

MUNICIPAL CORPORATIONS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Municipal Corporations Act 1954.

Clause 1 relates to the Short Title.

Clause 2: Section 15 of the principal Act provides that the Governor-General may by Order in Council on the petition of the Council alter the boundaries of any district by including land that has been reclaimed from the sea or by including in or excluding from the district any land in respect of which there are no electors.

The effect of this clause is that those powers may be exercised by the Minister by notice in the *Gazette* instead of by the Governor-General by Order in Council. This provision will still remain subject to the provisions of the Local Government Commission Act 1967.

Clause 3: At present, a district electors roll prepared under Part II of the principal Act for the purposes of a general election remains the district electors roll until a new roll is prepared for the next succeeding general election. If in the meantime a by-election or poll is held, that roll is to be used and the Town Clerk is required to remove the names of those persons who have lost their qualifications as electors and to place on a supplementary roll the names of those who have since qualified as electors.

This clause authorises the printing in one document of a copy of the district electors roll and of all supplementary rolls incorporating all corrections and additions. Such a copy will be deemed to be a copy of the district electoral roll for the purposes of any election or poll.

Clause 4: Section 62 of the principal Act makes provision for a Magistrate's Court to adjudge that a Mayor or Councillor be ousted from his office on the ground that he is or has become incapable under the principal Act or any other Act of holding his office. Subsection (5) provides that no question that may be tried under section 62 shall be tried in the Supreme Court, and no proceedings in a Magistrate's Court under the section shall be removable into the Supreme Court by certiorari or otherwise.

This clause repeals subsection (5), so that there will be no restrictions on the right of access to the Supreme Court in such matters, and substitutes new provisions that if a Magistrate's Court adjudges a Mayor or Councillor to be ousted of his office, the decision will not have effect until the expiration of the time for appealing and, if an appeal is made, until the appeal is determined. During that time, the Mayor or Councillor concerned will be deemed to be on leave of absence.

Clause 5 re-enacts in an amended form section 77 of the principal Act, which prescribes the procedure for the making of special orders.

At present, the resolution to make the special order must be passed at a special meeting, and must be confirmed at a subsequent meeting (either ordinary or special) held not sooner than the twenty-eighth day nor later than the seventieth day after the day of the first meeting. Public notice of the subsequent meeting and of the purport of the resolution must be given during the period of 28 days before the date of the subsequent meeting with an interval of not less than 14 days between the 2 notifications. Notice of the subsequent meeting referring to the resolution must be given to each Councillor at least 1 clear day before the subsequent meeting.

The new procedure provided by the new section 77 is as follows:

- (a) The resolution to make the special order must be passed either at a special meeting (as at present), or at an ordinary meeting if notice has been given to all the Councillors of the intention to consider the subject-matter of the special order. Notice is not necessary if all the members of the Council are present at the meeting and unanimously agree to discuss the subject.
- (b) The resolution must be confirmed at a subsequent meeting (ordinary or special) as at present, held not sooner than the twenty-eighth day nor later than the seventieth day after the first meeting.
- (c) Public notice of the subsequent meeting and of the purport of the resolution must be given twice before the subsequent meeting, the first not less than 21 days before that meeting and the second not more than 14 nor less than 7 days before that meeting.
- (d) Notice to the members of the Council of the second meeting or of the agenda for that meeting must refer to the resolution to be confirmed.
- (e) The resolution must be confirmed at the subsequent meeting as a separate resolution and not as part of the confirmation of the minutes of the first meeting.

Clause 6: Section 89 of the principal Act provides that the Council may deposit surplus money (other than loan money) at interest in a bank account or, with the consent of the Governor-General in Council, with any other local authority entitled by law to receive money on deposit.

The effect of this clause is that the consent of the Governor-General in Council will not be required to the deposit of surplus money (other than loan money) with other local authorities.

Clause 7: Section 102 of the principal Act authorises the Council to make and levy a separate rate for sanitation purposes. Under subsection (2), the Council, instead of making and levying a separate rate for such purposes, may levy a uniform annual fee, including an annual fee for refuse removal. A separate annual fee for refuse removal may be levied on each separately occupied portion of a building that is an apartment house or contains separate apartments let as flats, but not on each separately occupied portion of a building containing shops or offices.

The effect of this clause is that the Council may levy a uniform annual fee on each separately occupied portion of any building, including a building containing shops or offices.

Clause 8: Section 114A of the principal Act provides that the Council may pay to any Councillor remuneration at the rate of \$5 in respect of each meeting of the Council or of any committee thereof attended by him.

This clause makes it clear that the Council may fix a lower rate of remuneration.

Clause 9 authorises the Council to expend money in connection with the observance of the Sovereign's birthday.

Clause 10: Section 133 of the principal Act prescribes the manner in which money in the Depreciation Fund may be invested. The section provides that the money may be invested in any of the securities specified in paragraphs (a) to (dd) or in any other securities authorised by the Governor-General in Council; but, where the Public Trustee is the sole Depreciation Fund Commissioner, the money is to be invested in the Common Fund of the Public Trust Office or in such other manner as is authorised by the Governor-General in Council.

The effect of this clause is that powers conferred on the Governor-General in Council to approve any other securities will in future be exercised by the Minister by notice in the *Gazette*.

Clause 11: Section 140 (6) of the principal Act prescribes the manner in which the money in any Reserve Fund for any trading undertaking may be invested. The money may be invested in any of the securities specified in paragraphs (a) to (dd) or in any other securities approved by the Governor-General in Council.

The effect of this clause is that the power conferred on the Governor-General in Council to approve any other securities will in future be exercised by the Minister by notice in the *Gazette*.

Clause 12 inserts a new section 153A in the principal Act providing that any lease granted by the Council may contain provision for the review of the yearly rent at such periodic intervals during the term of the lease, being not less than 5 years, as the Council thinks fit. In any such case, the rent for each period is to be fixed by a valuation made by a person whom the Council reasonably believes to be competent to make the valuation, and the lessee will have the option of accepting that valuation or of requiring the rent to be determined by a valuation made by arbitrators appointed by the parties or by their umpire where the arbitrators do not agree.

A renewal of any existing lease may, if the Council so decides, include such a provision.

The new section follows the corresponding provisions of sections 22 and 26 (3) of the Public Bodies Leases Act 1969.

Clause 13: By section 157 (1) of the principal Act, the Council may accept from the lessee a surrender of any lease, and grant to him a new lease of the whole or part of the land comprised in the surrendered lease for the remainder of the term of that lease at a rent fixed by the Council.

Subclause (1) extends that provision, and enables the Council to accept a surrender of 2 or more leases of adjoining land held by the same lessee, and grant him an amalgamated lease of all the land in the surrendered leases at a rent fixed by the Council. Where all the surrendered leases have the same expiry date, the new lease is to expire on that date. In other cases, the new lease is to expire on a date fixed by the Council, being not later than the date of expiry of the surrendered lease having the latest expiry date.

Subclause (2) enables the Council to exercise its powers under section 157 by resolution instead of by special order. The corresponding powers conferred by the Public Bodies Leases Act 1969 in cases where the Council grants a lease under that Act may be exercised by resolution.

Clause 14 inserts a new section 170B in the principal Act authorising the Council to grant a lease or licence of the airspace over any street, access way, or service lane for the erection and maintenance of a pedestrian bridge connecting any land or building on one side of the street, access way, or service lane with any land or building on the other side.

The Council must ensure that the bridge will not obstruct the passage of vehicles or pedestrians along the street or service lane or, in the case of an access way, of pedestrians using the access way.

Clause 15 inserts a new section 177C in the principal Act authorising the Council to provide and operate vehicle-testing stations for the issue of warrants of fitness for motor vehicles.

Under this section the Council may take, purchase, or otherwise acquire land and buildings, erect new buildings or utilise existing buildings on land that may be lawfully appropriated for the purpose, adapt for the purpose any buildings so acquired or utilised, and equip with all necessary plant and machinery any buildings so erected or acquired or utilised.

The Council may raise a special loan for any of these purposes.

The amendment is made retrospective in order to remove doubts as to the authority to provide vehicle testing stations already provided and operated.

Clause 16: Section 178A of the principal Act provides that the Council may, by notice in writing under the hand of the Mayor or Chairman or of the Town Clerk, require the occupier or owner of any land to pay such sum of money as the Council specifies as payment for the cost of construction of a vehicle crossing to the land.

The effect of this clause is that the requirement to pay for a vehicle crossing may be made in the first instance by the Town Clerk or an officer authorised for the purpose by the Council. The Council itself will not come into the matter unless the occupier or owner objects to the requirement.

Clause 17 inserts a new section 178C in the principal Act authorising the Council to raise a special loan or levy a separate rate or charge to enable above-ground telephone or electricity-supply lines in defined parts of the district to be converted into underground lines.

The Council may not exercise those powers unless the conversion of those lines into underground lines was made on the application of a majority of the ratepayers in the part of the district concerned.

Where the Council raises a special loan to meet the cost of conversion, it must make and levy a special rate on all the rateable property in the part of the district to meet the annual charges on the loan. It cannot meet those charges out of the General Account.

Where, instead of raising a special loan, the Council, under section 31 of the Local Authorities Loans Act 1956, makes an advance from the General Account, it must make and levy an annually recurring separate rate on all rateable property in the defined part for the purpose of recouping the advance.

Instead of raising a special loan or making and levying a separate rate, the Council may advance the cost of the work from the General Account and recover that advance by levying a uniform charge on all rateable property in the defined part of the district.

Clause 18: Section 189 (1) of the principal Act provides that the Council shall exercise the power to make any new street, or divert or widen any existing street, only by special order in that behalf. Doubts have arisen as to whether a special order is required when the Council is proceeding by way of subdivision of its own land to effect the making of a new street or a diversion or widening of an existing street.

This clause provides that a special order is not required in such a case. The land will, pursuant to section 352, become a new street or, as the case may be, the diversion or widening will have effect on the deposit of the plan of the subdivision under the Land Transfer Act 1952 or in the Deeds Register Office.

Clause 19: Section 192 of the principal Act provides for the payment of betterment to the Council when part of the land on one side of a street or service lane is taken or acquired for the purpose of widening the street or service lane or where part of any land is taken or acquired for the purpose of creating a new service lane.

Under subsection (11), the betterment money received by the Council in respect of any such widening must be expended only in carrying out the particular widening work in respect of which the money was received. The subsection does not specify the purpose for which betterment money received in respect of the creating of a new service lane must be expended. Doubts have also arisen as to whether money received in respect of the widening of a street or service lane must be used only in doing work on the portion being added to the existing street or service lane or may be expended for the purpose of doing work on any part of the widened street or service lane.

This clause re-enacts subsection (11) in an amended form making it clear that the betterment money may be expended in doing work on any part of the street or service lane being widened, including formation, sealing, kerbing, and channelling. It also provides that betterment money received in respect of the creation of a new service lane must be expended only in constructing, forming, sealing, kerbing, and channelling that service lane.

Clause 20, subclause (1): Section 229 of the principal Act authorises the Council to make advances to the owner of any premises for the purpose of enabling him to do all things necessary to connect the premises with the drainage system of the district in compliance with the Council's requirements.

This subclause empowers the Council to make advances for the repair of any such connections also.

Subclause (2): Section 245A of the principal Act authorises the Council to make advances to the owner of any premises for the purpose of enabling him to do all things necessary to connect the premises with the water supply system of the district.

This subclause empowers the Council to make advances for the repair of any such connections also.

Clause 21 re-enacts in an amended form section 233 of the principal Act, under which the Council may make main drains under any road or street outside the district, but before doing so must notify the local authority or other body having the control of the road or street. If that local authority or body objects, the matter is referred to the Minister of Works for decision.

The new section 233 applies the provisions of the Eleventh Schedule (as amended by *clause 40*) in such cases. That Schedule at present sets out the procedure to be followed where a road or street or public work outside the district is interfered with for the purpose of constructing or repairing waterworks, and by the amendments in *clause 40* is to be extended to apply to the construction and repair of drains.

Clause 22 re-enacts in an amended form section 266 of the principal Act, which in its present form empowers the Council to make bylaws in respect of the prevention of fire providing for the matters set out in subsection (1). Bylaws under the subsection do not come into force unless and until approved by the Minister. The Minister may require the Council to make bylaws under the section or to revoke, alter, or extend any such bylaws, and, if the Council does not comply with the requisition, regulations may be made for the purpose.

The new section 266 makes the following changes:

- (a) The Council is obliged, and not merely empowered, to make bylaws providing for the matters specified in subsection (1).
- (b) The bylaws are to provide for the protection of the public from fire or other emergency in buildings that require to be licensed under bylaws made pursuant to paragraph (27) of section 386 (1) of the principal Act (eatinghouses and refreshment rooms).
- (c) If the Council has not already made bylaws covering the matters specified in subsection (1), it must make them and submit them to the Minister for his approval not later than 31 March 1973. If it does not, regulations may be made providing for those matters.
- (d) Bylaws made pursuant to section 386 (1) which provide for any of those matters are, to the extent that they provide for those matters, to have effect as if they had been made under section 266.
- (e) The jurisdiction of a Magistrate's Court to apportion expenses incurred in complying with the bylaws is extended from \$1,000 to \$2,000.

Bylaws at present in force providing for matters specified in subsection (1) of the new section 266 are to continue in force.

Clause 23 amends section 272 of the principal Act, under which the Council is empowered to do all things necessary to supply gas to the inhabitants of the district. Those powers include a power to lay pipes under the streets and private streets and public places in the district.

Subclause (1) of this clause authorises the Council to lay pipes under roads and streets outside the district.

Subclause (2) applies the provisions of the Eleventh Schedule (as amended by *clause 40*) in such cases. That Schedule at present sets out the procedure to be followed where a road or street or public work outside the district is interfered with for the purpose of constructing or repairing waterworks, and by the amendments in *clause 40* is to be extended to the laying and repair of gas pipes.

Clause 24 removes the requirement in section 291 (1) of the principal Act that the appointment, resignation, or removal of Health Inspectors must be publicly notified.

Clause 25: Section 300 of the principal Act confers powers on the Council with respect to dangerous, deserted, ruinous, or dilapidated buildings. Under subsection (3), the Council may give notice to the owner to repair or take down the building within the time specified in the notice. Under subsections (4) and (5), if the owner does not comply, a Magistrate's Court may order that the building be secured or taken down or repaired, and if he fails to do so the Council may cause the order to be complied with.

It has recently been decided by the Court that the option conferred by subsection (3) to repair or take down the building belongs to the owner and not the Council. The effect of this clause is to give to the Council the option of requiring either that the building be repaired or that it be taken down.

Clause 26 amends section 301A of the principal Act, relating to the powers of the Council with respect to buildings likely to be dangerous in an earthquake.

Subclause (1): The effect of this subclause is that the Council, and not the owner, will have the option of deciding whether a dangerous building is to be secured or taken down. A similar provision in section 300 (3) of the principal Act is being amended by *clause 25* because of a recent Court decision that the option in that case belonged to the owner and not the Council.

Subclause (2): Section 301A (3) of the principal Act provides that a copy of a notice given by the Council to the owner requiring a dangerous building to be secured or taken down must also be sent to every person having a registered interest in the land on which the building is erected under any mortgage or other encumbrance. This amendment makes it clear that the registered interest must be one that is registered against the land under the Land Transfer Act 1952, and does not include a debenture registered under the Companies Act 1955.

Clause 27 extends the provisions of section 305A of the principal Act, which at present authorises the Council to guarantee loans raised by sporting organisations. The amendment will authorise the Council to guarantee loans raised by cultural organisations also.

Clause 28 increases from \$40 to \$100 (which is the maximum fine for a breach of a bylaw) the maximum fine for an offence against section 316 of the principal Act of using without a licence any building which is required to be licensed under section 309. Section 309 relates to the licensing of buildings used for public meetings.

This will also be the maximum penalty for the offence under section 317A of using an apartment building or a boardinghouse without a licence. By section 317A (3), section 316 applies in these cases also.

Clause 29: Section 317A of the principal Act requires apartment buildings and boardinghouses (as defined in that section) to be licensed.

This clause amends the definition of "apartment building" in that section by excluding single-storey buildings consisting wholly or principally of self-contained apartments each of which has its own separate outside entrance. Such a building will therefore be exempt from licensing under section 317A and consequentially from the inspection provisions of the Twelfth Schedule to the principal Act.

Clause 30: Section 333 of the principal Act provides that money advanced under section 330 for the purchase of a house or building section is to be repaid with interest according to a scale or scales prescribed by Order in Council.

The effect of this clause is that those scales will in future be prescribed by the Minister of Finance by notice in the *Gazette*.

Clause 31: Sections 337, 338, and 340 of the principal Act authorise the Council to make advances to financial institutions for housing purposes, to guarantee mortgages granted for housing purposes, and guarantee certain replacement mortgages, the limit in each case being fixed by Order in Council.

The effect of this clause is that those limits will in future be fixed by the Minister by notice in the *Gazette*.

Clause 32 provides that land will not be treated as being or ever to have been subdivided for the purposes of Part XXV of the principal Act by reason solely that the owner (or, in the case of land owned in common, all the owners) grant a lease of, or advertise or offer for disposition by way of lease, any owner-occupier flat comprising a separate building erected or to be erected on the land.

A common form of disposal of owner-occupier flats is for the purchaser to be granted an undivided share in the land and a lease for 999 years in respect of a particular flat. Where the flat forms part of a building, this transaction is, by section 350 (3) of the principal Act, not a subdivision. But, because the term of the lease is more than 14 years, it is a subdivision where the flat comprises a separate building.

This amendment will place detached owner-occupier flats in the same position for the purposes of Part XXV as those that form part of a building.

Clause 33 enables the Council to impose a building-line restriction on allotments of a subdivision having a frontage to an existing street, whether of full width or not, as a condition of its approval of a subdivision. At present, the Council has power to impose a building-line restriction in the case of future streets (whether under-width or not), and may impose a building-line restriction in the case of existing under-width streets where it requires the frontage to be set back, but not in other cases.

This clause gives general authority to impose building-line restrictions in all cases.

Clause 34 inserts a new section 351FF in the principal Act relating to building-line restrictions shown in an operative district scheme under the Town and Country Planning Act 1953.

Where building-line restrictions in relation to any existing or proposed street are shown in an operative scheme, the requirements under the principal Act to impose a building-line restriction when approving a plan of subdivision of land having a frontage to the street will not apply. On the approval of the plan by the Council, the building-line restrictions provided in the scheme will have effect as if they had been imposed by the Council as a condition of its approval of the plan.

Clause 35 inserts a new section 353A in the principal Act providing that all public reserves in the district which were created by the operation of the Land Subdivision in Counties Act 1946 (or earlier legislation) before the inclusion of the land in the district are to vest in the Corporation of the district. Those reserves had vested under that Act in the Crown and remained vested in the Crown when the land became incorporated in the district.

The new section does not apply to reserves in a dependent town district. By section 44 of the Counties Amendment Act 1961, those reserves vested in the Corporation of the county of which the dependent town district formed part.

The effect of *subsection (2)* of the new section is that if the reservation is revoked, the land is to be disposed of in such manner as the Minister of Lands directs. Otherwise, the title to the land having derived from the Crown, the land would, pursuant to section 18 (5) of the Reserves and Domains Act 1953, become Crown land available for disposal under the Land Act 1948.

Subsection (2) also applies to any such reserves that have already vested in the Corporation by transfer from the Crown.

The new section 353A corresponds to section 44 of the Counties Amendment Act 1961, which vested in the Corporation of the county reserves situated in the county or in a dependent town district forming part of the county which had been created under the Land Subdivision in Counties Act 1946 (or earlier enactments) and were vested in the Crown at the commencement of the 1961 Amendment.

Clause 36 inserts a new section 365B in the principal Act providing that where the district or any part thereof is or forms part of a rural area declared under section 94A of the Social Security Act 1964, the Council may cause a medical practitioner's surgery to be erected on any land in that rural area that is owned or leased by the Corporation of the district, or may make provision for such a surgery in a building in the rural area already owned by it.

The Council may let any such surgery to any medical practitioner on such tenancy or lease, at such rent, for such term, and upon such conditions as it thinks fit.

Clause 37: Section 386 (1) (28) of the principal Act provides for the licensing of hawkers, pedlars, and certain other classes of persons. The paragraph provides that the licence fee for a hawker or pedlar who sells only perishable articles of human food shall not exceed \$2 a year, and in the case of any other hawker or pedlar shall not exceed \$4 a year.

This clause fixes the maximum licence fee for all hawkers or pedlars at \$10 a year.

Clause 38, subclause (1): Section 386 (1) (23A) of the principal Act enables bylaws to be made providing for the licensing of keepers of mobile or travelling shops and imposing licence fees not exceeding \$50, which is the maximum fee for any one licence irrespective of the number of such shops kept by the licensee under his licence. This clause enables the bylaws to fix a licence fee of up to \$50 in respect of each such shop kept by the licensee.

Subclause (2) amends section 386 (2) of the principal Act by correcting an incorrect reference in the definition of the term "mobile or travelling shop". The definition incorrectly refers to a road instead of a street.

Clause 39: Clause 3 of the Fifth Schedule to the principal Act provides that the contractor under any contract with the Council may not make a subcontract except with the permission of the Council.

This clause provides that the Engineer also may authorise the contractor to let a subcontract, but he must report the same to the Council at its next ordinary meeting or, if that is not practicable, at its next succeeding ordinary meeting.

Clause 40 amends the Eleventh Schedule to the principal Act, which prescribes the procedure to be followed where for the purpose of constructing or repairing waterworks it is necessary to interfere with any road or street or public work outside the district.

The amendments extend those provisions to the construction of drains and the laying of gas pipes outside the district. They are consequential on the provisions of *clause 21* (relating to drains) and *clause 23* (relating to gas pipes).

The effect of *paragraph (d)* is to extend the provisions of the Schedule to roads, streets, and public works under the control of a body that is not a local authority, such as the National Roads Board.

Hon. Mr Seath

MUNICIPAL CORPORATIONS AMENDMENT

ANALYSIS

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A BILL INTITULED

An Act to amend the Municipal Corporations Act 1954

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

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1. Short Title—This Act may be cited as the Municipal Corporations Amendment Act 1971, and shall be read together with and deemed part of the Municipal Corporations Act 1954* (hereinafter referred to as the principal Act).

2. Addition to or exclusion from district of reclaimed or other land—Section 15 of the principal Act is hereby amended by omitting the words “The Governor-General may from time to time by Order in Council, on the petition of the Council”, and substituting the words “The Minister may from time to time by notice in the *Gazette*, on the application of the Council”.

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3. Roll for election or poll—Section 35 of the principal Act is hereby amended by adding the following subsection:

“(3) For the purpose of conducting any election or poll, a copy of the district electors roll and of all supplementary district electors rolls, in each case corrected, completed, and authenticated as aforesaid, may be printed together as one document, and shall be deemed to be a copy of the district electors roll.”

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4. Ouster of office of Mayor or Councillor—Section 62 of the principal Act is hereby amended by repealing subsection (5), and substituting the following subsections:

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“(5) Where under this section a Magistrate’s Court adjudges that any Mayor or Councillor be ousted of his office—

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“(a) The decision shall not take effect until the expiration of the time for appealing against the decision and, in the event of an appeal against the decision, until the appeal is determined; and

“(b) The Mayor or Councillor concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as Mayor or Councillor, as the case may be, during the period of that leave of absence.

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“(6) If any person does any act as Mayor or Councillor while on leave of absence pursuant to subsection (5) of this section, he commits an offence against this Act.”

5 **5. Special orders**—(1) The principal Act is hereby further amended by repealing section 77, and substituting the following section:

“77. The power given by this Act to do anything by special order shall be exercised by the Council only as follows:

10 “(a) The resolution to do such a thing shall be passed—

 “(i) At a special meeting; or

 “(ii) At an ordinary meeting, if notice of intention to consider the subject-matter of the resolution has been given to all the members of the Council before the meeting in accordance with the rules of procedure of the Council:

15 “Provided that no such notice shall be necessary if all the members of the Council are present at the meeting and unanimously agree to discuss the subject-matter of the resolution:

20 “(b) The resolution shall be confirmed at a subsequent meeting (either ordinary or special) held not later than the seventieth day after the day of the meeting at which the resolution was passed:

25 “(c) Public notice of the place and date fixed for the subsequent meeting and of the purport of the resolution shall be given twice before the date of the subsequent meeting, the first such notice being given not less than 21 days before that date and the second being given not more than 14 nor less than 7 days before that date:

30 “(d) The notice to the Councillors of the subsequent meeting or the agenda for that meeting shall specify the resolution to be confirmed, and that resolution shall be confirmed by way of separate resolution and not as part of the approval of the minutes of the meeting at which the resolution was first passed:

35 “(e) The notice directed to be given by paragraph (d) of this section, or, as the case may be, the inclusion in the agenda of the resolution to be confirmed, shall suffice for the purposes of subsection (2) of section 76 of this Act, even though the subsequent meeting may be a special meeting.”

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(2) The following enactments are hereby consequentially repealed:

- (a) Section 5 of the Municipal Corporations Amendment Act 1959:
- (b) Section 3 of the Municipal Corporations Amendment Act 1964. 5

6. Deposit at interest—Section 89 of the principal Act is hereby amended by omitting the words “with the consent of the Governor-General in Council”.

7. Uniform fee for refuse removal from shops and offices— 10
Section 102 of the principal Act is hereby amended by omitting from the third proviso to subsection (2) the words “in the case of a building that is an apartment house or contains separate apartments let as flats”.

8. Remuneration of Councillors—(1) Section 114A of the 15
principal Act (as inserted by section 3 (1) of the Municipal Corporations Amendment Act 1962 and amended by section 3 (a) of the Municipal Corporations Amendment Act 1970) is hereby further amended by omitting the words “the rate of \$5”, and substituting the words “a rate fixed by the 20
Council not exceeding \$5”.

(2) Section 3 of the Municipal Corporations Amendment Act 1970 is hereby consequentially amended by repealing paragraph (a).

9. Observance of Sovereign’s birthday—The principal Act 25
is hereby further amended by inserting, after section 120c (as inserted by section 8 of the Municipal Corporations Amendment Act 1968), the following section:

“120d. The Council may in any year expend such sums as it thinks fit in connection with the observance of the 30
Sovereign’s birthday.”

10. Investment of money in Depreciation Fund—
(1) Section 133 of the principal Act is hereby amended—

- (a) By omitting from paragraph (e) the words “the 35
Governor-General in Council”, and substituting the words “the Minister by notice in the *Gazette*”:

(b) By omitting from the proviso the words “the Governor-General in Council”, and substituting the words “the Minister by notice in the *Gazette*”.

5 (2) Every Order in Council made under section 133 of the principal Act and in force on the date of the passing of this Act shall continue in force as if it were a notice given by the Minister under that section (as amended by subsection (1) of this section) and published in the *Gazette*.

10 **11. Reserve Fund for trading undertakings**—(1) Section 140 of the principal Act is hereby amended by omitting from paragraph (e) of subsection (6) the words “the Governor-General in Council”, and substituting the words “the Minister by notice in the *Gazette*”.

15 (2) Every Order in Council made under paragraph (e) of subsection (6) of section 140 of the principal Act and in force on the date of the passing of this Act shall continue in force as if it were a notice given by the Minister under that paragraph (as amended by subsection (1) of this section) and published in the *Gazette*.

20 **12. Periodic review of rents**—The principal Act is hereby further amended by inserting, after section 153, the following section:

25 “153A. (1) Subject to this section, and notwithstanding any other provision of this Act, a lease granted under this Act may contain provision for a review of the yearly rent payable thereunder at such periodic intervals during the term of the lease, being not less than 5 years, as the Council thinks fit.

30 “(2) Where a lease contains any such provision for the review of rent—

35 “(a) Not earlier than 9 months and not later than 3 months before the expiry by effluxion of time of any such period (not being the last such period of the term of the lease), or as soon thereafter as may be, the Council shall cause a valuation to be made by a person whom the Council reasonably believes to be competent to make the valuation of the fair annual rent of the land for the next ensuing period of the term of the lease, so that the rent so valued
40 shall be uniform throughout the whole of that ensuing period:

“(b) As soon as possible after that valuation has been made, the Council shall give to the lessee notice in writing informing him of the amount of that valuation and requiring him to notify the Council in writing within 2 months whether he agrees to the amount of that valuation or requires that valuation to be determined by arbitration in accordance with paragraph (c) of this subsection: 5

“(c) Within 2 months of the giving of that notice to the lessee, he shall give notice in writing to the Council stating whether he agrees to the valuation specified in the notice given to him or requires that valuation to be determined by arbitration. If he so requires, that valuation shall be determined in accordance with the provisions of subsection (3) of section 152 of this Act, or, in the case of a lease to which subsection (4) of that section applies, in accordance with the provisions of the said subsection (4): 10 15

“(d) If the lessee fails to give to the Council within the time specified in paragraph (c) of this subsection the notice referred to in that paragraph, he shall be deemed to have agreed to the valuation set out in the notice given to him under paragraph (b) of this subsection: 20 25

“(e) The yearly rent agreed to or deemed to have been agreed to by the lessee or determined by arbitration under this subsection shall be the yearly rent payable under the lease for that ensuing period.

“(3) Where any lease granted before the commencement of this section under this Act or any corresponding former Act does not contain provision for the review of the yearly rent at periodic intervals, any new lease granted under this Act for a further term may, if the Council thinks fit, include a provision for the rent to be reviewed at periodic intervals, being not less than 5 years, in accordance with the provisions of subsection (2) of this section.” 30 35

13. Surrender of leases—(1) Section 157 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection: 40

“(1A) Where the same person is the lessee under 2 or more leases of adjoining land, the Council may—

“(a) By resolution, accept, on such terms as it thinks fit, a surrender of those leases; and

5 “(b) Without offering the same for public application and ballot or, as the case may be, for sale by public auction or public tender, grant to the former lessee a new lease of all the land comprised in the surrendered leases for the remainder of the term of the surrendered leases where they all have the same expiry date or, where they do not all have
10 the same expiry date, for a term expiring on a date fixed by the Council, being not later than the latest expiry date under the surrendered leases, at a rent to be fixed by the Council by resolution either before or after the surrender, and on any
15 terms and conditions authorised by this Act.”

(2) Section 157 of the principal Act is hereby further amended by omitting from subsection (1) and also from subsection (2) the words “special order” wherever they occur, and substituting in each case the word “resolution”.

20 **14. Pedestrian bridges over streets**—The principal Act is hereby further amended by inserting, after section 170A (as inserted by section 14 of the Municipal Corporations Amendment Act 1968), the following heading and section:

“Pedestrian Bridges Over Streets

25 “170B. (1) Notwithstanding anything in this Act or in the Public Bodies Leases Act 1969 or in any other Act, the Council may, pursuant to an ordinary resolution, grant a lease or licence to any person of the airspace or any part of the airspace above the surface of any street, access way, or
30 service lane for the erection and maintenance of a pedestrian bridge connecting any land or building on one side of the street, access way, or service lane with any land or building on the other side, at such rental or licence fee and upon such terms and conditions as the Council thinks fit:

35 “Provided that in exercising the powers conferred by this subsection the Council shall ensure that sufficient airspace remains above the surface of the street, access way, or service lane for the free and unobstructed passage of vehicles and pedestrians using the street or service lane or, in the case of
40 an access way, of pedestrians using the access way.

“(2) Any pedestrian bridge erected in any airspace pursuant to a lease or licence granted under this section shall be deemed to be rateable property for the purposes of the Rating Act 1967.”

15. Vehicle-testing stations—(1) The principal Act is hereby further amended as from its commencement by inserting, after section 177B (as inserted by section 5 of the Municipal Corporations Amendment Act 1959), the following heading and section: 5

“Vehicle-testing Stations” 10

“177c. (1) The Council may provide and operate vehicle-testing stations for the testing of motor vehicles for the issue of warrants of fitness pursuant to regulations made under paragraph (g) of subsection (1) of section 77 of the Transport Act 1962, and for that purpose may— 15

“(a) Take, purchase, or otherwise acquire any land or building in or near to the district:

“(b) Erect or utilise any building on any land that may lawfully be appropriated for the purpose:

“(c) Take all such steps as the Council thinks necessary to adapt for use as a vehicle-testing station any building that it may acquire or utilise under this section: 20

“(d) Equip with all necessary plant and machinery any building that it may erect or acquire or utilise under this section. 25

“(2) The Council may from time to time raise a special loan under the Local Authorities Loans Act 1956 for any of the purposes mentioned in subsection (1) of this section.”

(2) Nothing in this section shall affect the rights of the parties under any judgment given in any Court before the passing of this Act, or under any judgment given on appeal from any such judgment, whether the appeal is commenced before or after the passing of this Act. 30

16. Vehicle crossings—(1) Section 178A of the principal Act (as inserted by section 12 of the Municipal Corporations Amendment Act 1964 and amended by section 15 of the Municipal Corporations Amendment Act 1968) is hereby further amended— 35

(a) By omitting from subsection (1) the words “the Council may, by notice in writing under the hand of the Mayor or Chairman, as the case may be, or of 40

the Town Clerk”, and substituting the words “the Town Clerk or other officer authorised by the Council may, by notice in writing”:

- 5 (b) By omitting from subsection (1) the words “the Council specifies”, and substituting the words “the Council from time to time fixes”.

(2) Section 15 of the *Municipal Corporations Amendment Act 1968* is hereby consequently repealed.

- 10 **17. Underground telephone and electricity-transmission lines**—The principal Act is hereby further amended by inserting, after section 178B (as inserted by section 13 of the *Municipal Corporations Amendment Act 1964*), the following heading and section:

“Underground Telephone and Electricity-transmission Lines

- 15 “178c. (1) Subject to this section, the Council may—
“(a) Enter into an agreement with the Postmaster-General for the conversion into underground lines of all existing above-ground telephone lines in a defined part of the district:
20 “(b) Enter into an agreement with the appropriate Electrical Supply Authority under the *Electricity Act 1968* for the conversion into underground lines of all existing above-ground electricity-transmission lines in a defined part of the district in respect of which the Council is not the Electrical Supply Authority:
25 “(c) Convert into underground lines all existing above-ground electricity-transmission lines in a defined part of the district in respect of which the Council is the Electrical Supply Authority.
30 “(2) Where the Council exercises the powers conferred by subsection (1) of this section in respect of the telephone or electricity-transmission lines in a defined part of the district, the Council shall not raise a special loan under subsection (3) of this section or make and levy a separate rate under subsection (5) of this section or levy a charge under subsection (6) of this section, unless those powers were exercised on the
35 application in writing to the Council of a majority of the ratepayers having a rating qualification in respect of property in that part.

“(3) For the purpose of meeting—

“(a) Any liability incurred by the Council under any agreement entered into with the Postmaster-General or any Electrical Supply Authority pursuant to paragraph (a) or paragraph (b) of subsection (1) 5
of this section; or

“(b) The cost of any work carried out by the Council pursuant to paragraph (c) of that subsection,—

together with an amount equal to 5 percent of the amount of that liability or cost, the Council may raise a special 10
loan for the benefit of the defined part of the district under the Local Authorities Loans Act 1956 and, notwithstanding anything in section 34 of that Act, without the prior consent of the ratepayers.

“(4) Where the Council raises a special loan pursuant to subsection (3) of this section,— 15

“(a) The Council shall make and levy, and appropriate and pledge as security for the repayment of the loan, a special rate on all the rateable property in the defined part of the district; and 20

“(b) Nothing in subsection (2) of section 48 of the Local Authorities Loans Act 1956 shall apply with respect to the annual charges in respect of the loan.

“(5) Where, instead of raising a special loan pursuant to subsection (3) of this section, the Council advances money 25
out of the General Account under the powers conferred by section 31 of the Local Authorities Loans Act 1956,—

“(a) The Council shall under that section make and levy an annually recurring separate rate on all rateable property in the defined part of the district for the 30
purpose of recouping the amount of the advance, together with an amount equal to 5 percent of the amount of that advance; and

“(b) Nothing in the proviso to subsection (4) of that section shall apply. 35

“(6) Instead of raising a special loan pursuant to subsection (3) of this section or making and levying a separate rate under subsection (5) of this section, the Council may advance money out of the General Account for the purpose of meeting the whole or any part of the liability or cost, and 40
shall levy a uniform charge on all rateable property in the defined part of the district for the purpose of recouping the

amount of the advance, together with an amount equal to 5 percent of the amount of that advance. The amount of every such charge shall be payable to the Council in one sum or by such instalments as the Council determines.
5 Every such charge shall for all purposes be deemed to be a separate rate."

18. Powers as to streets to be exercised by special order—

Section 189 of the principal Act is hereby amended by inserting, after subsection (2), the following subsection:

10 "(2A) Notwithstanding anything in subsection (1) of this section, a special order shall not be necessary in any case where the new street or the diversion or widening of the existing street is shown on a plan of subdivision approved by the Council under Part XXV of this Act and deposited under the Land
15 Transfer Act 1952 or in the Deeds Register Office."

19. Application of betterment received in respect of widening of street or widening or creation of service lane—

Section 192 of the principal Act is hereby amended by repealing subsection (11), and substituting the following
20 subsection:

"(11) Money received by the Council under this section shall be applied for the following purposes, and for no other purpose:

25 "(a) In the case of money received in respect of the widening of any street or service lane, in carrying out that widening work and the formation, sealing, kerbing, and channelling of the street or part thereof or, as the case may be, the service lane being widened:

30 "(b) In the case of money received in respect of the creation of a service lane, in the construction, formation, sealing, kerbing, and channelling of that service lane."

20. Advances by Council to owners in respect of cost of drainage and water connections—

35 (1) Section 229 of the principal Act is hereby amended by inserting in subsection (1), after the words "drainage system of the district", the words "or to effect repairs to any such connection".

(2) Section 245A of the principal Act (as inserted by section 21 of the Municipal Corporations Amendment Act
40 1959) is hereby amended by adding to subsection (1) the words "or to effect repairs to any such connection".

21. Construction and repair of main drains outside district—

The principal Act is hereby further amended by repealing section 233, and substituting the following section:

“233. (1) The Council may make any main drain under any road or street outside the district. 5

“(2) The provisions of the Eleventh Schedule to this Act shall apply to such parts of any main drain as lie beyond the district.”

22. Council to make bylaws in respect of prevention of fire—(1) The principal Act is hereby further amended by repealing section 266, and substituting the following section: 10

“266. (1) The Council shall make bylaws for the purpose of—

“(a) Preventing danger from fire, and requiring owners of buildings to provide such safeguards against fire and means of escape in the case of fire as the Council considers necessary: 15

“(b) Requiring owners of buildings to install and maintain such fire-fighting equipment, fire-protection systems, and fire alarms as the Council considers necessary: 20

“(c) Requiring owners and occupiers of buildings (not being buildings to which regulations made under subsection (2A) of section 84 of the Fire Services Act 1949 apply) to undertake such schemes for evacuation from the buildings, and fire and panic prevention drill for staffs, as the Council considers necessary: 25

“(d) Specifying the minimum requirements to be observed in respect of the matters set out in clause 2 of the Twelfth Schedule to this Act before a building may be licensed in accordance with the provisions of that Schedule: 30

“(e) Protecting the public from danger from fire or other emergency in buildings to which section 309 of this Act applies or that require to be licensed under bylaws made pursuant to paragraph (27) of subsection (1) of section 386 of this Act. 35

“(2) No bylaw made under this section shall come into force unless and until it is approved by the Minister. 40

“(3) The Council shall not later than the 31st day of March 1973 make and submit to the Minister for his approval bylaws providing for the matters specified in subsection (1) of this section.

“(4) The Minister may at any time, by writing under his hand, require the Council to revoke, alter, or extend any bylaws made by it under this section.

“(5) If the Council—

5 “(a) Does not on or before the 31st day of March 1973 make and submit to the Minister for his approval bylaws providing for the matters specified in subsection (1) of this section; or

10 “(b) Does not within 3 months from the receipt of a requisition of the Minister under subsection (4) of this section comply with the requisition,—

the Governor-General may make such regulations under section 410 of this Act as he considers necessary to provide for the matters specified in subsection (1) of this section, or, as the
15 case may be, to give effect to the requisition, and those regulations shall have the force of bylaws made by the Council under this section and approved by the Minister.

“(6) Any person who in respect of any building has paid or incurred the expenses of executing any work or installing
20 any equipment under any bylaw made under this section, or of any regulations made under this section and having effect as bylaws, may make application to the Court for an order apportioning the expenses among the several persons entitled to any estate or interest in the building or in any part thereof,
25 and the Court may make such order concerning those expenses and their apportionment among the several persons so interested as appears to the Court to be just and equitable in the circumstances of the case, having regard to the terms of any lease or contract affecting the building or any part thereof.

30 “(7) In subsection (6) of this section the term ‘Court’ in any case where the expenses paid or incurred do not exceed \$2,000 means a Magistrate’s Court, and in any other case means the Supreme Court.

35 “(8) Where any bylaws made by the Council pursuant to subsection (1) of section 386 of this Act make provision for any of the matters specified in subsection (1) of this section, the provisions of this section shall, in relation to so much of the bylaws as relate to such matters, apply with respect to the bylaws as if they had been made pursuant to this section.”

(2) Any bylaws made and approved by the Minister before the passing of this Act pursuant to section 266 of the principal Act (as in force before the passing of this Act) shall continue in force after the passing of this Act as if they had been made and approved under section 266 of the principal Act (as substituted by subsection (1) of this section). 5

23. Laying of gas pipes outside district—(1) Section 272 of the principal Act is hereby amended by adding to paragraph (b) of subsection (2) the word “; and” and by adding to that subsection the following paragraph: 10

“(c) Lay pipes under any road or street outside the district.”

(2) Section 272 of the principal Act is hereby further amended by adding the following subsection:

“(3) The provisions of the Eleventh Schedule to this Act shall apply to any pipes laid beyond the district.” 15

24. Appointment of Health Inspectors—Section 291 of the principal Act is hereby amended by omitting from subsection (1) the words “and the Council shall publicly notify in the district every appointment, resignation, or removal of any such Inspector”. 20

25. Powers of Council with respect to dangerous, deserted, ruinous, and dilapidated buildings—Section 300 of the principal Act is hereby amended by inserting in subsection (3), after the words “to repair or”, the words “if the Council so requires”. 25

26. Powers of Council with respect to buildings likely to be dangerous in earthquake—(1) Section 301A of the principal Act (as inserted by section 22 of the Municipal Corporations Amendment Act 1968) is hereby amended by inserting in subsection (3), after the words “the Council or”, the words “if the Council so requires”. 30

(2) Section 301A of the principal Act (as so inserted) is hereby further amended by inserting in paragraph (a) of subsection (3), after the word “encumbrance”, the words “being an interest registered under the Land Transfer Act 1952”. 35

27. Power of Council to guarantee loans of cultural organisations—Section 305A of the principal Act (as inserted by section 25 of the Municipal Corporations Amendment Act 1968) is hereby amended by adding the words “or to promote
5 or encourage any form of culture or art”.

28. Penalty for using unlicensed building—Section 316 of the principal Act (as amended by section 7 of the Decimal Currency Act 1964) is hereby amended by omitting the expression “\$40”, and substituting the expression “\$100”.

10 **29. Apartment buildings**—Section 317A of the principal Act (as inserted by section 26 (1) of the Municipal Corporations Amendment Act 1968) is hereby amended by adding to the definition of the term “apartment building” in subsection (1)
15 the words “or any single-storey building comprising wholly or principally apartments each of which is completely self-contained and has its own separate outside entrance”.

30. Repayment of advances and purchase money—
(1) Section 333 of the principal Act is hereby amended by omitting from subsection (3) the words “the Governor-General
20 by Order in Council”, and substituting the words “the Minister of Finance by notice in the *Gazette*”.

(2) Every scale in force on the date of the passing of this Act prescribed by an Order in Council made pursuant to section 333 of the principal Act shall continue in force as if
25 it had been prescribed by the Minister of Finance pursuant to that section (as amended by subsection (1) of this section).

31. Advances and guarantees of loans for housing purposes
—(1) The principal Act (as amended by section 2 of the
30 Municipal Corporations Amendment Act 1958) is hereby further amended—

(a) By omitting from subsection (4) of section 337 the words “an amount from time to time prescribed by the Governor-General, by Order in Council”, and
35 substituting the words “an amount from time to time prescribed by the Minister, by notice in the *Gazette*”:

- (b) By omitting from subsection (4) of section 338 the words “an amount from time to time prescribed by the Governor-General, by Order in Council”, and substituting the words “an amount from time to time prescribed by the Minister, by notice in the *Gazette*”:
- (c) By omitting from subsection (2) of section 340 the words “an amount from time to time prescribed by the Governor-General, by Order in Council”, and substituting the words “an amount from time to time prescribed by the Minister, by notice in the *Gazette*”:
- (d) By omitting from paragraph (a) of section 342 the words “the amount for the time being prescribed by Order in Council for the purposes of the said section 337 or section 338 or section 340, as the case may be”, and substituting the words “the amount for the time being prescribed by the Minister by notice in the *Gazette* for the purposes of the said section 337 or section 338 or section 340, as the case may be”.
- (2) Section 2 of the Municipal Corporations Amendment Act 1958 is hereby consequentially repealed.
- (3) Every Order in Council in force on the date of the passing of this Act made under the powers conferred by section 337 or section 338 or section 340 of the principal Act shall continue in force as if it were a notice given by the Minister issued pursuant to the said section 337 or section 338 or section 340, as the case may be (as amended by subsection (1) of this section) and published in the *Gazette*, and may be amended or revoked by the Minister by notice in the *Gazette*.

32. Land not subdivided by lease of owner-occupier flats— Section 350 of the principal Act (as amended by section 3 (2) of the Municipal Corporations Amendment Act 1958) is hereby further amended by adding the following subsection:

“(4) Notwithstanding anything in subsection (2) of this section, land shall not be deemed to be, or ever to have been, subdivided for the purposes of this Part of this Act by reason solely of the fact that the owner, or, in the case of land owned in common, all the owners, grant a lease of, or advertise or offer for disposition by way of lease, any owner-occupier flat comprising a separate building existing on the land, or which

will exist on the land, at the commencement of the lease. For the purposes of this subsection, the term 'owner-occupier flat' means a residential flat in respect of which any person has a right of occupation under a lease held by him by virtue of
5 being the owner of an estate or interest in the land on which the building comprising that residential flat is erected."

33. Plan approved subject to building-line restrictions—

Section 351F of the principal Act (as enacted by section 28 (1) of the Municipal Corporations Amendment Act 1959)
10 is hereby amended by inserting, after subsection (1), the following subsection:

"(1A) The Council may approve a plan of subdivision of any land having a frontage to an existing street of any width, subject to the imposition of a building-line restriction requiring that, when new buildings are erected or any buildings
15 are re-built or re-erected or are substantially re-built or re-erected on any allotment in the subdivision having a frontage to that street, no part of any such buildings shall stand within such distance from the middle line of that street as the
20 Council specifies, being not less than 33 feet."

(2) Section 351F of the principal Act (as so enacted) is hereby further amended by inserting in subsection (4), after the words "the provisions of", the words "subsection (1) of".

34. Building-line restrictions provided in district scheme—

25 The principal Act is hereby further amended by inserting, after section 351F (as enacted by section 28 (1) of the Municipal Corporations Amendment Act 1959), the following section:

"351FF. (1) Notwithstanding anything in this Part of this
30 Act, where any operative district scheme for the district under the Town and Country Planning Act 1953 provides that any land having a frontage to any existing or future street shall be subject to a building-line restriction in relation to that existing or future street, then, on the approval by the Council
35 of a plan of subdivision of that land or any part thereof, the plan of subdivision shall be deemed to have been approved subject to a condition imposing on every allotment in the subdivision having a frontage to that existing or future street the building-line restriction provided in the district scheme as
40 if that condition had been imposed by the Council under this Part of this Act.

“(2) Where a building-line restriction is imposed under this section, it shall not be necessary for the Council to impose any building-line restriction under subsection (6) of section 351BB or subsection (5) of section 351BC of this Act.

“(3) Nothing in subsection (3) or subsection (5) of section 351F of this Act shall apply with respect to any building-line restriction that is deemed to have been imposed under this section.” 5

35. Reserves created under Land Subdivision in Counties Act 1946 or former Acts before inclusion in district—The principal Act is hereby further amended by inserting in Part XXV, after section 353, the following section: 10

“353A. (1) All public reserves in any district that before the commencement of this section were vested in Her Majesty under the provisions of section 13 of the Land Subdivision in Counties Act 1946 or section 16 of the Land Act 1924 or section 17 of the Land Laws Amendment Act 1920, or were purchased out of money in the Land Settlement Account under the provisions of paragraph (a) of subsection (2) of section 14 of the Land Subdivision in Counties Act 1946 (being reserves vested in Her Majesty immediately before the commencement of this section) shall at the commencement of this section vest in the Corporation of the district, and shall be held as reserves set apart for the purpose for which they were held at that date and subject to the Reserves and Domains Act 1953: 15 20 25

“Provided that nothing in this subsection shall apply with respect to any public reserve that at the date of the commencement of this section is a domain or scenic reserve or is under the control of an administering body under the provisions of the Reserves and Domains Act 1953 other than the Council. 30

“(2) For the purposes of subsection (5) of section 18 of the Reserves and Domains Act 1953, the title of the Corporation to any reserve— 35

“(a) That is vested in the Corporation pursuant to subsection (1) of this section; or

5 “(b) That before the date of the commencement of this section had vested in Her Majesty under the provisions of any of the enactments specified in subsection (1) of this section or been purchased out of money in the Land Settlement Account as aforesaid and was later vested in the Corporation of the district as a public reserve—

shall be deemed to have been derived by the Corporation otherwise than from the Crown.

10 “(3) On the application under the seal of the Corporation of the district, accompanied by a certificate by the Commissioner of Crown Lands for the land district in which the reserve is situated certifying that the reserve is vested in the Corporation under the provisions of this section, the District
15 Land Registrar shall, without fee, register the Corporation as the proprietor of the land comprising the reserve, or, where no certificate of title for the reserve is in existence, issue a certificate of title for the land in the name of the Corporation.

20 “(4) Nothing in subsection (5) of section 353 of this Act shall apply with respect to any reserve that is vested in the Corporation pursuant to subsection (1) of this section.”

25 **36. Medical practitioners’ surgeries**—The principal Act is hereby further amended by inserting in Part XXVI, after section 365A (as inserted by section 31 of the Municipal Corporations Amendment Act 1964), the following heading and section:

“Medical Practitioners’ Surgeries

30 “365B. (1) Where the district or any part thereof is or forms part of a rural area declared under section 94A of the Social Security Act 1964 (as inserted by section 12 of the Social Security Amendment Act 1969), the Council may from time to time—

35 “(a) Cause a medical practitioner’s surgery to be erected on any land belonging to or leased by the Corporation and situated in that rural area:

“(b) Make provision for a medical practitioner’s surgery in any building in that rural area erected or acquired by the Corporation:

40 “(c) Take, purchase, or otherwise acquire any land in that rural area for the purpose of erecting thereon a medical practitioner’s surgery.

“(2) The Council may let any such medical practitioner’s surgery to any medical practitioner on such tenancy or lease, at such rent, for such term, and upon such conditions as it thinks fit.

“(3) The Public Bodies Leases Act 1969 shall not apply to any tenancy or lease granted under this section. 5

“(4) Nothing in this section shall authorise the Council to deal with any public reserve within the meaning of the Reserves and Domains Act 1953 otherwise than in accordance with the provisions of that Act.” 10

37. Bylaws as to licensing of hawkers or pedlars—

(1) Section 386 of the principal Act is hereby amended by repealing the proviso to paragraph (28) of subsection (1) (which proviso was substituted by section 31 (3) of the Municipal Corporations Amendment Act 1959), and substituting the following proviso: 15

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

(2) Section 31 of the Municipal Corporations Amendment Act 1959 is hereby consequentially amended by repealing subsection (3). 20

38. Bylaws as to mobile or travelling shops—(1) Section 386 of the principal Act is hereby further amended by adding to paragraph (28A) of subsection (1) (which paragraph was inserted by section 31 (4) of the Municipal Corporations Amendment Act 1959) the words “in respect of each such shop kept by the licensee”. 25

(2) Section 386 of the principal Act is hereby further amended by omitting from the definition of the term “mobile or travelling shop” in subsection (2) (as inserted by section 33 of the Municipal Corporations Amendment Act 1964 and amended by section 39 (b) of the Municipal Corporations Amendment Act 1968) the words “or from which services are offered for sale in the road”, and substituting the words “or from which services are offered for sale in the street”. 30 35

(3) Section 39 of the Municipal Corporations Amendment Act 1968 is hereby consequentially amended by repealing paragraph (b).

39. Subletting of contracts—Clause 3 of the Fifth Schedule to the principal Act is hereby amended by repealing the proviso, and substituting the following proviso:

5 “Provided the Council or the Engineer may, by notice in writing to the contractor, authorise him to sublet such special portions of the work as in the opinion of the Council or the Engineer, as the case may be, could not be produced or executed by the contractor in the ordinary course of his business. Where the Engineer authorises the contractor to sublet any
10 portion of the work, he shall report the same to the Council, in such manner as the Council requires, at its next ordinary meeting or, where that is not practicable, at its next succeeding ordinary meeting.”

40. Provisions as to laying gas pipes and drains outside district—The Eleventh Schedule to the principal Act is hereby amended—

- (a) By inserting in the heading, after the word “Waterworks”, the words “and Drains and Laying Gas Pipes”:
- 20 (b) By inserting in clause 1, after the word “waterworks”, the words “or drains or laying gas pipes”:
- (c) By inserting in clause 3 and also in clause 4, after the word “waterworks”, the words “or drains or gas
25 pipes”:
- (d) By inserting in clause 1, and also in clauses 2, 3, and 4, after the words “local authority”, “or body”.