

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 7 October 1980

Words struck out are shown 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.

Mr Kidd

**MARLBOROUGH COUNTY COUNCIL
EMPOWERING AMENDMENT**

[LOCAL]

ANALYSIS

Title	4. Power to make uniform general
Preamble	charge not to limit other powers
1. Short Title	5. Power to extend boundaries of
2. Interpretation	administrative rating area
3. Power to make uniform general charge	6. Repeals, amendments, and savings Schedule

A BILL INTITULED

5 **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**

10 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
15 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
20 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, and shall be read together with and form part of the Marlborough County Council Empowering Act 1965 (hereinafter referred to as the principal Act). 10

Struck Out

2. Interpretation—In this Act, unless the context otherwise requires— 15

“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: 20

“Council” means the Marlborough County Council: 25

“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. 30

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. 35

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

Struck Out

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.

(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 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 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:

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 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.

(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.

New

2. **Interpretation**—(1) Section 2 of the principal Act is hereby amended by repealing the definition of the term “administrative rating area”, and substituting the following definition:

“ ‘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 ended with the 31st day of March 1980 by the

New

Council pursuant to this Act; and includes those areas subsequently included in the administrative rating area pursuant to section 3 (c) of this Act:”.

(2) The said section 2 is hereby further amended by inserting, after the definition of the term “rateable property”, the following definition: 5

“‘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:”.

3. Power to extend administrative rating area—Section 3 of the principal Act is hereby amended by repealing paragraph (c), and substituting the following paragraph:

“(c) The Council shall have power at any time by special order to declare that any administrative rating area shall be— 15

“(i) Extended by including any area contiguous to its boundaries as they exist at the time of making the special order: 20

“(ii) Varied in any manner:

“(iii) Wholly or partially revoked:

“Provided that no administrative rating area shall be extended, varied, or revoked, either wholly or in part, without the Council first considering the needs of the ratepayers within the area to be included, varied, or revoked, either wholly or in part, and the benefits accruing, or likely to accrue, to such area from works carried out, or to be carried out, by the Council: 25 30

“Provided also that where the Council so declares by special order an extension, variation, or revocation of any administrative rating area, either wholly or in part, such extension, variation, or revocation shall have effect on and after the 1st day of April next following the passing of the special order.” 35

New

4. **New sections added**—The principal Act is hereby further amended by adding the following sections:

5 “4. **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 not exceeding \$25.

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

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

20 “(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 and the sum of the uniform general charge and the general rate levied within the administrative rating area shall not exceed in any one year 1.25 cents in the dollar on the capital value or its equivalent on the land value for that area.”

*Marlborough County Council Empowering
Amendment*

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SCHEDULE		Section 6 (2)
Provisions Amended	Amendment	
Sections 2 and 3 Section 2: Interpretation of "rateable property" and "rateable value" Section 3 (b)	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. By omitting references to section 2 of the Rating Act 1925, and substituting references to section 2 of the Rating Act 1967. 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.	