

MUNICIPAL CORPORATIONS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Municipal Corporations Act 1954.

Clause 1 relates to the Short Title.

Clause 2 inserts a new section 387c in the principal Act requiring every Council to make bylaws by 1 April 1978 requiring new residential buildings (as defined in that section) to be provided with thermal insulation for the purpose of preventing or reducing heat losses, as an energy conservation measure.

Bylaws made under this section will require the approval of the Minister of Energy, who may at any time require the Council to revoke, alter, or extend any such bylaws.

If the Council fails to make such bylaws by 1 April 1978 or fails for 3 months to revoke, alter, or extend any such bylaws when required by the Minister of Energy, regulations may be made under the principal Act providing for the matters for which bylaws are required to be made.

Clause 3 provides for amendments of the principal Act that are consequential on the provisions of the Land Valuation Proceedings Amendment Act 1977 transferring to Land Valuation Tribunals jurisdiction in land valuation matters formerly exercised by the Administrative Division of the Supreme Court.

Hon. Mr Highet

MUNICIPAL CORPORATIONS AMENDMENT

ANALYSIS

Title	3. References to Administrative
1. Short Title	Division of Supreme Court
2. Bylaws as to thermal insulation of residential buildings	

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,
5 as follows:

1. Short Title—This Act may be cited as the Municipal Corporations Amendment Act 1977, and shall be read together with and deemed part of the Municipal Corporations Act 1954* (hereinafter referred to as the principal Act).

10 2. Bylaws as to thermal insulation of residential buildings—
The principal Act is hereby amended by inserting, after section 387B (as inserted by section 40 of the Municipal Corporations Amendment Act 1968), the following section:
“387C. (1) In this section, unless the context otherwise
15 requires,—

*Reprinted, 1969, Vol. 4, p. 2439

Amendments: 1970, No. 89; 1971, No. 62; 1972, No. 131; 1974, No. 9;
1975, Nos. 2, 93, 94; 1976, No. 57

“ ‘Minister’ means the Minister of Energy :

“ ‘New’, in relation to any residential building, means a residential building for which a building permit is issued by the council after the commencement of bylaws made pursuant to this section: 5

“ ‘Residential building’ means—

“ (a) Any dwellinghouse :

“ (b) Any owner-occupier flat as defined in section 317A of this Act: 10

“ (c) Any apartment building as defined in section 317A of this Act: 10

“ (d) Any single-storey building comprising wholly or principally apartments each of which is completely self-contained and has its own outside entrance: 15

“ (e) Such other classes of buildings of any kind whatsoever used or intended to be used for human habitation purposes as are declared by the Minister, by notice in the *Gazette*, to be residential buildings for the purposes of this section;— 20
and includes any extension of or addition to a residential building, being an extension or addition used or intended to be used for human habitation purposes:

“ Provided that the Minister may from time to time, by notice in the *Gazette*, declare that buildings of any of the kinds specified in paragraphs (a) to (d) of this definition or of any of the classes specified in a notice under paragraph (e) of this definition shall not be residential buildings for the purposes of this section, and that first-mentioned notice shall have effect accordingly. 25 30

“(2) The Council shall, for the purpose of preventing or reducing heat losses in residential buildings as an energy conservation measure, make bylaws, which shall apply to new buildings only, for the following purposes— 35

“ (a) Specifying the minimum thermal insulation requirements for residential buildings:

“ (b) Specifying the manner in which those requirements are to be met: 40

“ (c) Requiring owners of residential buildings to comply with those requirements.

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

“Provided that where—

5 “(a) The Minister has approved a bylaw made under this section or regulations having the force of bylaws have been made under subsection (6) of this section; and

10 “(b) The bylaw adopts, under section 27 of the Standards Act 1965, the whole of a standard specification made under that Act or, as the case may be, the regulations adopt the whole of any such standard specification, without, in either case, any modification or addition,—

15 any subsequent bylaw made by the Council amending the bylaw so approved by the Minister, or, as the case may be, amending the regulations, shall not require the approval of the Minister if it adopts under the said section 27 without modification or addition the whole of any standard specification amending the specification that was adopted in the

20 original bylaw or in the regulations, as the case may be.

“(4) The Council shall not later than the 1st day of April 1978 make and submit to the Minister for his approval bylaws providing for the matters specified in subsection (2) of this section.

25 “(5) 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.

“(6) If the Council—

30 “(a) Does not on or before the 1st day of April 1978 make and submit to the Minister for his approval bylaws providing for the matters specified in subsection (2) of this section; or

35 “(b) Does not within 3 months from the receipt of a requisition of the Minister under subsection (5) of this section comply with the requisition,—

the Governor-General may make such regulations under section 410 of this Act as are necessary to provide for the matters specified in subsection (2) 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

40 under this section and approved by the Minister.”

3. References to Administrative Division of Supreme Court—The principal Act is hereby further amended—

- (a) By omitting from subsection (2) of section 192 (as amended by section 2 (4) of the Land Valuation Proceedings Amendment Act 1968) and from subsection (3) (as amended by the said section 2 (4)) the words “the Administrative Division of the Supreme Court”, and substituting in each case the words “the Land Valuation Tribunal”: 5
- (b) By omitting from subsection (4) of section 351bc (as inserted by section 24 of the Municipal Corporations Amendment Act 1964 and amended by the said section 2 (4)) the words “the Administrative Division of the Supreme Court”, and substituting the words “the Land Valuation Tribunal”. 15