

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives ²⁵ September 1965

Words struck out by the Local Bills Committee are shown in italics within bold round brackets, or with black rule at beginning and after last line of struck out matter; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line of new matter.

Mr Rowling

MARLBOROUGH COUNTY COUNCIL
EMPOWERING

[LOCAL]

ANALYSIS

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A BILL INTITULED

An Act to empower the Marlborough County Council to make and levy an administrative rate in portions of Sounds Division within the County of Marlborough

5 *Struck Out*

WHEREAS the Local Government Commission has published a final scheme for reorganisation of Local Government by the merger of the County of Sounds with the County of Marlborough and the dissolution of the Road Board Districts of Croisilles - French Pass and Kenepuru: And whereas there may be islands and remote localities in the Sounds Division of the County where the incidence of general rating would not be required to provide general roading and other amenities: And whereas in the opinion of the Council and the Local Government Commission it is therefore equitable and expedient that the Council be empowered to make and levy an administrative rate within certain portions of the Sounds Division of the County:

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20 WHEREAS, in order to give effect to a final scheme published by the Local Government Commission, an Order

No. 79—2

New

in Council dated the fourth day of August, nineteen hundred and sixty-five, and published on the fifth day of August, nineteen hundred and sixty-five, included the area comprised within the boundaries of the County of Sounds in the County of Marlborough (hereinafter referred to as the said County), merged the Croisilles - French Pass Road Board District and the Kenepuru Road Board District in the said County, and dissolved the Croisilles - French Pass Road Board and Kenepuru Road Board as provided in the said final scheme: And whereas the said Order in Council made provision for the division of the said County into two divisions being the Marlborough Division and the Sounds Division described in the said Order in Council: And whereas there may be islands and remote localities in the Sounds Division of the said County where general rating would not be required to provide general roading and other amenities: And whereas the Council of the said County considers it equitable and expedient that it be empowered to make and levy an administrative rate within those islands and remote localities:

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 Act 1965.

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

“Administrative rate” means the rate to be made and levied on all rateable property within the administrative rating area:

“Administrative rating area” means that portion of the Sounds Division of the County in which an administrative rating only is to be made and levied by the Marlborough County Council and includes from the commencement of this Act all that area as defined under “Sounds Area”:

“Council” means the Marlborough County Council:

“County” means the County of Marlborough:

“General rate” means a general rate made and levied in accordance with the provisions of the Rating Act 1925 and the Counties Act 1956:

“Rateable property” and “rateable value” have the meanings ascribed to these terms by section 2 of the Rating Act 1925:

5 “Sounds Area” means, for the purposes of this Act, that area of the County of Sounds which before the date of merger with the County of Marlborough was not under local body jurisdiction and in which the Counties Act 1956 was not in force:

10 “Sounds Division” means the former County of Sounds including internal road districts.

3. Council may levy an administrative rate—Notwithstanding anything to the contrary contained in the Rating Act 1925 or in the Counties Act 1956:

15 (a) Whenever and for so long as any (*areas*) part or parts of the Sounds Area of the County remain an administrative rating area, the Council shall, in lieu of making and levying a general rate over (*the declared*) that administrative rating area, make and levy an administrative rate only at such amount in
20 the pound of rateable value as the Council shall by resolution fix and determine in each rating year:

25 Provided that the amount of the administrative rate in the pound of rateable value made and levied in each rating year does not exceed an amount equal to ten per centum of the general rate made and levied in the pound of rateable value on all other areas in the Sounds Division of the County:

30 (b) Save as otherwise by this section expressly provided, any administrative rate shall be made and levied and the proceeds thereof applied by the Council towards the cost of administration generally and become a part of the General Account of the County, such rate to be made and levied as if it were a
35 general rate made and levied by the Council in accordance with the provisions of sections 105 and 106 of the Counties Act 1956, and the Council shall have the like powers in relation thereto as are conferred upon the Council by the Rating Act 1925 and the Counties Act 1956 in relation to the making
40 and levying of a general rate:

(c) The Council shall have power at any time by special order to declare that any administrative rating area shall be varied in any manner or shall be wholly or partially revoked:

4 *Marlborough County Council Empowering*

Provided that no administrative rating area shall be varied or revoked, either wholly or in part, without the Council first considering the needs of the ratepayers within the area to be 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: 5

Provided further that where the Council so declares by special order or variation or revocation of any administrative rating area, either wholly or in part, such variation or revocation shall have effect as from the first day of April following the passing of the special order. 10