

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

*House of Representatives, 13 October 1983*

**Words struck out 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 single rule, or with single rule before first line and after last line.**

*Mr Kidd*

**MARLBOROUGH COUNTY COUNCIL EMPOWERING  
AMENDMENT**

[LOCAL]

ANALYSIS

Title  
Preamble  
1. Short Title  
2. Interpretation

3. New proviso relating to uniform annual  
general charge  
4. Power to increase uniform general charge  
and to restrict application of charge  
to each property

A BILL INTITULED

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**An Act to amend the administrative rating provisions of  
the Marlborough County Council Empowering Act 1965  
5 in the administrative rating area within the County of  
Marlborough to take into account the effect of the  
uniform annual general charge levied in the Kenepuru  
and Croixelles - French Pass Divisions of the county,  
10 apart from the administrative rating area, and to  
provide for a relationship between future increases of  
rates elsewhere within the Kenepuru and Croixelles -  
French Pass Divisions of the county and within the  
administrative rating area**

WHEREAS the Marlborough County Council Empowering Act  
15 1965 empowered the Marlborough County Council to levy an  
administrative rate within those portions of the Marlborough  
Sounds known as the administrative rating area as defined in  
that Act subject to the proviso that the amount of the

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administrative rate in the dollar of rateable value made and levied in each rating year was not to exceed an amount equal to 10 percent of the general rate made and levied in the dollar of rateable value in the Kenepuru and Croixelles - French Pass Divisions of the county: And whereas the amount previously raised by general rate in the Kenepuru and Croixelles - French Pass Divisions of the county is now levied by a combination of general rate and uniform annual general charge: And whereas the Act makes provision for a fixed uniform general charge to be made and levied in addition to the restricted rate in the administrative rating area: And whereas it is desirable that the said uniform general charge should increase in relationship to any increase in the level of other general rate and uniform annual general charges increases within the Kenepuru and Croixelles - French Pass Divisions of the county: And whereas it is desirable to limit the uniform general charge to an assessment for each rateable property rather than for each rateable assessment:

*New*

**An Act to amend the Marlborough County Council Empowering Act 1965**

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

1. **Short Title**—This Act may be cited as the Marlborough County Council Empowering Amendment Act 1983, and shall be read together with and deemed part of the Marlborough County Council Empowering Act 1965 (hereinafter referred to as the principal Act).

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

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

“Administrative rating area” means that portion of the County in which the administrative rate under the Act was made and levied in the year immediately

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5 preceding commencement of the Act by the  
Marlborough County Council pursuant to the  
provisions of the Act; and includes also those areas  
subsequently included in the administrative rating area  
pursuant to the provisions of section 5 of the Act:

“Council” means the Marlborough County Council:

10 “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  
1951.

**3. New proviso relating to uniform annual general  
charge—Section 3 (a)** of the Act is hereby amended by repealing  
the proviso, and substituting the following proviso:

15 “Provided that the amount of the administrative  
rate in the dollar of rateable value made and levied  
in each rating year shall not exceed an amount equal  
to 10 percent of the total amount of general purpose  
rates and uniform annual general charges made and  
20 levied in the Kenepuru and Croixelles - French Pass  
Divisions of the county under Part IX of the Local  
Government Act 1974.”

**4. Power to increase uniform general charge and to  
restrict application of charge to each property—**(1) Section  
25 4 of the Act (as added by section 4 of the Marlborough County  
Council Empowering Amendment Act 1980) is hereby amended  
by repealing subsection (1), and substituting the following  
subsections:

30 “(1) Notwithstanding anything contained in any other Act,  
the Council may by resolution make and levy a uniform general  
charge, to be known as the administrative uniform general  
charge, in each year on every separately rateable property  
within the administrative rating area.

35 “(1A) The amount of such administrative uniform general  
charge may be increased annually from and including the rating  
year ending with the 31st day of March 1985 either by a  
percentage increase over the previous year’s administrative  
uniform general charge of 15 percent or by the percentage  
increase from the preceding year in the total amount of the  
40 general rate and uniform annual general charges made and  
levied in the Kenepuru and Croixelles - French Pass Divisions  
of the County, whichever is the lesser.

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“(1B) Where any 2 or more separately rateable properties are—

“(a) Occupied by the same ratepayer; and

“(b) Used jointly as a single property; and

“(c) Contiguous, or separated only by a road, drain, water-race, river, or stream—

they shall be deemed to be one property for the purposes of the making and levying of any administrative uniform general charge under **subsection (1)** of this section.”

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*New*

**2. Amending restriction on amount of administrative rate**—Section 3 (a) of the principal Act is hereby amended by repealing the proviso, and substituting the following proviso:

“Provided that the amount of the administrative rate in the 15 dollar of rateable value made and levied in each year shall not exceed an amount equal to 10 percent of the general rate (including any uniform annual general charges) made and levied on rateable property in all other areas of the Sounds Division in accordance with the provisions of Part IX of the Local 20 Government Act 1974.”

**3. Power to make and increase uniform general charge, etc.**—The principal Act is hereby amended by repealing section 4 (as added by section 4 of the Marlborough County Council Empowering Amendment Act 1980), and substituting 25 the following section:

“4. (1) Notwithstanding anything contained in any other Act, the Council may by resolution make and levy in each year a uniform general charge, to be known as the administrative uniform general charge, on every separately rateable property 30 within the administrative rating area.

“(2) For the rating year commencing on the 1st day of April 1984, and for each subsequent rating year, the amount of the administrative uniform general charge may be altered—

“(a) By increasing it—

“(i) By a percentage increase on the previous year’s charge of 15 percent; or

“(ii) By the percentage increase from the previous year in the total amount of the general rate (including any uniform annual general charges) 40 made and levied in all other areas of the Sounds Division—

whichever is the lesser; or

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- “(b) By increasing it by such lesser amount as the Council determines; or
- 5 “(c) By reducing it by such amount as the Council determines.
- “(3) Where any 2 or more separately rateable properties are—
- “(a) Occupied by the same ratepayer; and
- “(b) Used jointly as a single property; and
- 10 “(c) Contiguous, or separated only by a road, drain, water-race, river, or stream—
- they shall be deemed to be one property for the purposes of the making and levying of any administrative uniform general charge under **subsection (1)** of this section.
- 15 “(4) The administrative uniform general charge shall for all purposes be deemed to be a rate and shall be recoverable as such.”