

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 4 December 1979.

Words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

Mr Falloon

**MASTERTON COUNTY COUNCIL (SPECIAL
ORDER AND RATES VALIDATION)**

[LOCAL]

ANALYSIS

Title
Preamble
1. Short Title

2. Validation of special order and
declaration of differential rating
areas
3. Validation of rates

A BILL INTITULED

**An Act to validate a special order made by the Masterton
County Council adopting a system of differential rating
and to validate rates made and levied in reliance on that
5 special order**

WHEREAS at an ordinary meeting, held on the 8th day of
March 1977, the Masterton County Council (in this Act
referred to as the Council) passed a special order pursuant
to section 87 of the Counties Act 1956 declaring that section
10 107 of that Act shall cease to apply to the Masterton County
and adopting a system of differential rating: And whereas
that special order was invalid by virtue of the fact that the
second public notice of the date, time, and place fixed for
the meeting at which it was to be confirmed was not given
15 within the time prescribed by section 87 of that Act: And
whereas that special order was further invalid by virtue
of the fact that a plan of the said county showing the
boundaries of the proposed differential rating areas was not
deposited in the office of the Council as prescribed by section

No. 132—2

Price 15c

2 *Masterton County Council (Special Order and Rates Validation)*

111B (3) of that Act: And whereas that special order was further invalid by virtue of the fact that a statement specifying the matters taken into account as the basis for the proposed division of the said county and the general effect that the division is expected to have on the incidence of general rates as between the several proposed differential rating areas was not deposited in the office of the Council as prescribed by section 111B (3) of that Act: And whereas that special order was further invalid by virtue of the fact that public notice of the times when and the place where inspection of the plan and statement may be made was not given and the plan and statement was not made open for inspection by the public as prescribed by section 111B (4) of that Act: And whereas that special order was further invalid by virtue of the fact that it did not describe the differential rating areas as prescribed by section 111B (1) (a) of that Act: And whereas in reliance on that special order the Council has made and levied certain rates throughout the County for each of the 3 rating years beginning on the 1st day of April 1977: And whereas it is desirable that the said special order and the said rates be validated:

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 Masterton County Council (Special Order and Rates Validation) Act 1979.

2. Validation of special order and declaration of differential rating areas—Notwithstanding that the special order was invalid, the said special order is hereby validated and declared to have been lawfully made and confirmed in respect of each of the 3 consecutive rating years beginning on the 1st day of April 1977, and the differential rating areas, in respect of those rating years, are hereby declared to be Opaki, Rangitumau, Upper Taueru, Te Whiti, Uriti, Riversdale Township, Wainuioru, Castlepoint, Castlepoint Township, and Mauriceville as shown on a plan of those areas entitled Masterton County differential rating area plan and dated the 1st day of October 1979 deposited in the office of the Council.

3. Validation of rates—(1) The rates made and levied by the Council in each of the 3 years beginning on the 1st day of April 1977 in reliance on the said special order are hereby validated and declared to have been lawfully made.

5 (2) All actions of the Council in levying and collecting the said rates are hereby validated and declared to have been lawful.

(3) All money received by the Council in payment of the said rates is hereby declared to have been lawfully paid to
10 and received by it.

(4) Such part of the said rates as has not yet been paid to the Council is hereby declared lawfully payable and capable of being collected as if it had always been lawfully payable.

New

15 **4. Differential rating system to be confirmed—**(1) The Council is hereby required to adopt, before the 1st day of April 1980, a system of rating on a differential basis pursuant to section 147 of the Local Government Act 1974 to come into force in respect of the rating year beginning on that date.

20 (2) For the purposes of section 148 of the Local Government Act 1974, compliance by the Council with the provisions of subsection (1) of this section shall be deemed to be the first time it has adopted a system of rating on a differential basis.