

## New Zealand.



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1903, No. 15.

**Title.**

AN ACT to amend "The Counties Act, 1886."

*[17th November, 1903.]*

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

**Short Title.**

1. The Short Title of this Act is "The Counties Act Amendment Act, 1903"; and it shall form part of and be read together with "The Counties Act, 1886" (hereinafter referred to as "the principal Act").

**Alteration of boundaries of road district or riding.**

2. (1.) In order to allow time for the preparation and adjustment of valuation rolls, it is hereby declared that in no case shall the special order altering the boundaries of any riding, or road district, or subdivision of a road district, in a county take effect until the close of the financial year in which the special order is gazetted, if gazetted on or before the first day of October, or until the close of the next following financial year if gazetted after the first day of October; and section one hundred and twenty-five of the principal Act is hereby modified accordingly.

(2.) "Financial year" means the period of twelve months ending on the thirty-first day of March in every year.

**Tramways where Counties Act not in force.**

3. (1.) In counties in which the principal Act is not in force an order authorising the construction of a tramway may, notwithstanding the provisions of clause one of the Second Schedule to "The Tramways Act, 1894," be granted to any person applying to the Governor for the same, and the provisions of the last-mentioned Act shall be construed accordingly, and any person in whose favour any such order is made shall for all purposes be deemed to be a pro-

moter as defined by that Act; and the Governor may in respect of any such county, in and by any such order, and subject to such conditions as he thinks fit, confer upon any such person all or any of the powers conferred by the last-mentioned Act upon a local authority.

(2.) Where in any district as defined by the last-mentioned Act it is proposed to lay down a tramway that extends into any county referred to in the last preceding subsection, the Governor, on the application of the local authority of such district, may make an order authorising the construction of such tramway, and the form of the authorising order may be adapted to the circumstances of the case.

(3.) For the purpose of giving effect to any order made under either of the two preceding subsections, but subject to such conditions and limitations as the Governor thinks fit, any such county shall be deemed to be a district within the meaning of the last-mentioned Act, and the local authority or person obtaining such order the local authority thereof: Provided that the provisions of clauses twelve and thirteen of the Second Schedule to the last-mentioned Act shall not apply in any such case.

**4.** (1.) Notwithstanding anything in the principal Act, the maximum general rate that may be made and levied in any year shall be,— Increased rating-power.

(a.) In counties where there are no road or town districts, a rate of threepence in the pound on the capital value of the rateable property therein, or its equivalent on the unimproved value or annual value; and

(b.) In counties where there are road or town districts—

(i.) In outlying districts, a rate of threepence in the pound on the capital value, or its equivalent as aforesaid;

(ii.) In all other parts of the county, a rate of three halfpence in the pound on the capital value, or its equivalent as aforesaid.

(2.) The principal Act is hereby consequentially amended—

(c.) As to section one hundred and forty-eight thereof: By repealing all words after “purposes of this Act” to the end of the section; and

(d.) As to section one hundred and forty-nine thereof: By repealing the words “which are wholly or partly divided into road districts, town districts, and outlying districts respectively,” and also by repealing the words “three farthings in the pound on the rateable value therein,” and substituting in lieu thereof the words “the prescribed maximum rate.”

**5.** (1.) The Council may from time to time, either in addition to or in lieu of any general rate, make and levy rates (to be called “separate rates”) upon all rateable property within any riding of the county, or it may, by special order, make and levy any such rate upon all rateable property within such portion of the county as is defined in the special order: Provided that the total amount of separate rates and general rates together shall not in any one year exceed the amount of the maximum general rate prescribed by the last preceding section. Separate rates.

(2.) Every such separate rate shall be subject to the deduction of so much thereof as is, in the opinion of the Council, necessary to defray the cost of making and levying the rate, and of the supervision and clerical work necessary in connection with the expenditure thereof.

(3.) The amount so deducted shall form part of the ordinary revenue of the county.

(4.) The remainder of the separate rate shall be applied to the special purpose (if any) for which it was levied, and shall be expended wholly within the riding or portion of the county within which it was levied.

**Repeal.**

**Council may establish or assist fire brigade.**

**Section 143 of principal Act amended.**

**Council may control public billiard-rooms.**

**Hours of closing public billiard-rooms.**

(5.) This section is in substitution for section one hundred and fifty of the principal Act, which section is hereby accordingly repealed.

6. The Council may from time to time, out of the County Fund, establish fire brigades, in such localities as it thinks fit, and provide all necessary appliances and buildings required in connection therewith, or may agree with any fire brigade or other persons as to providing the necessary appliances and labour for the purpose of extinguishing fires, and may provide for the payment out of the County Fund of such remuneration by way of gratuity to such brigade or persons as the Council thinks fit.

7. Section one hundred and forty-three of the principal Act (providing for the withdrawal of money from the County Fund Account) is hereby amended by repealing all words after "counter-signed by," and substituting in lieu thereof the words "any two of such of the Councillors as the Council from time to time authorises to sign cheques."

8. Section three hundred and eleven of the principal Act is hereby amended by the addition of the following new subsection:—

"(15A.) To provide for defining, licensing, and controlling public billiard-rooms other than those connected with hotels or clubs, and for prohibiting unlicensed public billiard-rooms."

9. (1.) Every public billiard-room shall be closed from eleven o'clock at night until eight o'clock on the following morning, except on Saturdays, when it shall be closed from eleven o'clock at night until eight o'clock on the following Monday morning: Provided that nothing herein shall affect any by-law made under the last preceding section whereby public billiard-rooms are required to be closed at an earlier hour than eleven at night.

(2.) No game of billiards or any other game shall be played in any public billiard-room during the hours the billiard-room is required to be closed.

(3.) Every person who, being the proprietor or manager of a public billiard-room, fails to close the billiard-room as aforesaid, or permits any game to be played therein during the hours the billiard-room is required to be closed, is liable to a fine not exceeding ten pounds.

(4.) For the purposes of this Act, "public billiard-room" means a billiard-room where billiards or any similar games are played for payment, but does not include a billiard-room in premises licensed under "The Licensing Act, 1881," or in a club.

10. Where any road district is abolished by any Act and a county constituted in substitution therefor, then, if no specific provision is made for dealing with the assets and liabilities of such road district, the provisions of section fifty-seven of the principal Act (providing for the vesting of the assets and liabilities of a merged district) shall apply as if the road district had been merged under the principal Act.

Where road districts  
abolished by  
Act.

11. Section one hundred and twenty-four of the principal Act (prescribing the mode in which special orders may be made) is hereby amended by repealing paragraphs one to three thereof, and substituting the following in lieu thereof:—

How special  
orders made.

- “(1.) The resolution to do such thing shall be passed at a special meeting.
- “(2.) Such resolution shall be confirmed at a subsequent meeting (either ordinary or special) held not sooner than the twenty-eighth day and not later than the fifty-sixth day after such special meeting.
- “(3.) Public notice of the time and place fixed for such subsequent meeting, and of such resolution, shall be given once in each of the four weeks immediately preceding the day on which the subsequent meeting is to be held.”

12. The Council may, in addition to the powers conferred by the principal Act, light any streets, roads, bridges, and other public places and public buildings within the county.

Council may light  
public places and  
buildings.

13. (1.) In any case where anything is omitted to be done or cannot be done at the time required by the principal Act or this Act, or is done after such time, or is otherwise irregularly done in matter of form, or sufficient provision is not made by the principal Act, the Governor may, by Order in Council gazetted, at any time before or after the time within which such thing is required to be done, extend such time, or validate anything so done after the time required or so irregularly done in matter of form, or make other provision for such case as he thinks fit.

In certain cases  
Governor may  
validate proceedings  
or extend time for  
doing anything.

(2.) This section is in substitution for section three hundred and twenty-two of the principal Act, which section is hereby accordingly repealed.

Repeal.