

MUNICIPAL CORPORATIONS AMENDMENT BILL

AMENDMENTS RECOMMENDED BY LOCAL BILLS COMMITTEE

EXPLANATORY NOTE

Clause 7: The new clause 7, instead of amending the third proviso to section 102 (2) of the principal Act as proposed in the clause as introduced, re-enacts that proviso omitting the words proposed to be omitted and making another consequential change. The effect of the amendment is not altered.

Clause 11A: Under section 152 (3) of the principal Act, the rent payable under a renewal of a renewable lease granted under that section is to be fixed by a valuation made by 3 independent persons, 1 of whom is to be appointed by the Council, 1 by the lessee, and the third by those appointed persons.

This clause will enable the Council to offer to the lessee a renewal lease at a rent fixed by a person whom the Council reasonably believes to be competent to make the valuation. If the lessee does not accept a renewal at the rent offered, the rent is to be fixed in the manner provided in the present section 152 (3).

Clause 13A inserts a new section 157A in the principal Act providing that where the Council takes or otherwise acquires for the purposes of a public work part of the land comprised in any lease from the Corporation, the Council may, pursuant to a special order, grant to the lessee a lease of any adjoining land available for leasing. The Council may issue a new lease comprising both the remaining portion of the land in the original lease and the adjoining land for the balance of the term of the original lease, at a rent fixed by valuation, and otherwise on the same terms and conditions as the original lease.

Clause 14: The substituted clause 14 is in wider terms than the clause as introduced in that it is extended to enable the subsoil of streets, access ways, and service lanes to be leased and the purposes for which the airspace may be leased are not limited to pedestrian bridges.

The effect of the new section 170c is as follows:

- (a) The Council may grant a lease of the airspace or subsoil of any street, access way, or service lane.
- (b) The use proposed for that airspace or subsoil must be a permitted use under the Council's district scheme or be authorised by way of a departure from that scheme.
- (c) In the case of a lease of airspace, the Council must ensure that sufficient airspace remains for the free and unobstructed passage of vehicles and pedestrians using the street or service lane or, in the case of an access way, of pedestrians using the access way.
- (d) Improvements erected or constructed in the airspace or subsoil will be rateable property for the purposes of the Rating Act 1967.

Clause 15: The amendment to subsection (1) of the proposed section 177c extends the purposes for which vehicle-testing stations may be provided to include the testing of motor vehicles for the issue of certificates of fitness or permits pursuant to regulations made under section 143 (1) of the Transport Act 1962.

Subsection (2) is omitted as it is unnecessary. Section 24 (c) of the Local Authorities Loans Act 1956 authorises a local authority to raise a special loan for and in connection with the engaging in any undertaking as to which the local authority is duly authorised by law.

Clause 17: These amendments substitute the words “electric lines” for the words “electricity-transmission lines” where they occur in the proposed section 178c. Electricity-transmission lines are usually regarded as being long-distance trunk lines.

Clause 19: These amendments enable betterment money received in respect of the widening of a street or the creation or widening of a service lane to be applied towards the cost of acquiring any land for that purpose. Any excess shall be applied in respect of the widening of any other street or the widening or creation of any other service lane in the district.

Clause 22: This amendment substitutes a reference to regulations made pursuant to section 120 (2) (c) of the Health Act 1956 (which relates to the registration of eatinghouses). Eatinghouses are required to be registered by regulations made under that section and not by bylaws made pursuant to section 386 (1) (27) of the principal Act. The regulations at present applying are the Health (Eatinghouse) Regulations 1948 (S.R. 1948/185).

Clause 25: This clause as introduced amends section 300 (3) of the principal Act in order to make it clear that the Council and not the owner has the right to decide whether a building in a dilapidated or ruinous condition shall be repaired or taken down.

Section 300 (1) (b) contains a similar provision relating to dangerous buildings, and this amendment substitutes a new clause amending both subsections 1 (b) and (3) of section 300 in order to make it clear that in each case the option is with the Council to direct repair or removal.

Clause 26A: This clause makes it clear that the power conferred on the Council by section 305 (2) (d) of the principal Act to make grants for purposes of recreation, enjoyment, health, education, or instruction includes power to make grants for the purposes of any form of culture.

Clause 27: The substituted section 305A of the principal Act extends the classes of organisations whose loans may be guaranteed by the Council. The effect of the amendment is that the Council may guarantee the repayment of advances made to organisations to which it is empowered to make grants pursuant to section 305 (2) (d) of the principal Act (as amended by *clause 26A*).

Clause 29: Under clause 2 of the Twelfth Schedule to the principal Act a licence for a building to which that Schedule applies may be issued for a period not exceeding 1 year.

This amendment will enable a licence for a period of more than 1 year but not more than 3 years to be issued, on the recommendation of the proper inspecting officer, in the case of an apartment building that is required to be licensed pursuant to section 317A if it is not more than 10 years old, was built to a standard specification approved by the Council, and contains only apartments which are completely self-contained.

Clause 32: This amendment extends the provisions of the amendment to cases where the lessee of the separate building comprising the residential flat is entitled to a lease by virtue of being a shareholder in a company owning the land on which the building is erected.

Clause 38A: Section 412 of the principal Act provides that except where otherwise provided, nothing in that Act or in any regulations or bylaws made under that Act shall apply to property vested in the Crown, but the principal Act and the regulations and bylaws thereunder shall apply to the interest of any lessee, licensee, or other person claiming an interest in any property of the Crown in the same manner as they apply to private property.

This clause provides that any local authority or person or body of persons having the control and management, pursuant to an appointment made under section 21 of the Reserves and Domains Act 1953, of any public reserve vested in the Crown, will be deemed to have an interest in the reserve for the purposes of section 412 of the principal Act. The effect of this is that the principal Act and regulations and bylaws thereunder will apply to that interest.

Clause 39: The effect of this amendment is that where the Engineer reports to the Council that he has authorised a contractor to sublet any portion of the work, he must specify in that report the name of the subcontractor and the amount payable under the subcontract.

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 13 October 1971

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.

Hon. Mr Seath

MUNICIPAL CORPORATIONS AMENDMENT

ANALYSIS

- | | |
|---|--|
| Title | 23. Laying of gas pipes outside district |
| 1. Short Title | 24. Appointment of Health Inspectors |
| 2. Addition to or exclusion from district of reclaimed or other land | 25. Powers of Council with respect to dangerous, deserted, ruinous, and dilapidated buildings |
| 3. Roll for election or poll | 26. Powers of Council with respect to buildings likely to be dangerous in earthquake |
| 4. Ouster of office of Mayor or Councillor | 27. Power of Council to guarantee loans of cultural organisations |
| 5. Special orders | 28. Penalty for using unlicensed building |
| 6. Deposit at interest | 29. Apartment buildings |
| 7. Uniform fee for refuse removal from shops and offices | 30. Repayment of advances and purchase money |
| 8. Remuneration of Councillors | 31. Advances and guarantees of loans for housing purposes |
| 9. Observance of Sovereign's birthday | 32. Land not subdivided by lease of owner-occupier flats |
| 10. Investment of money in Depreciation Fund | 33. Plan approved subject to building line restrictions |
| 11. Reserve Fund for trading undertakings | 34. Building-line restrictions provided in district scheme |
| 12. Periodic review of rents | 35. Reserves created under Land Subdivision in Counties Act 1946 or former Acts before inclusion in district |
| 13. Surrender of leases | 36. Medical practitioners' surgeries |
| 14. Pedestrian bridges over streets | 37. Bylaws as to licensing of hawkers or pedlars |
| 15. Vehicle-testing stations | 38. Bylaws as to mobile or travelling shops |
| 16. Vehicle crossings | 39. Subletting of contracts |
| 17. Underground telephone and electricity-transmission lines | 40. Provisions as to laying gas pipes and drains outside district |
| 18. Powers as to streets to be exercised by special order | |
| 19. Application of betterment received in respect of widening of street or widening or creation of service lane | |
| 20. Advances by Council to owners in respect of cost of drainage and water connections | |
| 21. Construction and repair of main drains outside district | |
| 22. Council to make bylaws in respect of prevention of fire | |

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:

5

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”.

15

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.”

20

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:

25

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

30

“(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.

35

“(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.”

40

(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”.

Struck Out

7. Uniform fee for refuse removal from shops and offices—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”.

New

7. Uniform fee for refuse removal from shops and offices—Section 102 of the principal Act is hereby amended by repealing the third proviso to subsection (2), and substituting the following proviso:

“Provided further that any such annual fee may be a uniform annual fee for each separately occupied portion of any building.”

8. Remuneration of Councillors—(1) Section 114A of the 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 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 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 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 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*”.

(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*.

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*”.

(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*.

25

New

11A. Extent of leasing powers—Section 152 of the principal Act is hereby amended by inserting, after subsection (3), the following subsection:

“(3A) Notwithstanding anything in the foregoing provisions of this section, the annual rent under any renewal lease granted under subparagraph (i) of paragraph (b) of subsection (1) of this section may, if the Council thinks fit, be fixed as follows:

“(a) Not earlier than 9 months and not later than 3 months before the expiry by effluxion of time of the term of the lease, 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 (including or, as the case may require, excluding any buildings and other improvements in accordance with the said subparagraph (i)), so that the rent so valued shall be uniform throughout the whole term of the renewal

New

lease, or, in any case where the rent is to be reviewed at periodic intervals pursuant to section 153A of this Act, the whole of the first such period of the renewal lease:

5

“(b) As soon as possible after the said 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 will accept a renewal lease at the rent specified in the notice:

10

“(c) Within 2 months after the giving of that notice to the lessee, he shall give notice in writing to the Council stating—

“(i) That he desires to accept a renewal lease at the rent stated in the notice given to him by the Council; or

15

“(ii) That he requires the rent for the renewal lease to be determined in the manner specified in subsection (3) of this section, and, if he so requires, the rent shall be determined accordingly; or

20

“(iii) That he does not desire to accept a renewal lease:

“(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 accept a renewal lease at the rent specified in the notice given to him by the Council.”

25

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

30

“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.

35

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

5 “(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 shall be uniform throughout the whole of that ensuing period:

10 “(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:

15 “(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):

20 “(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:

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.” 5

13. Surrender of leases—(1) Section 157 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection: 10

“(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 15

“(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 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 terms and conditions authorised by this Act.” 20 25

(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”. 30

New

13A. Council may grant lease of adjoining land when leased land taken or acquired for public work—The principal Act is hereby further amended by inserting, after section 157, the following section: 35

“157A. (1) Where for the purposes of any public work the Council has taken or otherwise acquired part of the land comprised in any lease granted by the Corporation, the Council may, pursuant to a special order,— 40

“(a) Offer to the lessee, without calling for public application, a lease of any land vested in the Council available for leasing and adjoining the remaining land comprised in the lease; and 45

New

5 “(b) Grant to the lessee a new lease of that remaining land
and that adjoining land for the unexpired term of
the original lease, at a rent fixed by a valuation
made by a person whom the Council reasonably
believes to be competent to make the valuation, and
subject to the same terms and conditions as the
original lease, including the same right (if any) to
10 a renewal lease or of having a new lease offered for
sale by auction as that to which the lessee is entitled
under the original lease.

“(2) In determining the area of adjoining land to be offered
to a lessee for lease pursuant to subsection (1) of this section,
the Council shall have regard to the area and value of the
15 land taken or otherwise acquired and such other matters as it
considers relevant.

“(3) Nothing in section 153 of this Act or in section 17 of
the Public Bodies Leases Act 1969 shall apply with respect to
any lease granted under this section.”

Struck Out

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 Amend-
ment 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
30 the airspace above the surface of 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, at such rental or licence fee and upon such
35 terms and conditions as the Council thinks fit:

“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
40 pedestrians using the street or service lane or, in the case of
an access way, of pedestrians using the access way.”

Struck Out

“(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.”

5

New

14. Leases of airspace or subsoil of streets—The principal Act is hereby further amended by inserting, after section 170B (as inserted by section 4 of the Municipal Corporations Amendment Act 1970), the following heading and section:

10

“Leases of Airspace or Subsoil of Streets

“170c. (1) Subject to subsection (3) of section 199 of this Act, the Council may—

“(a) Grant a lease to any person of the airspace or any part of the airspace above the surface of any street, access way, or service lane; or

15

“(b) Grant a lease to any person of the subsoil or any part of the subsoil beneath the surface of any street, access way, or service lane:

“Provided that no such lease shall be granted unless the use proposed for that airspace or subsoil is a use permitted under the Council’s operative district scheme under the Town and Country Planning Act 1953 or is otherwise authorised by way of departure under section 35 of that Act:

20

“Provided also that, in exercising the powers conferred by this subsection in relation to any airspace, 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 an access way, of pedestrians using the access way.

30

“(2) Any improvements erected or constructed in any airspace or in any subsoil pursuant to a lease under this section shall be deemed to be rateable property for the purposes of the Rating Act 1967.

35

“(3) Nothing in this section shall be construed as to restrict any right a Council may have to permit any person to use for a temporary period any part of the surface or of the airspace above the surface of any street, access way, or service lane.

“(4) The Council may grant a lease to any person under subsection (1) of this section for the purpose of the erection

40

New

and maintenance of a pedestrian or vehicular 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
5 upon such terms and conditions as it thinks fit. The provisions of the Public Bodies Leases Act 1969 shall not apply with respect to any such lease.”

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

“Vehicle-testing Stations

“177c. (1) The Council may provide and operate vehicle-
15 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 certificates of fitness and permits pursuant to regulations made pursuant to subsection (1) of section 143
20 of that Act, and for that purpose may—

“(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:

25 “(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:

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

Struck Out

“~~(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
40 before or after the passing of this Act.~~

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— 5

(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 the Town Clerk”, and substituting the words “the Town Clerk or other officer authorised by the Council may, by notice in writing”: 10

(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. 15

17. Underground telephone and (~~electricity-transmission~~) electric 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: 20

“*Underground Telephone and (~~Electricity-transmission~~)
Electric Lines*”

“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: 25

“(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~~) electric lines (as defined in the Electricity Act 1968) in a defined part of the district in respect of which the Council is not the Electrical Supply Authority: 30 35

“(c) Convert into underground lines all existing above-ground (~~electricity-transmission lines~~) electric lines (as so defined) in a defined part of the district in respect of which the Council is the Electrical Supply Authority. 40

“(2) Where the Council exercises the powers conferred by subsection (1) of this section in respect of the telephone or (electricity-transmission lines) electric lines (as so defined) in a defined part of the district, the Council shall not raise a
5 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 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
15 paragraph (a) or paragraph (b) of subsection (1) 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
20 of that liability or cost, the Council may raise a special 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,—

“(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
30 defined part of the district; and

“(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
35 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 purpose of recouping the amount of the advance,
40 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.

“(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 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. 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:

“(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 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 subsection:

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

“(a) In the case of money received in respect of the widening of any street or service lane, in carrying out that widening work (including the acquisition of any land required for that 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:

5 “(b) In the case of money received in respect of the creation of a service lane, in the acquisition of land required for the creation of that service lane, and in the construction, formation, sealing, kerbing, and channeling of that service lane.”

New

10 “(c) Where the money received is more than sufficient to meet the costs of the purposes specified in paragraph (a) or, as the case may be, paragraph (b) of this subsection, the amount of the excess shall be applied in respect of the widening of any other street or service lane or the creation of any other service lane within the district.”

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

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

25 **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.

30 “(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:

35 of— “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:

- “(b) Requiring owners of buildings to install and maintain such fire-fighting equipment, fire-protection systems, and fire alarms as the Council considers necessary:
- “(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:
- “(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:
- “(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)* registered pursuant to regulations made under paragraph (b) of subsection (2) of section 120 of the Health Act 1956 (which relates to eatinghouses).
- “(2) No bylaw made under this section shall come into force unless and until it is approved by the Minister.
- “(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—
- “(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
- “(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

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.

5 “(6) Any person who in respect of any building has paid or incurred the expenses of executing any work or installing 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
10 to any estate or interest in the building or in any part thereof, 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
15 any lease or contract affecting the building or any part thereof.

“ (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.

20 “(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
25 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
30 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).

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
35 to that subsection the following paragraph:

“(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:

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

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”.

5

Struck Out

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”.

10

New

25. Powers of Council with respect to dangerous, deserted, and dilapidated buildings—Section 300 of the principal Act is hereby amended—

- (a) By omitting from paragraph (a) of subsection (1) the words “either by securing or”, and substituting the words “by securing or, if the Council so requires”:
- (b) By inserting in subsection (3), after the words “to repair or”, the words “if the Council so requires”.

15

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”.

25

(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”.

30

New

26A. Powers of Council in relation to public recreation and instruction, etc.—Section 305 of the principal Act is hereby amended by omitting from paragraph (d) of subsection (2) the words “or instruction”, and substituting the words “instruction, or any form of culture”.

35

Struck Out

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 or encourage any form of culture or art”.

New

27. **Power of Council to guarantee loans of bodies promoting public recreation, instruction, etc.**—(1) The principal Act is hereby further amended by repealing section 305A (as inserted by section 25 of the Municipal Corporations Amendment Act 1968), and substituting the following section:

“305A. The Council may from time to time, in the name and on behalf of the Corporation, by deed or other instrument and subject to such terms and conditions as it thinks fit, guarantee the repayment of any money advanced to any incorporated association or body of persons not carried on for private profit whose object or principal object or one of whose principal objects is to establish, maintain, control, conduct, aid, or carry on generally any purpose of recreation, enjoyment, health, education, instruction, or any form of culture, or any sport other than horse racing or trotting, or of improving or developing public amenities.”

(2) Section 25 of the Municipal Corporations Amendment Act 1968 is hereby consequentially repealed.

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”.

29. **Apartment buildings**—(1) 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) 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”.

New

(2) The Twelfth Schedule to the principal Act is hereby amended by adding to clause 2 the following proviso:
 “Provided that in the case of an apartment building required to be licensed under section 317A of this Act, the Council may, on the recommendation of the proper officer referred to in paragraph (d) of this clause, issue to the appli-

New

cant a licence for a period of more than 1 year but not more than 3 years, where the apartment building was erected not earlier than 10 years before the date of inspection, was constructed in accordance with a standard specification approved by the Council for the purposes of this clause, and contains only apartments which are completely self-contained.”

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 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 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 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 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 being a shareholder in a company owning the land on which the building comprising that residential flat is erected, or by virtue of 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) 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 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 Council specifies, being not less than 33 feet.” 5

(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”. 10

34. Building-line restrictions provided in district scheme—
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: 15

“351FF. (1) Notwithstanding anything in this Part of this 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 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 if that condition had been imposed by the Council under this Part of this Act. 20 25 30

“(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.” 35

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: 40

“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
5 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
10 (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 “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
20 Council.

“(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—

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

“(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
30 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.

35 “(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
40 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.

“(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.”

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: 5

“Medical Practitioners' Surgeries

“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— 10

“(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: 15

“(b) Make provision for a medical practitioner's surgery in any building in that rural area erected or acquired by the Corporation: 20

“(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. 25

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

“(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.” 30

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: 35

“Provided that the licence fee for a hawker or pedlar shall not exceed \$10 a year:” 40

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

5 **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”.

10 (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
15 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”.

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

New

38A. Act not to affect property of Crown—Section 412 of the principal Act is hereby amended by adding the following subsection:

25 “(3) Any local authority or person or body of persons (whether incorporated or not) appointed, pursuant to section 21 of the Reserves and Domains Act 1953, to control and manage any public reserve that is vested in the Crown shall, by virtue of that appointment, be deemed to have an interest
30 in that reserve.”

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:

35 “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
40 portion of the work, he shall report the same to the Council,

in such manner as the Council requires, specifying the name of the subcontractor and the amount payable under the sub-contract, 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— 5

- (a) By inserting in the heading, after the word “Waterworks”, the words “and Drains and Laying Gas Pipes”: 10
- (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 pipes”: 15
- (d) By inserting in clause 1, and also in clauses 2, 3, and 4, after the words “local authority”, “or body”.