

Mr Kidd

**MARLBOROUGH COUNTY COUNCIL
EMPOWERING AMENDMENT**

[LOCAL]

ANALYSIS

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A BILL INTITULED

An Act to amend the administrative rating provisions of the Marlborough County Council Empowering Act 1965 in portions of the Sounds Division within the County of Marlborough, and to empower the County to make and levy a uniform general charge within the affected area

WHEREAS the Marlborough County Council Empowering Act 1965 empowered the Marlborough County Council to levy an administrative rate within those portions of the Marlborough Sounds area known as the administrative rating area defined in the Act, subject to the proviso that the amount of the administrative rate in the dollar of rateable value made and levied in each rating year was not to exceed an amount equal to ten percent of the general rate made and levied in the dollar of rateable value on all other areas in the Sounds Division of the County: And whereas circumstances have so changed since the date of the passing of that legislation as to make it reasonable that a uniform general charge should be made and levied in addition to the restricted rate in the administrative rating area: And

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whereas it is also desirable that the Council should have power to extend the boundaries of the administrative rating area to areas with contiguous boundaries to existing administrative rating area boundaries:

BE IT THEREFORE 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 Marlborough County Council Empowering Amendment Act 1980.

2. Interpretation—In this Act, unless the context otherwise requires— 10

“The Act” means the Marlborough County Council Empowering Act 1965:

“Administrative rating area” means that portion of the Sounds Division of the County in which an administrative rate was made and levied in the year immediately preceding commencement of this Act by the Marlborough County Council pursuant to the provisions of the Marlborough County Council Empowering Act 1965 and includes also those areas subsequently included in the administrative rating area pursuant to the provisions of section 5 of this Act: 15

“Council” means the Marlborough County Council:

“Separately rateable property” means any property in the district which is shown as rateable land in a valuation assessment issued under the Valuation of Land Act 1948. 20

3. Power to make uniform general charge—(1) Notwithstanding anything contained in any other Act, the Council may by resolution make and levy a uniform general charge in each year on every separately rateable property within the administrative rating area of an amount of \$25. 30

(2) The uniform general charge shall for all purposes be deemed to be a rate and shall be recoverable as such.

4. Power to make uniform general charge not to limit other powers—(1) The exercise by the Council of the powers contained in this Act shall not derogate from any other powers that the Council may have to make and levy any other rates or charges. 35

(2) For the purposes of section 136 (1) of the Local Government Act 1974, the uniform general charge shall be deemed to be part of the general rate to the effect that the product of the uniform general charge and the general rate
5 levied within the administrative rating area together shall not exceed in any one year 1.25 cents in the dollar on the capital value or its equivalent on the land value.

5. Power to extend boundaries of administrative rating area—Notwithstanding the provisions of section 3 (c) of the
10 Act, the Council shall have the power at any time by special order to extend the boundaries of the administrative rating area to any area contiguous to the boundaries of the administrative rating area existing at the time of such special order:

15 Provided that where the Council so declares by special order that the boundaries of the administrative rating area are extended, such extension shall have effect on and after the 1st day of April following the passing of the special order.

6. Repeals, amendments, and savings—(1) Without limiting the provisions of the Acts Interpretation Act 1924 it is
20 hereby declared that the provisions of this Act shall not affect any document made or anything done whatsoever under the provisions of the Act whatsoever and every such document or thing so far as it is subsisting or in force at the time of this amendment shall continue and have effect.

25 (2) The provisions of the Act set forth in the Schedule to this Act shall be amended in the manner described in the said Schedule.

SCHEDULE

Section 6 (2)

Provisions Amended	Amendment
Sections 2 and 3	By omitting references to the Rating Act 1925 and Counties Act 1956, and substituting, respectively, references to the Rating Act 1967 and the Local Government Act 1974.
Section 2: Interpretation of "rateable property" and "rateable value"	By omitting references to section 2 of the Rating Act 1925, and substituting references to section 2 of the Rating Act 1967.
Section 3 (b)	By repealing references to sections 105 and 106 of the Counties Act 1956, and substituting references to section 136 (1) and (2) (a) of the Local Government Act 1974.