (4) of the Counties Amendment Act 1961:

10 *New*

(aa) So much of Part II of the Third Schedule to the Counties Amendment Act 1972 as amends section 29 (1) of the Counties Amendment Act 1961 by substituting the words "8 hectares" for the words "20 acres":

15

(b) Section 28 of the Counties Amendment Act 1974.

(6) Where on or after the 1st day of April 1974 and before the passing of this Act—

20 (a) Any land has been set aside pursuant to section 29 of the Counties Amendment Act 1961 (as amended by section 28 of the Counties Amendment Act 1974); and

25 (b) The land would not have been required to be so set aside (whether pursuant to a decision of the Council or otherwise) if this section had been enacted before the setting aside; and

New

30 (c) The subdividing owner, or, if he is deceased, his personal representative, is at the passing of this Act shown as the registered proprietor of the whole of the land in the subdivision having on the date of the setting aside a frontage to the land set aside—

35 then, whether or not the land has vested in the Corporation of the county or in Her Majesty the Queen pursuant to section 35 of the Counties Amendment Act 1961, the setting aside shall be deemed to be cancelled and the land shall be deemed to have remained vested in the subdividing owner

New

40 and, notwithstanding anything in section 35 (4) of the Counties Amendment Act 1961, the reservation of the land shall be deemed to have been cancelled.

New

(7) In any case to which subsection (6) of this section applies—

(a) The District Land Registrar, on the request of the person in whom the land has vested under that subsection, or, if he is deceased, his personal representative, and being satisfied by such evidence as the District Land Registrar considers sufficient that the land has vested under that subsection, shall without fee make an entry in the register giving effect to the vesting and do everything necessary to give effect to this section; and 5

(b) The land so vested shall form part of the several allotments of the subdivision having a frontage to that land as if the appropriate boundaries of those allotments had been extended to the part of the bank of the river or stream nearest to the respective points where those boundaries meet the boundary of the land so vested; and 10

(c) Where any such allotment is at the passing of this Act subject to any lease or mortgage or other encumbrance, the allotment as altered by paragraph (b) of this subsection shall be subject to the lease or mortgage or encumbrance as if the land added to the allotment by that paragraph had formed part of the allotment at the time of the granting of the lease or mortgage or the creation of the encumbrance. 15 20 25

(8) Where on or after the 1st day of April 1974 and before the passing of this Act— 30

(a) Any land has been set aside pursuant to section 29 of the Counties Amendment Act 1961 (as amended by section 28 of the Counties Amendment Act 1974); and

(b) The land would not have been required to be so set aside (whether pursuant to a decision of the Council or otherwise) if this section had been enacted before the setting aside; and 35

(c) The subdividing owner, or, if he is deceased, his personal representative, is not at the passing of this Act shown as the registered proprietor of the whole of the land in the subdivision having on the date of the setting aside a frontage to the land set aside,— 40

then—

New

- 5 (d) There shall be paid to the subdividing owner, or, if he is deceased, to his personal representative, out of money appropriated by Parliament, as compensation, an amount equal to the value, as at the date of the setting aside, of the land set aside, that amount to be determined by a valuation made by the Valuer-General; and
- 10 (e) If the subdividing owner, or, as the case may be, his personal representative, is dissatisfied with the amount of that valuation, he may, within 1 month after notice of the valuation has been given to him by the Valuer-General, appeal to the Supreme Court against the valuation. The provisions of the
- 15 Land Valuation Proceedings Act 1948, as far as they are applicable and with the necessary modifications, shall apply with respect to every such appeal, and the Court, whose decision shall be final, may confirm or alter the valuation.

20 **8A. Scheme plans**—(1) Part I of the First Schedule to the Counties Amendment Act 1961 is hereby amended by repealing subclause (2) of clause 1, and substituting the following subclause:

25 “(2) The whole of the land comprised in the certificate or certificates of title to the land proposed to be subdivided shall be shown on the scheme plan. Where the Council so requires by reason of the extent of the land or the detail to be illustrated, a diagram on a suitable scale shall be endorsed on the plan or on a separate plan.”

30 (2) Part I of the First Schedule to the Counties Amendment Act 1961 is hereby further amended by adding to clause 2 the following subclause:

35 “(4) Subclauses (1) and (2) of this clause shall not apply with respect to any allotment in the subdivision having an area of more than 4 hectares which in the opinion of the Council is intended to be used, or will continue to be used, for agricultural or horticultural or silvicultural or pastoral purposes or the keeping of bees or poultry or other livestock.”

9. References to County Fund and to General Account—

40 Every reference in any other Act or in any regulation, rule, order, agreement, deed, instrument, application, notice, or other document whatsoever in force at the commencement of this section—

- (a) To the County Fund shall, after the commencement of this section, be read as a reference to the general revenues of the county:
- (b) To the General Account shall, after the commencement of this section, be read as a reference to the General and Separate Rates and General Appropriations Account. 5

New

10. Amendments consequential on abolition of dependent town districts—(1) The principal Act is hereby further amended in the manner indicated in Part I of the Schedule to this Act. 10

(2) The Counties Amendment Act 1961 is hereby amended in the manner indicated in Part II of the Schedule to this Act. 15

(3) The following enactments are hereby consequentially repealed:

- (a) Section 5 (2) (a) of the Counties Amendment Act 1962:
- (b) Section 2 (2) (b) of the Counties Amendment Act 1965: 20
- (c) Section 3 of the Counties Amendment Act 1971:
- (d) Section 3 (1) of the Counties Amendment Act 1972:
- (e) So much of Part I of the First Schedule to the Counties Amendment Act 1974 as relates to section 187 of 25 the principal Act.

New

SCHEDULE

AMENDMENTS CONSEQUENTIAL ON ABOLITION OF DEPENDENT TOWN DISTRICTS

Part I—Amendments of Principal Act

Section Amended	Amendment
Section 2 (1)	By repealing the definition of the term "dependent town district".
Section 12	By repealing this section.
Section 22	By repealing this section.
Section 48	By omitting the words "(including any dependent town district forming part of a riding)".
Section 88 (2)	By repealing this subsection.
Section 105 (2)	By repealing the proviso.
Section 106 (1)	By omitting the figures "108".
Section 108	By repealing this section.
Section 112	By omitting from subsection (2) (as substituted by section 2 (1) of the Counties Amendment Act 1969) the words "(other than separate rates made in a dependent town district situated within the county)", and also the words "(other than the general rate made in any such dependent town district)", and also the words "(excluding in each case rateable property in any such dependent town district)".
Section 131	By repealing subsection (3) (as substituted by section 2 (1) of the Counties Amendment Act 1969).
Section 187	By repealing this section.
Section 191 (as substituted by section 2 of the Counties Amendment Act 1972)	By repealing this section.
Section 198 (2)	By omitting from the definition of the term "road" the words "(not being land within a dependent town district)".
Section 227 (5)	By repealing this subsection.
Section 345	By repealing this subsection.
Section 345	By omitting from the definition of the term "house" the words "(whether dependent or independent)".

*New*SCHEDULE—*continued*AMENDMENTS CONSEQUENTIAL ON ABOLITION OF DEPENDENT TOWN
DISTRICTS—*continued**Part II—Amendments of Counties Amendment Act 1961*

Section Amended	Amendment
Section 21 (1)	<p>By repealing the definition of the term "Council", and substituting the following definition:</p> <p>"'Council', in relation to land in the County of Fiord and to land that does not form part of any county or borough or town district, means the Minister of Works and Development."</p> <p>By repealing the definition of the term "county".</p> <p>By repealing the definition of the term "road", and substituting the following definition:</p> <p>"'Road' includes an access way and a service lane; and, in relation to a community constituted by section 180 of the Local Government Act 1974, also includes a street."</p>
Section 35 (3) (as substituted by section 8 (1) of the Counties Amendment Act 1972)	By repealing paragraph (a), and substituting the following paragraph:
Section 47 (5)	By repealing this subsection.