

## New Zealand.



### ANALYSIS.

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### 1925, No. 49.

AN ACT to amend the Counties Act, 1920.

Title.

[1st October, 1925.]

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

1. This Act may be cited as the Counties Amendment Act, 1925, and shall be read together with and deemed part of the Counties Act, 1920 (hereinafter referred to as the principal Act). Short Title.

2. (1.) The Governor-General may, by Proclamation, declare any two or more counties to be united, and to form one county under such name as he thinks fit, in either of the cases following, but not in any other case:— Alternative powers of Governor-General to effect union of counties.

(a.) If the Council of each of the counties proposed to be united has passed a special order recommending that the counties should be united so as to form one county:

(b.) If a Commission appointed under the next succeeding section has recommended that those counties be united so as to form one county.

(2.) Every Proclamation made under the authority of this section shall fully describe the boundaries of the united county and of any other county the description of the boundaries of which is affected thereby, and the boundaries so defined shall as from the

taking-effect of the Proclamation be the boundaries of the said counties respectively.

Appointment of Commission to inquire as to proposal for union of two or more counties.

3. (1.) If the Council of any county passes a resolution recommending the union of that county with one or more other counties, and the Council of any other such county does not within three months thereafter pass a resolution recommending the union of the same counties, any Council that has passed such resolution may present to the Governor-General a petition, under seal, praying for the union of the said counties.

(2.) Upon receipt of such petition the Governor-General may direct a Commission, consisting of a Commissioner of Crown Lands, a District Valuer under the Valuation of Land Act, 1908, and one other fit person, to inquire and report to him whether effect should be given to the recommendation of the petitioning Council.

(3.) The said Commission shall have all the powers of a Commission under the Commissions of Inquiry Act, 1908.

Consequential amendments of principal Act.

4. (1.) Section ten of the principal Act is hereby amended by repealing subsection one.

(2.) The said section is hereby further amended by omitting from subsection two the words "Upon the constitution of such united county," and substituting the words "Upon the constitution by the Governor-General of a county formed by the union of two or more counties."

Section 14 of principal Act (as to alteration of county boundaries) applicable only to counties where principal Act in force.

5. Section fourteen of the principal Act is hereby amended as follows:—

(a.) By inserting, after the words "two or more contiguous counties" in subsection one, the words "in which this Act is in force"; and by adding to the same subsection the words "under this section":

(b.) By omitting from subsection two the words "Where this Act is in force in any one or more of the counties the boundaries whereof are proposed to be altered."

Alteration of county boundaries in cases where principal Act is not in force in one of the counties proposed to be altered.

6. (1.) The boundaries of two contiguous counties in one of which the principal Act is not in force may from time to time be altered by the Governor-General by Proclamation under this section, but not otherwise.

(2.) Where it is proposed that any area situated in a county in which the principal Act is not in force shall be included within the boundaries of an adjoining county in which that Act is in force, the Council of the last-mentioned county, on petition signed by not less than two-thirds of the persons whose names appear in the occupiers' column of the valuation roll under the Valuation of Land Act, 1908, in respect of property situated within the area proposed to be so included in that county, may pass a resolution recommending that the area be so included, and thereupon the Governor-General may issue a Proclamation accordingly.

(3.) Where it is proposed that any area situated in a county in which the principal Act is in force shall be included within the boundaries of an adjoining county in which the principal Act is not in force, the Council of the first-mentioned county, on petition signed by not less than two-thirds of the ratepayers in respect of property situated within the area proposed to be excluded from that county,

may pass a resolution recommending that the area be so excluded, and thereupon the Governor-General may issue a Proclamation accordingly.

(4.) If within three months after the presentation of any petition under this section the Council to whom the petition has been presented has not passed a resolution recommending the alteration of boundaries prayed for in the petition, the Governor-General, on being satisfied that a petition in accordance with this section has been duly presented, may appoint a Commission to inquire and report to him as to the proposed alteration of boundaries. The provisions of subsections four and five of section fourteen of the principal Act shall, so far as applicable, apply with respect to such Commission as if it were appointed under that section.

(5.) On receipt of the report of the Commission the Governor-General may, by Proclamation, alter the boundaries of the counties affected in such manner as he may deem to be in accordance with the report of the Commission.

(6.) The provisions of subsection seven of section fourteen of the principal Act shall apply with respect to every Proclamation issued under this section.

7. (1.) The Council may, pursuant to a resolution in that behalf, establish an Imprest Account, which shall, as the Council may determine, be kept in the Post Office Savings-bank or in any other bank within the meaning of the Banking Act, 1908.

Council may authorize an Imprest Account.

(2.) The Imprest Account may be held jointly in the names of and be operated on by the Treasurer and one other person to be appointed in that behalf by the Council, or may, with the express approval in writing of the Audit Office, but not otherwise, be in the sole name of and be operated on by the Treasurer or other approved officer of the Council. Where the Imprest Account is held jointly in the names of the Treasurer and of one other person as aforesaid, such last-mentioned person shall be either a responsible officer of the Council or a member of the Council.

(3.) The Council shall from time to time, by resolution, fix the maximum amount that may be held at any time in the Imprest Account, not exceeding seventy-five pounds in any case where the Imprest Account may be operated on by one person acting alone.

(4.) Moneys in the Imprest Account shall be available only for the payment of casual wages and of emergency expenditure. A statement of all payments made from the Imprest Account shall be submitted to the Council for approval at its first ordinary meeting thereafter. The payment of moneys out of the Imprest Account for any purpose not hereby authorized shall be deemed to be the misappropriation of the funds of the Council.

(5.) The provisions of section one hundred and eighteen of the principal Act shall be read subject to the provisions of this section.

8. Section ninety-nine of the principal Act is hereby amended by repealing paragraph (d) of subsection one thereof.

Section 99 of principal Act amended.

9. The provisions of the Local Bodies' Finance Act, 1921-22, in so far as they relate to separate accounts shall have no application with respect to the separate accounts required by section one hundred and thirty-one of the principal Act to be kept for each riding of a county.

Restrictive provisions of Local Bodies' Finance Act not applicable to riding accounts.

Repeal of spent provision of Appropriation Act, 1923.

10. (1.) Section twenty-one of the Appropriation Act, 1923, is hereby amended by repealing subsection three.

(2.) The repeal of the said subsection shall not affect the provisions of paragraph (d) of subsection one of section one hundred and thirty-one of the principal Act as thereby amended.

Council empowered to purchase or lease existing cattle-dips.

11. (1.) Section two hundred and three of the principal Act is hereby amended by inserting, after the words "appropriated by it for the purpose" in subsection one, the words "or may with the like consent purchase or lease any existing cattle-dip."

(2.) For the purpose of purchasing any such cattle-dip the Council may, by special order, raise a special loan under the Local Bodies' Loans Act, 1913, without taking the steps prescribed by sections eight to twelve of that Act.

Cost of wire netting provided by Council may be recovered as a rate.

Cf. 1920, No. 48, sec. 283.

12. (1.) Where, pursuant to section two hundred and three of the principal Act, any Council hereafter agrees to sell any rabbit-proof wire netting to the owner or occupier of any land for use in respect of that land, on terms requiring payment by instalments of the price of such wire netting, either with or without the payment of interest, the following provisions shall apply:—

(a.) The agreement between the Council and such owner or occupier shall define the land in respect of which the wire netting is to be supplied.

(b.) The amount of each such instalment shall be a charge upon the land defined in the agreement, and may be recovered as rates are recoverable under the Rating Act, 1908, and the provisions of that Act as to recovery of rates shall apply accordingly.

(c.) A separate book shall be kept by the Collector of Rates to the Council in which particulars of such instalments (distinguishing capital from interest) of the debt in respect whereof they are payable, of the dates for payment thereof, and of the names of persons paying the same shall be entered; and such book shall be *prima facie* evidence of the correctness of its contents.

(2.) Capital moneys received under this section or otherwise in respect of the price of wire netting supplied by the Council as aforesaid may be used for the purchase by the Council of further supplies of wire netting, and subject thereto all such capital moneys shall be applied in or towards the repayment of any special loan raised pursuant to section two hundred and three of the principal Act, either by payment into the sinking fund (if any) or in such other manner as the Council, with the sanction of the Audit Office, determines.

(3.) Interest received by the Council under this section in respect of any unpaid purchase-money shall be applied, so far as may be necessary, in or towards the payment of interest or other charges in respect of any special loan raised as aforesaid.

Extension of powers as to licensing vehicles plying for hire.

13. For the purposes of the principal Act and of any by-laws thereunder, every vehicle that is in fact used for hire for the carriage of passengers or goods within the county shall while so used be deemed to be a vehicle plying for hire within the county.