



ANALYSIS

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1971, No. 63

An Act to amend the Counties Act 1956

[25 November 1971

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—This Act may be cited as the Counties Amendment Act 1971, and shall be read together with and deemed part of the Counties Act 1956 (hereinafter referred to as the principal Act).

PART I

AMENDMENTS OF PRINCIPAL ACT

2. Addition to or exclusion from county of reclaimed or other land—Section 15 of the principal Act is hereby amended—

- (a) By omitting from subsection (1) the words “The Governor-General may from time to time by Order in Council, on the petition of the Council”, and substituting the words “The Minister may from time to time by notice in the *Gazette*, on the application of the Council”:
(b) By omitting from subsection (2) the word “petition”, and substituting the word “application”:
(c) By omitting from subsection (2) the words “Order in Council may be made”, and substituting the words “notice may be issued by the Minister”.

3. Riding not to contain part only of dependent town district—Section 22 of the principal Act is hereby amended by omitting from subsection (3) the words “the Governor-General, by Order in Council gazetted”, and substituting the words “the Minister, by notice in the *Gazette*”.

4. Powers of Minister as to ridings on alteration of county boundaries—Section 24 of the principal Act is hereby amended by omitting from subsection (1) and also from subsection (2) the words “the Governor-General may, if he thinks fit, by Order in Council”, and substituting in each case the words “the Minister may, if he thinks fit, by notice in the *Gazette*”.

5. Fresh elections to be held in certain cases—Section 43 of the principal Act is hereby amended—

- (a) By omitting from paragraph (d) of subsection (1) the words “the Governor-General may”, and substituting the words “the Minister may, by notice in the *Gazette*”;
- (b) By omitting from the same paragraph the words “the Governor-General shall”, and substituting the words “the Minister shall, by notice in the *Gazette*”.

6. Minister may adjust representation to comply with Act—Section 44 of the principal Act is hereby amended by omitting the words “the Governor-General may, by Order in Council”, and substituting the words “the Minister may, by notice in the *Gazette*”.

7. Ouster of office of Councillor—Section 45 of the principal Act is hereby amended by repealing subsection (5), and substituting the following subsections:

“(5) Where under this section a Magistrate’s Court adjudges that any Councillor be ousted of his office—

“(a) The decision shall not take effect until the expiration of the time for appealing against the decision and, in the event of an appeal against the decision, until the appeal is determined; and

“(b) The Councillor concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as Councillor during the period of that leave of absence.

“(6) If any person does any act as Councillor while on leave of absence pursuant to subsection (5) of this section, he commits an offence against this Act.”

8. Special orders—The principal Act is hereby further amended by repealing section 87, and substituting the following section:

“87. The power given by this Act to do anything by special order shall be exercised by the Council only as follows:

- “(a) The resolution to do such a thing shall be passed—
 - “(i) At a special meeting; or
 - “(ii) At an ordinary meeting, if notice of intention to consider the subject-matter of the resolution has been given to all the members of the Council before the meeting in accordance with the rules of procedure of the Council:
 - “Provided that no such notice shall be necessary if all the members of the Council are present at the meeting and unanimously agree to discuss the subject-matter of the resolution:
- “(b) The resolution shall be confirmed at a subsequent meeting (either ordinary or special) held not later than the seventieth day after the day of the meeting at which the resolution was passed:
- “(c) Public notice of the date, time, and place fixed for the subsequent meeting and of the purport of the resolution shall be given twice before the date of the subsequent meeting, the first such notice being given not less than 21 days before that date and the second being given not more than 14 nor less than 7 days before that date:
- “(d) The notice to the Councillors of the subsequent meeting or the agenda for that meeting shall specify the resolution to be confirmed, and that resolution shall be confirmed by way of separate resolution and not as part of the approval of the minutes of the meeting at which the resolution was first passed:
- “(e) The notice directed to be given by paragraph (d) of this section, or, as the case may be, the inclusion in the agenda of the resolution to be confirmed, shall suffice for the purposes of subsection (2) of section 86 of this Act, even though the subsequent meeting may be a special meeting:

“(f) A copy of the proposed special order shall be deposited at the office of the Council and, if the Council thinks fit, at some other place or places in the county or part of the county specified in the notice referred to in paragraph (c) of this section, and shall be open to the inspection of the public during office hours for at least 21 days immediately preceding the day appointed for the holding of the subsequent meeting.”

9. Deposit at interest—Section 104 of the principal Act is hereby amended by omitting the words “with the consent of the Governor-General in Council”.

10. Uniform fee for refuse removal from shops and offices—Section 115 of the principal Act is hereby amended by repealing the third proviso to subsection (2), and substituting the following proviso:

“Provided further that any such annual fee may be a uniform annual fee for each separately occupied portion of any building.”

11. Remuneration of members of County Council—(1) Section 137A of the principal Act (as inserted by section 3 (1) of the Counties Amendment Act 1962 and amended by section 3 (1) (a) of the Counties Amendment Act 1970) is hereby further amended by omitting the words “the rate of \$5”, and substituting the words “a rate fixed by the Council not exceeding \$5”.

(2) Section 3 of the Counties Amendment Act 1970 is hereby consequentially amended by repealing paragraph (a) of subsection (1).

12. Observance of Sovereign’s birthday—The principal Act is hereby further amended by inserting, after section 143A (as inserted by section 8 of the Counties Amendment Act 1964), the following section:

“143B. The Council may in any year expend such sums as it thinks fit in connection with the observance of the Sovereign’s birthday.”

13. Centennial Fund—The principal Act is hereby further amended by inserting, after section 143B (as inserted by section 12 of this Act), the following section:

“143c. (1) Notwithstanding anything in section 100 of this Act, the Council may establish a separate bank account to be known as the Centennial Fund Account (in this section referred to as the Fund), and may pay into the Fund in each or any financial year such sums as it thinks fit.

“(2) The Council may expend the money in the Fund, together with any interest thereon, on celebrating and commemorating the centennial of the founding or constitution of the county, or instead of expending part or all of the Fund, the Council may make grants or advances to any body corporate or unincorporate not carried on for private profit whose sole or principal object or one of whose principal objects is the organisation of such centennial celebrations.

“(3) Any sum remaining in the Fund after all such expenditure, grants, and advances have been made shall be transferred to the County Fund Account of the Council to the credit of the General Account.”

14. Investment of money in Depreciation Fund—

(1) Section 157 of the principal Act is hereby amended—

(a) By omitting from paragraph (f) the words “the Governor-General in Council”, and substituting the words “the Minister by notice in the *Gazette*”:

(b) By omitting from the proviso the words “the Governor-General in Council”, and substituting the words “the Minister by notice in the *Gazette*”.

(2) Every Order in Council made under section 157 of the principal Act and in force on the date of the passing of this Act shall continue in force as if it were a notice given by the Minister under that section (as amended by subsection (1) of this section) and published in the *Gazette*.

15. Reserve Fund for trading undertakings—(1) Section 164 of the principal Act is hereby amended by omitting from paragraph (f) of subsection (6) the words “the Governor-General in Council”, and substituting the words “the Minister by notice in the *Gazette*”.

(2) Every Order in Council made under paragraph (f) of subsection (6) of section 164 of the principal Act and in force on the date of the passing of this Act shall continue in force as if it were a notice given by the Minister under that paragraph (as amended by subsection (1) of this section) and published in the *Gazette*.

16. Extent of leasing powers—Section 172 of the principal Act is hereby amended by inserting, after subsection (3), the following subsection:

“(3A) Notwithstanding anything in the foregoing provisions of this section, the annual rent under any renewal lease granted under subparagraph (i) of paragraph (b) of subsection (1) of this section may, if the Council thinks fit, be fixed as follows:

“(a) Not earlier than 9 months and not later than 3 months before the expiry by effluxion of time of the term of the lease, the Council shall cause a valuation to be made by a person whom the Council reasonably believes to be competent to make the valuation of the fair annual rent of the land (including or, as the case may require, excluding any buildings and other improvements in accordance with the said subparagraph (i)), so that the rent so valued shall be uniform throughout the whole term of the renewal lease, or, in any case where the rent is to be reviewed at periodic intervals pursuant to section 173A of this Act, the whole of the first such period of the renewal lease:

“(b) As soon as possible after the said valuation has been made, the Council shall give to the lessee notice in writing informing him of the amount of that valuation and requiring him to notify the Council in writing within 2 months whether he will accept a renewal lease at the rent specified in the notice:

“(c) Within 2 months after the giving of that notice to the lessee, he shall give notice in writing to the Council stating—

“(i) That he desires to accept a renewal lease at the rent stated in the notice given to him by the Council; or

“(ii) That he requires the rent for the renewal lease to be determined in the manner specified in subsection (3) of this section, and, if he so requires, the rent shall be determined accordingly; or

“(iii) That he does not desire to accept a renewal lease:

“(d) If the lessee fails to give to the Council within the time specified in paragraph (c) of this subsection the notice referred to in that paragraph, he shall be deemed to have agreed to accept a renewal lease at the rent specified in the notice given to him by the Council.”

17. Periodic review of rents—The principal Act is hereby further amended by inserting, after section 173, the following section:

“173A. (1) Subject to this section and notwithstanding any other provision of this Act, a lease granted under this Act (not being a lease granted in renewal of a lease in force at the commencement of this section which does not contain provision for the review of the yearly rent at periodic intervals) may contain provision for the review of the yearly rent payable thereunder at such periodic intervals during the term of the lease, being not less than 5 years, as the Council thinks fit.

“(2) Where a lease contains any such provision for the review of rent—

“(a) Not earlier than 9 months and not later than 3 months before the expiry by effluxion of time of any such period (not being the last such period of the term of the lease), or as soon thereafter as may be, the Council shall cause a valuation to be made by a person whom the Council reasonably believes to be competent to make the valuation of the fair annual rent of the land for the next ensuing period of the term of the lease, so that the rent so valued shall be uniform throughout the whole of that ensuing period:

“(b) As soon as possible after that valuation has been made, the Council shall give to the lessee notice in writing informing him of the amount of that valuation and requiring him to notify the Council in writing within 2 months whether he agrees to the amount of that valuation or requires that valuation to be determined by arbitration in accordance with paragraph (c) of this subsection:

“(c) Within 2 months of the giving of that notice to the lessee, he shall give notice in writing to the Council stating whether he agrees to the valuation specified in the notice given to him or requires that valuation to be determined by arbitration. If he so requires, that valuation shall be determined in accordance with the provisions of subsection (3) of section 172 of this Act, or, in the case of a lease to which subsection (5) of that section applies, in accordance with the provisions of the said subsection (5):

“(d) If the lessee fails to give to the Council within the time specified in paragraph (c) of this subsection the notice referred to in that paragraph, he shall be

deemed to have agreed to the valuation set out in the notice given to him under paragraph (b) of this subsection:

- “(e) The yearly rent agreed to or deemed to have been agreed to by the lessee or determined by arbitration under this subsection shall be the yearly rent payable under the lease for that ensuing period.”

18. Surrender of leases—(1) Section 177 of the principal Act is hereby amended by inserting, after subsection (1), the following subsections:

“(1A) Where the same person is the lessee under 2 or more leases of adjoining land, the Council may—

“(a) By resolution, accept on such terms as it thinks fit a surrender of those leases; and

“(b) Without offering the same for public application and ballot or, as the case may be, for sale by public auction or public tender, grant to the former lessee a new lease of all the land comprised in the surrendered leases for the remainder of the term of the surrendered leases where they all have the same expiry date or, where they do not all have the same expiry date, for a term expiring on a date fixed by the Council, being not later than the latest expiry date under the surrendered leases, at a rent to be fixed by the Council by resolution either before or after the surrender, and on any terms and conditions authorised by this Act.

“(1B) For the purposes of section 117 of the Land Transfer Act 1952, every new lease granted under subsection (1A) of this section shall, in relation to each part of the land comprised therein that was subject to any such surrendered lease, be deemed to be in substitution for that surrendered lease.”

(2) Section 177 of the principal Act is hereby further amended by omitting from subsection (1) and also from subsection (2) the words “special order”, and substituting in each case the word “resolution”.

19. Council may grant lease of adjoining land when leased land taken or acquired for public work—The principal Act is hereby further amended by inserting, after section 177, the following section:

“177A. (1) Where for the purposes of any public work the Council has taken or otherwise acquired part of the land comprised in any lease granted by the Corporation, the Council may, pursuant to a special order,—

“(a) Offer to the lessee, without calling for public application, a lease of any land vested in the Council available for leasing and adjoining the remaining land comprised in the lease; and

“(b) Grant to the lessee a new lease of that remaining land and that adjoining land for the unexpired term of the original lease, at a rent fixed by a valuation made by a person whom the Council reasonably believes to be competent to make the valuation, and subject to the same terms and conditions as the original lease, including the same right (if any) to a renewal lease or of having a new lease offered for sale by auction as that to which the lessee is entitled under the original lease.

“(2) In determining the area of adjoining land to be offered to a lessee for lease pursuant to subsection (1) of this section, the Council shall have regard to the area and value of the land taken or otherwise acquired and such other matters as it considers relevant.

“(3) Nothing in section 173 of this Act or in section 17 of the Public Bodies Leases Act 1969 shall apply with respect to any lease granted under this section.”

20. Bus shelters—The principal Act is hereby further amended by inserting, after section 199, the following heading and section:

“Bus Shelters

“199A. (1) The Council may erect on the footway of any road a shelter for use by intending bus or trolley-bus passengers:

“Provided that no such shelter may be erected so as unreasonably to prevent access to any land having a frontage to the road.

“(2) The Council shall give notice in writing of its proposal to erect any bus or trolley-bus shelter under this section to the occupier and, if he is not also the owner, to the owner of any land the frontage of which is likely to be injuriously affected by the erection of the shelter, and shall not proceed with the

erection of the shelter until after the expiration of the time for appealing against the proposal or, in the event of an appeal, until after the appeal has been determined.

“(3) Any person on whom such a notice has been served may, within 14 days after the service of the notice, appeal against the proposal to the Town and Country Planning Appeal Board.

“(4) Every such appeal shall be made and be heard and determined by the Board in the manner prescribed by the Town and Country Planning Act 1953 and the regulations under that Act, and the decision of the Board thereon shall be final and be binding on the Council and the appellant.”

21. Underground telephone and electric lines—The principal Act is hereby further amended by inserting, after section 199A (as inserted by section 20 of this Act), the following heading and section:

“Underground Telephone and Electric Lines

“199B. (1) Subject to this section, the Council may—

“(a) Enter into an agreement with the Postmaster-General for the conversion into underground lines of all existing above-ground telephone lines in a defined part of the county:

“(b) Enter into an agreement with the appropriate Electrical Supply Authority under the Electricity Act 1968 for the conversion into underground lines of all existing above-ground electric lines (as defined in the Electricity Act 1968) in a defined part of the county in respect of which the Council is not the Electrical Supply Authority:

“(c) Convert into underground lines all existing above-ground electric lines (as so defined) in a defined part of the county in respect of which the Council is the Electrical Supply Authority.

“(2) Where the Council exercises the powers conferred by subsection (1) of this section in respect of the telephone or electric lines (as so defined) in a defined part of the county, the Council shall not raise a special loan under subsection (3) of this section or make and levy a separate rate under subsection (5) of this section or levy a charge under subsection (6) of this section, unless those powers were exercised

on the application in writing to the Council of a majority of the ratepayers having a rating qualification in respect of property in that part.

“(3) For the purpose of meeting—

“(a) Any liability incurred by the Council under any agreement entered into with the Postmaster-General or any Electrical Supply Authority pursuant to paragraph (a) or paragraph (b) of subsection (1) of this section; or

“(b) The cost of any work carried out by the Council pursuant to paragraph (c) of that subsection,—together with an amount equal to 5 percent of the amount of that liability or cost, the Council may raise a special loan for the benefit of the defined part of the county under the Local Authorities Loans Act 1956 and, notwithstanding anything in section 34 of that Act, without the prior consent of the ratepayers.

“(4) Where the Council raises a special loan pursuant to subsection (3) of this section,—

“(a) The Council shall make and levy, and appropriate and pledge as security for the repayment of the loan, a special rate on all the rateable property in the defined part of the county; and

“(b) Nothing in subsection (2) of section 48 of the Local Authorities Loans Act 1956 shall apply with respect to the annual charges in respect of the loan.

“(5) Where, instead of raising a special loan pursuant to subsection (3) of this section, the Council advances money out of the General Account under the powers conferred by section 31 of the Local Authorities Loans Act 1956,—

“(a) The Council shall under that section make and levy an annually-recurring separate rate on all rateable property in the defined part of the county for the purpose of recouping the amount of the advance, together with an amount equal to 5 percent of the amount of that advance; and

“(b) Nothing in the proviso to subsection (4) of that section shall apply.

“(6) Instead of raising a special loan pursuant to subsection (3) of this section or making and levying a separate rate under subsection (5) of this section, the Council may advance money out of the General Account for the purpose of meeting the whole or any part of the liability or cost, and shall levy a uniform charge on all rateable property

in the defined part of the district for the purpose of recouping the amount of the advance, together with an amount equal to 5 percent of the amount of that advance. The amount of every such charge shall be payable to the Council in one sum or by such instalments as the Council determines. Every such charge shall for all purposes be deemed to be a separate rate."

22. Entry on private land for drainage maintenance purposes—The principal Act is hereby further amended by inserting, after section 234A (as inserted by section 12 (1) of the Counties Amendment Act 1961), the following section:

"234B. The Council may at any time enter on any private land on which are situated any drainage works which are under the control of the Council and to which the provisions of section 234 or section 234A of this Act do not apply—

"(a) For the purpose of carrying out any work to meet an emergency; or

"(b) Where the entry on the land is for the purpose of the maintenance or repair of the drainage works and the Council has given to the occupier of the land notice in writing at least 48 hours before entering on the land."

23. Advances by Council to owners in respect of cost of drainage and water connections—(1) Section 256 of the principal Act is hereby amended by inserting in subsection (1), after the words "drainage system in an urban drainage area", the words "or to effect repairs to any such connection".

(2) Section 272A of the principal Act (as inserted by section 13 of the Counties Amendment Act 1961) is hereby amended by adding to subsection (1) the words "or to effect repairs to any such connection".

24. Council to make bylaws in respect of prevention of fire—(1) The principal Act is hereby further amended by repealing section 288, and substituting the following section:

"288. (1) The Council shall make bylaws for the purpose of—

"(a) Preventing danger from fire, and requiring owners of buildings to provide such safeguards against fire and means of escape in the case of fire as the Council considers necessary:

- “(b) Requiring owners of buildings to install and maintain such fire-fighting equipment, fire-protection systems, and fire alarms as the Council considers necessary:
 - “(c) Requiring owners and occupiers of buildings to undertake such schemes for evacuation from the buildings, and fire and panic prevention drill for staffs, as the Council considers necessary:
 - “(d) Specifying the minimum requirements to be observed in respect of the matters set out in clause 2 of the Fifth Schedule to this Act before a building may be licensed in accordance with the provisions of that Schedule:
 - “(e) Protecting the public from danger from fire or other emergency in buildings to which section 326 of this Act applies or that require to be registered pursuant to regulations made under paragraph (b) of subsection (2) of section 120 of the Health Act 1956 (which relates to eatinghouses).
- “(2) No bylaw made under this section shall come into force unless and until it is approved by the Minister.
- “(3) The Council shall not later than the 31st day of March 1973 make and submit to the Minister for his approval bylaws providing for the matters specified in subsection (1) of this section.
- “(4) The Minister may at any time, by writing under his hand, require the Council to revoke, alter, or extend any bylaws made by it under this section.
- “(5) If the Council—
- “(a) Does not on or before the 31st day of March 1973 make and submit to the Minister for his approval bylaws providing for the matters specified in subsection (1) of this section; or
 - “(b) Does not within 3 months from the receipt of a requisition of the Minister under subsection (4) of this section comply with the requisition,—
- the Governor-General may make such regulations under section 449 of this Act as he considers necessary to provide for the matters specified in subsection (1) of this section, or, as the case may be, to give effect to the requisition, and those regulations shall have the force of bylaws made by the Council under this section and approved by the Minister.
- “(6) Any person who in respect of any building has paid or incurred the expenses of executing any work or installing

any equipment under any bylaw made under this section, or any regulations made under this section and having effect as bylaws, may make application to the Court for an order apportioning the expenses among the several persons entitled to any estate or interest in the building or in any part thereof, and the Court may make such order concerning those expenses and their apportionment among the several persons so interested as appears to the Court to be just and equitable in the circumstances of the case, having regard to the terms of any lease or contract affecting the building or any part thereof.

“(7) In subsection (6) of this section the term ‘Court’ in any case where the expenses paid or incurred do not exceed \$2,000 means a Magistrate’s Court, and in any other case means the Supreme Court.

“(8) Where any bylaws made by the Council pursuant to subsection (1) of section 401 of this Act make provision for any of the matters specified in subsection (1) of this section, the provisions of this section shall, in relation to so much of the bylaws as relate to such matters, apply with respect to the bylaws as if they had been made pursuant to this section.”

(2) Any bylaws made and approved by the Minister before the passing of this Act pursuant to section 288 of the principal Act (as in force before the passing of this Act) shall continue in force after the passing of this Act as if they had been made and approved under section 288 of the principal Act (as substituted by subsection (1) of this section).

25. Appointment of Health Inspectors—Section 309 of the principal Act is hereby amended by omitting from subsection (1) the words “and the Council shall publicly notify in the county every appointment, resignation, or removal of any such Inspector”.

26. Powers of Council with respect to dangerous, deserted, and dilapidated buildings—Section 317 of the principal Act is hereby amended—

- (a) By omitting from paragraph (b) of subsection (1) the words “either by securing or”, and substituting the words “by securing or, if the Council so requires”:
- (b) By inserting in subsection (3), after the words “to repair or”, the words “if the Council so requires”.

27. Powers of Council with respect to buildings likely to be dangerous in earthquake—(1) Section 318A of the principal Act (as inserted by section 21 of the Counties Amendment Act 1968) is hereby amended by inserting in subsection (3), after the words “the Council or”, the words “if the Council so requires”.

(2) Section 318A of the principal Act (as so inserted) is hereby further amended by inserting in paragraph (a) of subsection (3), after the word “encumbrance”, the words “being an interest registered under the Land Transfer Act 1952”.

28. Powers of Council in relation to public recreation and instruction, etc.—Section 319 of the principal Act is hereby amended by omitting from paragraph (d) of subsection (2) the words “or instruction”, and substituting the words “instruction, or any form of culture”.

29. Power of Council to guarantee loans of bodies promoting public recreation, instruction, etc.—(1) The principal Act is hereby further amended by repealing section 319A (as inserted by section 24 of the Counties Amendment Act 1968), and substituting the following section:

“319A. The Council may from time to time, in the name and on behalf of the Corporation, by deed or other instrument and subject to such terms and conditions as it thinks fit, guarantee the repayment of any money advanced to any incorporated association or body of persons not carried on for private profit whose object or principal object or one of whose principal objects is to establish, maintain, control, conduct, aid, or carry on generally any purpose of recreation, enjoyment, health, education, instruction, or any form of culture, or any sport other than horse racing or trotting, or of improving or developing public amenities.”

(2) Section 24 of the Counties Amendment Act 1968 is hereby consequentially repealed.

30. Penalty for using unlicensed building—Section 333 of the principal Act (as amended by section 7 of the Decimal Currency Act 1964) is hereby amended by omitting the expression “\$40”, and substituting the expression “\$100”.

31. Apartment buildings—(1) Section 334A of the principal Act (as inserted by section 25 (1) of the Counties Amendment Act 1968) is hereby amended by adding to the definition of the term “apartment building” in subsection (1) the words “or any single-storey building comprising wholly or principally apartments each of which is completely self-contained and has its own separate outside entrance”.

(2) The Fifth Schedule to the principal Act is hereby amended by adding to clause 2 the following proviso:

“Provided that in the case of an apartment building required to be licensed under section 334A of this Act, the Council may, on the recommendation of the proper officer referred to in paragraph (d) of this clause, issue to the applicant a licence for a period of more than 1 year but not more than 3 years, where the apartment building was erected not earlier than 10 years before the date of inspection, was constructed in accordance with a standard specification approved by the Council for the purposes of this clause, and contains only apartments which are completely self-contained.”

32. Repayment of advances and purchase money—

(1) Section 352 of the principal Act is hereby amended by omitting from subsection (3) the words “the Governor-General by Order in Council”, and substituting the words “the Minister of Finance by notice in the *Gazette*”.

(2) Every scale in force on the date of the passing of this Act prescribed by an Order in Council made pursuant to section 352 of the principal Act shall continue in force as if it had been prescribed by the Minister of Finance pursuant to that section (as amended by subsection (1) of this section).

33. Advances and guarantees of loans for housing purposes—(1) The principal Act (as amended by section 2 of the Counties Amendment Act 1958) is hereby further amended—

(a) By omitting from subsection (4) of section 356 the words “an amount from time to time prescribed by the Governor-General, by Order in Council”, and substituting the words “an amount from time to time prescribed by the Minister, by notice in the *Gazette*”:

(b) By omitting from subsection (4) of section 357 the words “an amount from time to time prescribed by the Governor-General, by Order in Council”, and substituting the words “an amount from time to

time prescribed by the Minister, by notice in the *Gazette*”:

- (c) By omitting from subsection (2) of section 359 the words “an amount from time to time prescribed by the Governor-General, by Order in Council”, and substituting the words “an amount from time to time prescribed by the Minister, by notice in the *Gazette*”:
- (d) By omitting from paragraph (a) of section 361 the words “the amount for the time being prescribed by Order in Council for the purposes of the said section 356 or section 357 or section 359, as the case may be”, and substituting the words “the amount for the time being prescribed by the Minister by notice in the *Gazette* for the purposes of the said section 356 or section 357 or section 359, as the case may be”.

(2) The Counties Amendment Act 1958 is hereby consequentially repealed.

(3) Every Order in Council in force on the date of the passing of this Act made under the powers conferred by section 356 or section 357 or section 359 of the principal Act shall continue in force as if it were a notice given by the Minister issued pursuant to the said section 356 or section 357 or section 359, as the case may be (as amended by subsection (1) of this section) and published in the *Gazette*, and may be amended or revoked by the Minister by notice in the *Gazette*.

34. Medical practitioners’ surgeries—Section 380B of the principal Act (as inserted by section 5 of the Counties Amendment Act 1969) is hereby amended—

- (a) By adding to paragraph (a) of subsection (1) the words “or, where the county or any part of the county forms part of a rural area declared under section 94A of the Social Security Act 1964 (as inserted by section 12 of the Social Security Amendment Act 1969), on any land in that rural area belonging to or leased by the Corporation”:
- (b) By inserting in paragraph (b) of subsection (1), after the word “county”, the words “or in any such rural area”:
- (c) By inserting in paragraph (c) of subsection (1), after the word “county”, the words “or in any such rural area”.

35. Bylaws as to licensing of hawkers or pedlars—(1) Section 401 of the principal Act is hereby further amended by repealing the proviso to paragraph (27) of subsection (1) (which proviso was substituted by section 3 (2) of the Counties Amendment Act 1960), and substituting the following proviso:

“Provided that the licence fee for a hawker or pedlar shall not exceed \$10 a year:”.

(2) Section 3 of the Counties Amendment Act 1960 is hereby consequentially amended by repealing subsection (2).

36. Bylaws as to mobile or travelling shops—Section 401 of the principal Act is hereby further amended by adding to paragraph (27A) of subsection (1) (as inserted by section 3 (3) of the Counties Amendment Act 1960) the words “in respect of each such shop kept by the licensee pursuant to his licence”.

37. Act not to affect property of Crown—Section 451 of the principal Act is hereby amended by adding the following subsection:

“(3) Any local authority or person or body of persons (whether incorporated or not) appointed, pursuant to section 21 of the Reserves and Domains Act 1953, to control and manage any public reserve that is vested in the Crown shall, by virtue of that appointment, be deemed to have an interest in that reserve.”

38. Subletting of contracts—Clause 3 of the Second Schedule to the principal Act is hereby amended by repealing the proviso, and substituting the following proviso:

“Provided the Council or the Engineer may, by notice in writing to the contractor, authorise him to sublet such special portions of the work as in the opinion of the Council or the Engineer, as the case may be, could not be produced or executed by the contractor in the ordinary course of his business. Where the Engineer authorises the contractor to sublet any portion of the work, he shall report the same to the Council, in such manner as the Council requires, specifying the name of the subcontractor and the amount payable under the subcontract, at its next ordinary meeting or, where that is not practicable, at its next succeeding ordinary meeting.”

PART II

AMENDMENTS OF COUNTIES AMENDMENT ACT 1961

39. Land not subdivided by lease of owner-occupier flats—Section 21 of the Counties Amendment Act 1961 is hereby amended by adding the following subsection:

“(6) Notwithstanding anything in subsection (3) of this section, land shall not be deemed to be, or ever to have been, subdivided for the purposes of this Part of this Act by reason solely of the fact that the owner, or, in the case of land owned in common, all the owners, grant a lease of, or advertise or offer for disposition by way of lease, any owner-occupier flat comprising a separate building existing on the land, or which will exist on the land, at the commencement of the lease. For the purposes of this subsection, the term ‘owner-occupier flat’ means a residential flat in respect of which any person has a right of occupation under a lease held by him by virtue of being a shareholder in a company owning the land on which the building comprising the residential flat is erected, or by virtue of being the owner of an estate or interest in the land on which the building comprising that residential flat is erected.”

40. Width of roads—Section 24 of the Counties Amendment Act 1961 is hereby amended by repealing subsections (4) and (5), and substituting the following subsections:

“(4) Subject to subsection (5) of this section, every new or proposed road shown on any scheme plan shall be not less than 66 ft in width, measured at right angles to its course, shall be laid off to the best advantage and with due regard to the requirements of the locality, and shall be of a grade approved by the Council.

“(5) Where it is difficult or inexpedient to lay off a new or proposed road shown on any scheme plan submitted to the Council for its approval under this Part of this Act at a width of 66 ft throughout the whole of its length as required by subsection (4) of this section, and the Council is satisfied that any specified width, being not less than 40 ft, is adequate for traffic over that road, the width of that road may be reduced to that specified width for the whole or such part or parts of its length as is approved by the Council:

“Provided that, except where the new or proposed road will serve only industrial or commercial premises or where the Council is of the opinion that the imposition of such a

condition would be detrimental to the best utilisation of the land to be subdivided, the Council shall make it a condition of its approval that, when new buildings are erected or any buildings are rebuilt or re-erected or are substantially rebuilt or re-erected on land having a frontage to any part of that road which has a width of less than 66 ft, no part of any such building shall stand within such distance of the middle line of the road as the Council specifies, being not less than 33 ft."

41. Plan approved subject to building-line restrictions—Section 31 of the Counties Amendment Act 1961 is hereby amended by adding the following subsection:

"(10) This section applies with respect to any road or proposed or future road or access way or proposed or future access way, irrespective of its width."

42. Building-line restrictions provided in district scheme—The Counties Amendment Act 1961 is hereby further amended by inserting, after section 31, the following section:

"31A. (1) Notwithstanding anything in this Part of this Act, where any operative district scheme for the county under the Town and Country Planning Act 1953 provides that any land having a frontage to any existing or future road shall be subject to a building-line restriction in relation to that existing or future road, then, on the approval by the Council of a survey plan of subdivision of that land or any part thereof, the survey plan of subdivision shall be deemed to have been approved subject to a condition imposing on every allotment in the subdivision having a frontage to that existing or future road the building-line restriction provided in the district scheme as if that condition had been imposed by the Council under this Part of this Act.

"(2) Where a building-line restriction is imposed under this section, it shall not be necessary for the Council to impose any building-line restriction under subsection (5) of section 24 of this Act.

"(3) Nothing in subsection (4) or subsection (8A) of section 31 of this Act shall apply with respect to any building-line restriction that is deemed to have been imposed under this section."

PART III

AMENDMENTS OF COUNTIES AMENDMENT ACT 1968

43. Special orders for constitution, alteration, union, or abolition of county town—(1) The Counties Amendment Act

1968 is hereby amended by repealing section 64, and substituting the following section:

“64. (1) Except as provided in section 50 of this Act or in any case to which subsection (2) of this section applies, any powers conferred on the Council by this Part of this Act to do anything by special order may be exercised by the Council upon a petition signed by a majority of the electors in the county town or, as the case may be, in the area proposed to be constituted a county town or to be added to or excluded from the county town, or, in the discretion of the Council, may be exercised without any such petition:

“Provided that where the Council proposes to proceed further to exercise that power pursuant to that special order without any such petition, a poll of the electors in the county town, or, as the case may be, in the area proposed to be constituted a county town or to be added to or excluded from the county town, shall be taken on the proposal where—

“(a) Not less than 15 percent of the electors in the county town, or, as the case may be, in the area proposed to be constituted a county town or to be added to or excluded from the county town, by writing under their hands delivered or sent by post to the Council and received at the offices of the Council not later than the day before the date fixed for the confirmation of the resolution to exercise that power, demand that a poll of the electors in the county town, or, as the case may be, in that area, be taken on the proposal; or

“(b) The Council so resolves;—
and the Council shall not exercise that power unless a majority of the valid votes recorded at the poll are in favour of the proposal.

“(2) Any power conferred on the Council by section 51 of this Act to unite 2 or more county towns may be exercised by the Council upon a petition signed by a majority of the electors in any of the county towns proposed to be united, or, in the discretion of the Council, may be exercised without any such petition:

“Provided that where the Council proposes to proceed further to unite those county towns pursuant to a special order under the said section 51 without any such petition, a poll of the electors in any of those county towns shall be taken on the proposal where—

“(a) Not less than 15 percent of the electors in that county town, by writing under their hands delivered or

sent by post to the Council and received at the offices of the Council not later than the day before the date fixed for the confirmation of the resolution to exercise that power, demand that a poll of the electors in that county town be taken on the proposal; or

“(b) The Council so resolves;—

and the Council shall not exercise that power unless a majority of the valid votes recorded at the poll are in favour of the proposal. Where a demand for a poll is received from the electors in 2 or more of those county towns, or where, pursuant to a resolution of the Council, a poll is to be taken in 2 or more of those county towns, separate polls shall be taken in each of those county towns, and the Council shall not exercise that power unless a majority of the valid votes recorded at each of those polls are in favour of the proposal.

“(3) At every poll held pursuant to this section, every elector shall have 1 vote only.

“(4) In this section—

“‘Elector’, in relation to any county town or to any area, means an elector of the county having a ratepayer’s qualification in respect of property situated within the county town or area or a residential qualification in respect of an address within the county town or area:

“‘A majority’ and ‘15 percent’, in relation to the electors in any county town or in any area, means a majority or 15 percent, as the case may be, of the numbers of electors in the county town or area who were on the roll of electors of the county for the last general election of Councillors.”

(2) The Counties Amendment Act 1968 is hereby further amended—

(a) By omitting from subsection (1) of section 50 the words “poll of ratepayers”, and substituting the words “poll of electors”:

(b) By omitting from subsection (1) of section 68 the words “poll of ratepayers”, and substituting the words “poll of electors”:

(c) By omitting from paragraph (c) of subsection (2) of section 74 the words “poll of ratepayers”, and substituting the words “poll of electors”.

44. Remuneration of members of County Borough Council—(1) Section 81 of the Counties Amendment Act

1968 is hereby amended by inserting, after the words "of the County Borough Council", the words "or of any committee thereof".

(2) Section 81 of the Counties Amendment Act 1968 (as amended by section 3 (2) (a) of the Counties Amendment Act 1970) is hereby further amended by omitting the words "the rate of \$5", and substituting the words "a rate fixed by the County Borough Council not exceeding \$5".

(3) Section 3 of the Counties Amendment Act 1970 is hereby consequentially amended by repealing paragraph (a) of subsection (2).

PART IV

COMMUNITY CENTRES

45. Interpretation—In this Part of this Act, unless the context otherwise requires,—

"Community centre" means any facility or group of facilities for social, recreational, cultural, or educational purposes or for the physical or intellectual well-being and enjoyment of the residents of the county or any group or section of them, whether alone or together with other persons:

"District" means a part of the county declared by the Council pursuant to this Part of this Act to be a community centre district for the purposes of this Part:

"Dwelling unit" means any building or part of a building which is designed, built, rented, leased, let, or hired to be occupied, or which is occupied, as a residence for a single family (including 1 person, or 2 or more persons as an individual group) with or without a common right to the use of entrances, passages, stairways, or open spaces; and, where necessary, includes a combination of parts of a building or of 2 or more buildings or the parts thereof.

46. Council may provide community centres within the county and may contribute toward the establishment and maintenance of community centres outside county—(1) In addition to the powers conferred upon the Council by the principal Act and by the Physical Welfare and Recreation Act 1937, the Council may make such provision for community centres within the county as the Council may from

time to time determine, and for that purpose may take, purchase, or otherwise acquire, provide, and maintain land and buildings, and provide, install, and maintain on any such land or in any such building, equipment, apparatus, and facilities.

(2) The provision of a community centre, including the acquisition of land or buildings or an estate or interest in land for that purpose, shall be deemed a public work within the meaning of the Public Works Act 1928.

(3) Where, in the opinion of the Council, residents of the county are using or deriving benefit from or are likely to use or derive benefit from a community centre either established or to be established outside the county by an adjoining local authority, then, and in addition to the powers conferred upon it by the principal Act and the Physical Welfare and Recreation Act 1937, the Council may make such contributions as it may from time to time determine towards the cost of the exercise by that local authority in respect of that community centre of any of the powers mentioned in subsection (1) of this section.

47. Community centre districts—(1) The Council may from time to time, pursuant to a special order, declare any specified part of the county to be a district for the purposes of this Part of this Act, and may in like manner alter the boundaries of any such district or amalgamate any 2 or more such districts or revoke any such special order.

(2) Before making a special order for the constitution of such a district or the alteration of the boundaries of such a district, the Council shall cause a plan of the proposed district showing the boundaries thereof, or, as the case may be, a plan of the district showing the proposed alteration of boundaries or a plan showing the boundaries of the amalgamated districts, to be deposited in the office of the Council. Every such plan shall be open for inspection by the public without fee for at least 1 month before the date fixed for the confirmation of the resolution to make the special order, and public notice of the times when and the place where that inspection can be made shall be given by the Council.

48. Control and management of community centre—The Council may in its discretion place the control and management of any of one or more community centres in a committee appointed under section 71 of the principal Act.

49. Finance—(1) The Council may from time to time make such contributions for the provision, conduct, or maintenance of community centres as it may think fit.

(2) Any payment made under this section may be charged against the General Account or the separate accounts of any ridings or any appropriate County Town Account or County Borough Account, or against the appropriate separate account or accounts kept pursuant to paragraph (d) of subsection (1) of section 146 of the principal Act, or may be apportioned by the Council among those accounts.

50. Annual fee payable by occupier—(1) For the purpose of providing the estimated amount of any loan charges and of any construction, maintenance, equipment, and administration costs of any community centre established under this Part of this Act, the Council may, subject to the provisions of this section, make and levy annually a uniform fee to be paid by the occupier of each dwelling unit situated within the district, but in no case shall the amount of the fee exceed in any year the sum of \$6 in respect of any dwelling unit.

(2) The first such uniform fee may be made and levied pursuant to a special order and not otherwise, and the fee for any subsequent year, whether of the same or any other amount but not exceeding \$6, may be made and levied pursuant to a resolution of the Council.

(3) The power to make and levy the first such uniform fee pursuant to subsection (2) of this section may be exercised by the special order constituting the district made under section 47 of this Act, in which case the following provisions of this section shall apply as if the special order had been made under subsection (2) of this section.

(4) The amount of any such uniform fee shall be recoverable as a debt due to the Council by the occupier.

(5) The power conferred by this section to make and levy the first such uniform fee may be exercised by the Council upon a petition signed by a majority of the occupiers of the dwelling units in the district in which the fee is to be levied, or, in the discretion of the Council, may be exercised without any such petition:

Provided that, where the Council proposes to exercise that power without any petition, a poll of occupiers of the dwelling units in the district shall be taken on the proposal to make and levy the fee where—

(a) Not less than 15 percent of the said occupiers by writing under their hands delivered or sent by post to the Council and received at the offices of the Council not later than the day before the date fixed for the confirmation of the resolution to make the special order, demand that a poll of the aforesaid occupiers of the district be taken on the proposal; or

(b) The Council so resolves;—

and the fee shall not be made and levied unless a majority of the valid votes recorded at the poll are in favour of the proposal. Every such poll shall be held and taken by the Council in the manner provided by the Local Elections and Polls Act 1966, and the provisions of that Act, as far as they are applicable, shall apply in respect of every such poll.

(6) Notice of the right to demand a poll pursuant to paragraph (a) of the proviso to subsection (5) of this section shall be included in the public notice required to be given by paragraph (c) of section 87 of the principal Act.

51. Charge on certain rateable property—Notwithstanding anything in section 50 of this Act, in any case where a uniform fee may be levied pursuant to that section to be paid by the occupier of any dwelling unit erected on land which is rateable property, the Council may, instead of levying that fee, levy upon such rateable property a charge which shall consist of a uniform charge in respect of each dwelling unit situated on that rateable property, and which shall for all purposes be deemed to be a separate rate:

Provided that nothing in this section shall permit in any year of the uniform charge assessed in respect of each dwelling unit situated on any rateable property exceeding the uniform fee which is or may be levied in that year on any dwelling unit pursuant to the said section 50.

52. Payment of fee or charge in respect of dwelling units owned by Her Majesty the Queen—(1) In the case of any dwelling unit owned by Her Majesty the Queen for the purposes of the Housing Act 1955 or for any other purpose, the State Advances Corporation of New Zealand or other Department of State administering the dwelling unit may, without further authority than this section, out of money received by the said Corporation under subsection (1) of section 32 of the Housing Act 1955, or, as the case may require, out of the appropriate account, pay to the Council

the amount of the uniform fee in respect of that dwelling unit or the amount of any uniform charge that would be payable under section 51 of this Act in respect of that dwelling unit if it were erected on land which is rateable property.

(2) In any such case as aforesaid, the said Corporation or Department may, notwithstanding anything contained in the Tenancy Act 1955, from time to time, on giving not less than 14 days' notice in writing to the tenant, increase the rent payable in respect of the dwelling unit by an amount equal to the uniform fee or charge so payable, and on the expiry of the period of the notice the contract or agreement for the tenancy of the premises shall be deemed to be varied accordingly.

53. Bylaws—In addition to the powers conferred upon the Council by section 401 of the principal Act, the Council may make such bylaws as it thinks fit for all or any of the following purposes in respect of a community centre:

- (a) Regulating the use of community centres and the charges to be made in respect thereof;
- (b) Protecting from damage, injury, or misappropriation any property, whether real or personal, belonging to the Corporation of the county or any organisation participating in the conduct of a community centre;
- (c) The more effectual carrying out of the objects of this Part of this Act.

54. Community centre district deemed to be a defined part of the county—A district shall, for the purposes of the Local Authorities Loans Act 1956, be deemed to be a defined part of the county.

55. Powers conferred by other Acts not affected—The powers conferred on the Council by this Part of this Act are in addition to and not in substitution of any powers in relation to community centres conferred on the Council by any other Act.

This Act is administered in the Department of Internal Affairs.
