



## ANALYSIS

Title	3. Appeals against classification
1. Short Title	4. Board may remedy anomalies
2. Classification of lands	5. Validating classifications

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1961, No. 10—*Local*

**An Act to amend the Kaituna River District Act 1926**

[24 November 1961]

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 Kaituna River District Amendment Act 1961, and shall be read together with and deemed part of the Kaituna River District Act 1926 (hereinafter referred to as the principal Act).

**2. Classification of lands**—(1) Section 24 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Before making and levying any rate other than as provided in sections 22 and 23 of this Act, the River Board shall cause or shall have previously caused the lands proposed to be rated to be classified into classes, by one or more classifiers appointed by it, in such manner as may be approved by resolution of the River Board as providing a fair and equitable basis for rating purposes, taking into account the amount of present or future benefit direct or indirect received or likely to be received from the works of the River Board, together with such other secondary factors as the River Board may

consider appropriate, and provided that the amount of benefit or potential benefit may be assessed on the basis of flood levels, availability of drainage, or such other factors of whatsoever kind as seem appropriate to the River Board. Such classification may include a terminal class of lands not liable to rating for the purpose of this section. The classification shall be set forth in a list to be signed by the Chairman of the River Board, and shall remain in force until replaced by a further classification made in accordance with this Act, nor shall it be necessary for such classification to be made annually. Rates other than those referred to in sections 22 and 23 of this Act shall be made and levied on a graduated scale upon all the said classes of land (other than lands classified in the terminal class), and shall (unless otherwise provided by this Act) be made and levied in such proportions as the River Board in each case determines."

(2) The said section 24 is hereby further amended by inserting in subsection (2), after the words "in respect of simultaneous, alternative", the word "different".

(3) The said section is hereby further amended by adding the following subsection:

"(5) A classification may be made with reference to the effect of any River Board works or operations, whether made before, during, or after commencement or completion of such works or operations."

**3. Appeals against classification**—(1) Subsection (1) of section 26 of the principal Act is hereby amended by adding the words "on the grounds specified in that Act".

(2) The said section 26 is hereby further amended by repealing subsection (2), and substituting the following subsection:

"(2) All appeals against any classification shall be decided by a Magistrate."

(3) The said section 26 is hereby further amended by inserting, after subsection (2), the following subsection:

"(2A) On the hearing of any such appeals the Magistrate shall either confirm the classification list or amend the classification list or any detail therein in such manner as he thinks reasonable to give effect to his decision upon any appeal and shall sign the list as so amended and every amendment made by him."

(4) The said section 26 is hereby further amended by omitting from subsection (3) the words "and assessors".

**4. Board may remedy anomalies**—Section 27 of the principal Act is hereby amended by omitting from subsection (1) the words “by reason of the fact that a property classified as a whole receives varying degrees of benefit”, and substituting the words “in respect of any property”, and omitting the words “by classifying the property into more than one class”.

**5. Validating classifications**—(1) The classifications adopted by resolution of the River Board made on the fourth day of September, nineteen hundred and sixty-one, are hereby confirmed and validated and declared to be in full force and effect, but this provision shall not deprive any person of his right of appeal in the manner provided by subsection (1) of section 26 of the principal Act.

(2) The River Board shall, within fourteen days after this Act comes into force, cause to be given public notice of the classifications, of the place where the classification lists may be inspected for a period of twenty-one days, and of the right of appeal hereinbefore conferred.

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