

Local Government Amendment Act 1979

Public Act 1979 No 59
Date of assent 12 December 1979

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An Act to amend the Local Government Act 1974

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

1 Short Title and commencement

- (1) This Act may be cited as the Local Government Amendment Act 1979, and shall be read together with and deemed part of the Local Government Act 1974 (hereinafter referred to as the principal Act).
- (2) Section 7(1) of this Act and Schedule 2 to this Act, so far as they relate to sections 42, 43, and 44 of the principal Act, and section 7(2) of this Act shall be deemed to have come into force on the 1st day of November 1979.
- (3) Section 4 of this Act and, except as provided in subsection (2) of this section, section 7 of this Act and Schedule 2 to this Act shall come into force on the date on which it is assented to by His Excellency the Governor-General.
- (4) Subject to subsections (2) and (3) of this section, this Act shall come into force on the 1st day of April 1980.

2 **Part 1**
New Parts 23 to 45 of principal Act

3 **Part 2**
Miscellaneous provisions

Section 3 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

4 **Application to company leases, cross leases, and unit titles of provisions as to development**

(1)

(2)

(3)

(4)

(a)

(b)

(c)

(d)

(5)

Subsection (2) was repealed, as from 1 January 1981, by section 4(3) Local Government Amendment Act 1981 (1981 No 13).

Subsection (4)(a) was repealed, as from 1 January 1981, by section 9(3) Local Government Amendment Act 1981 (1981 No 13).

Subsection (4)(d) was repealed, as from 1 January 1981, by section 12(2)(b) Local Government Amendment Act 1981 (1981 No 13).

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Section 5 was repealed, as from 1 February 1994, by section 72(1) Gas Act 1982 (1982 No 27).

6

7 **Miscellaneous amendments of principal Act**

(1)

(2) Notwithstanding the amendments to sections 43(1), 44(1), and 44(3) of the principal Act specified in Schedule 2 to this Act, sections 43(1), 44(1), and 44(3) of the principal Act as in force immediately before the commencement of this subsection shall continue in force, as if they had not been so amended,

for the purpose of the first triennial general election of members of the Auckland Regional Authority to be held after the commencement of this subsection.

8 Consequential amendments

- (1)
- (2) The Counties Amendment Act 1961 is hereby amended in the manner indicated in Part 2 of Schedule 3 to this Act.
- (3) The enactments specified in Part 3 of Schedule 3 to this Act are hereby amended in the manner indicated in the said Part 3.

9 Repeals and revocations

- (1) The enactments specified in Schedule 4 to this Act are hereby repealed.
- (2) The Access Ways and Service Lanes Formation Contracts Notice 1966 (SR 1966/143) is hereby revoked.
- (3) The following regulations are hereby revoked:
 - (a) Parts 3 and 3A of the Municipal Corporations Regulations 1956 (SR 1956/112):
 - (b) Regulations 3 and 4 of the Municipal Corporations Regulations 1956 Amendment No 3, (SR 1969/90):
 - (c) The Counties (Pedestrian Malls) Regulations 1969 (SR 1969/86)
- (4) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that—
 - (a) The repeal, by section 4(1) of the Local Government Amendment Act 1978, of section 43 of the Counties Amendment Act 1961 shall not affect the amendments made by the said section 43 to the Land Transfer Act 1952:
 - (b) The repeal of the Counties Amendment Act 1972 shall not affect the amendments made by section 8 of that Act to the enactments specified in Schedule 2 to that Act:
 - (c) The repeal of the Counties Amendment Act 1974 shall not affect the amendments made by section 9(2) of that Act to the enactments specified in Part 2 of Schedule 2 to that Act:

- (d) The repeal of the Counties Amendment Act 1976 shall not affect the amendment made by section 10 of that Act to section 80(1) of the Counties Amendment Act 1961:
 - (e) The repeal of the Municipal Corporations Act 1954 shall not affect the amendments made by section 413(6) of that Act.
- (5) Notwithstanding the repeal of section 44 of the Counties Amendment Act 1961, that section shall continue to apply, as if it had not been repealed, to the reserves to which it applied immediately before the commencement of this Act.
- (6) Notwithstanding the repeal by section 4(1) of the Local Government Amendment Act 1978 of section 353 of the Municipal Corporations Act 1954, the said section 353 shall apply and be deemed to have continued to apply, as if it had not been repealed, to the reserves to which it applied immediately before the commencement of the Local Government Amendment Act 1978.
- (7) Where land that vested in Her Majesty under section 12 of the Land Subdivision in Counties Act 1946 as Crown land available for disposal under the Land Act 1948 is sold on deferred-payment licence under the last-mentioned Act, there may, if the Minister of Lands so directs, be paid from the Public Account to the appropriate territorial authority, without further appropriation than this subsection, an amount equal to the purchase price or balance of the purchase price payable under the deferred-payment licence.
- (8) Notwithstanding the repeal by section 4(1) of the Local Government Amendment Act 1978 of sections 125 to 127 of the Public Works Act 1928, the said sections 125 to 127 shall apply and be deemed to have continued to apply, as if they had not been repealed, to the land to which they applied immediately before the commencement of the Local Government Amendment Act 1978:
Provided that the said sections 125 to 127 shall not apply and shall be deemed not to have continued to apply in the case of a subdivision to which Parts 20 and 21 of the principal Act apply or have applied.
- (9)

Subsection (9) was repealed, as from 5 May 1988, by section 5(h) Petroleum Sector Reform Act 1988 (1988 No 95).

10 Transitional provisions

- (1) For the purposes of the Acts Interpretation Act 1924,—
 - (a) Parts 2 to 17 of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No 3) 1977) shall be deemed to be a consolidation of the enactments repealed by section 8(1) of the last-mentioned Act:
 - (b) Parts 23 to 45 of the principal Act (as enacted by section 2 of this Act) shall be deemed to be a consolidation of the enactments repealed by section 9(1) of this Act.
- (2) All regulations, orders, bylaws, and notices in force at the commencement of this Act pursuant to any enactment repealed by section 9(1) of this Act which could have been made or given under any provision of the principal Act enacted by section 2 of this Act shall continue in force after the commencement of this Act as if they had been made or given under the corresponding provisions of the principal Act (as enacted by section 2 of this Act).
- (3) Every special order made under any enactment repealed by section 9(1) of this Act and in force at the commencement of this Act which could have been made under any provision of the principal Act enacted by section 2 of this Act shall continue in force after the commencement of this Act as if it had been made under the corresponding provision of the principal Act (as enacted by section 2 of this Act).
- (4) Every reference to any provision of the Municipal Corporations Act 1954 or the Counties Act 1956 or of any amendment of either of those Acts repealed by section 9(1) of this Act for which there is a substantially corresponding provision in any Part of the principal Act substituted by section 2 of this Act shall, after the commencement of this Act, be read as a reference to that corresponding provision.
- (5) Every community centre district constituted under section 47 of the Counties Amendment Act 1971 and in existence at the commencement of this Act shall be deemed to be a community

- centre area constituted under section 606 of the principal Act (as enacted by section 2 of this Act).
- (6) Every reference to a boardinghouse in any bylaw in force at the commencement of this Act made by a territorial authority pursuant to section 317A of the Municipal Corporations Act 1954 (as inserted by section 26(1) of the Municipal Corporations Amendment Act 1968) or to section 334A of the Counties Act 1956 (as inserted by section 25(1) of the Counties Amendment Act 1968) shall after the commencement of this Act be read as a reference to a residential institution, as defined by section 636 of the principal Act (as enacted by section 2 of this Act).
- (7) Every reference in any of the Acts specified in Schedule 17 to the principal Act (as inserted by section 6 of this Act), or in any regulation, rule, order, notice, bylaw, agreement, deed, instrument, application, or other document whatsoever made or given pursuant to any such Act and in force at the commencement of this Act—
- (a) To the Minister of Internal Affairs shall, after the commencement of this Act, be read as a reference to the Minister of Local Government:
- (b) To the Secretary for Internal Affairs shall, after the commencement of this Act, be read as a reference to the Secretary for Local Government.
- (8) Every urban drainage area in existence at the commencement of this Act constituted pursuant to Part 17 of the Counties Act 1956 shall, after the commencement of this Act, be deemed to be an urban drainage area constituted under section 443 of the principal Act (as enacted by section 2 of this Act).
- (9) Without limiting the provisions of the Acts Interpretation Act 1924, all contracts lawfully entered into by the Waitemata City Council pursuant to the Waitemata City (Passenger Transport) Act 1979 shall, notwithstanding the repeal of that Act, continue in force and have effect after the commencement of this section according to their tenor.
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Schedule 1
New Schedules 14, 15, 16, and 17 to
Principal Act

Schedule 2
Miscellaneous Amendments to Principal
Act

Schedule 3
Consequential Amendments

Part 1 of Schedule 3 was amended, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84) by omitting so much as relates to Schedule 15 of Local Government Act 1974. *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

Part 2 of Schedule 3 was amended, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84) by omitting so much as relates to sections 78 to 85 of the Counties Amendment Act 1961. *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

Part 3 of Schedule 3 was amended, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84) by omitting so much as relates to section 14 of the Land Drainage Act 1908; the Life Insurance Act 1908; the definition of local authority in section 2 of the Pawnbrokers Act 1908; certain provisions of the River Boards Act 1908; the River Boards Amendment Act 1910; the Local Government Amendment Act 1920; the Auctioneers Act 1928; the Statutes Amendment Act 1940; certain provisions of the Soil Conservation and Rivers Control Act 1941; the definition of territorial Authority in section 2 of the New Zealand Geographic Board Act 1946; the definition of local authority in section 2 of the Land Act 1948; the Machinery Act 1950; the Wildlife Act 1953; certain provisions of the Housing Act 1955; the definition of local authority in section 2(1) of the Impounding Act 1955; section 24(1) of the Health Act 1956; section 2(1) of the Mining Tenures Registration Act 1962; the Burial and Cremations Act 1964; section 3(3)(j) and s 3(4) of the Local Authorities (Members' Interests) Act 1968; the Building Research Levy Act 1969; the Unit Titles Act 1972; the Rates Rebate Act 1973, and section 50 of the Forest and Rural Fires Act 1977. *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

Schedule 4
Enactments Repealed