



ANALYSIS

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1975, No. 126

An Act to confer certain powers on certain public bodies and to authorise and validate certain transactions and other matters
[10 October 1975]

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 Local Legislation Act 1975.

2. Authorising sale of land held in trust by Alexandra Borough Council—Whereas the land more particularly hereinafter described (in this section referred to as the said lands) is vested in the body corporate called the Mayor, Councillors, and Citizens of the Borough of Alexandra (in this section referred to as the Borough) as a municipal endowment without power of sale: And whereas it is desirable that the Borough be empowered to sell the said lands: Be it therefore enacted as follows:

(1) The Borough is hereby authorised and empowered to sell the said lands, which are hereby freed from all trusts, reservations, and restrictions to which they have heretofore been subject; and the District Land Registrar of the Land Registration District of Otago shall take all such steps and make all such entries in the register as may be necessary to give effect to this section.

(2) The said lands comprise all those parcels of land in the Borough of Alexandra containing first 7732 m² (1 acre 3 roods 25.73 perches), being Lots 1 to 11, D.P. 8433, and being all the land comprised and described in certificate of title, Volume 384, folio 59, Otago Registry; and secondly 5.9151 ha (14 acres 2 roods 18.67 perches), more or less, being Lots 3 and 4 and part Lots 1 and 2, D.P. 2690, and being all the land comprised and described in certificate of title No. A2/73, Otago Registry.

3. Authorising Auckland Harbour Board to transfer certain land to Crown—Whereas all that parcel of land containing 1431.6 m² (1 rood 16.6 perches), more or less, being Lot 1, D.P. 50089, and being all the land comprised and described in certificate of title, Volume 2099, folio 51, North Auckland Registry (in this section referred to as the said land), is, pursuant to section 40 (2) of the Local Legislation Act 1961, vested in the Auckland Harbour Board (in this section referred to as the Board) upon and subject to certain trusts: And whereas the Board wishes to transfer the said land to Her Majesty the Queen (in this section referred to as the Crown) to be used as a waterfront occupational health centre: And whereas it is desirable that the Board be authorised so to transfer the said land: Be it therefore enacted as follows:

(1) The said land is hereby freed of all trusts, restrictions, and reservations to which it has heretofore been subject; and the District Land Registrar of the Land Registration District of North Auckland shall do all such things and make all such entries in the registers as may be necessary to give effect to this subsection.

(2) The Board is hereby authorised and empowered to transfer the said land without consideration to the Crown, to be held upon trust, and without power of sale, for the purposes of a waterfront occupational health centre and a World Health Organisation seamen's centre.

(3) If the Board lodges with the said District Land Registrar notice in writing that the said land is not used and has not for the previous 6 months been used as a waterfront occupational health centre, together with an application to become the registered proprietor of the said land, the said land shall then vest in the Board, freed from all trusts, restrictions, and reservations to which it was, immediately before then, subject; and in that case the said District Land Registrar shall, no earlier than 6 weeks after that vesting, issue to the Board a new certificate of title in respect of the said land.

(4) If, within 6 weeks of the vesting of the said land in the Board pursuant to subsection (3) of this section, the Crown serves notice on the Board of its desire to retain the said land, the Board shall and is hereby authorised and empowered to execute, and the Board and the Crown shall do all such things as may be necessary to effect the registration of, a perpetually renewable lease of the said land to the Crown, commencing on the date the said land vested in the Board, for such term and subject to such conditions as is then usual in leases of commercial land granted by the Board, and subject to the payment of such a ground rental as may be agreed by the Board and the Crown, or, if the Board and the Crown cannot agree a ground rental, subject to the payment of such a ground rental as may be determined by arbitration under the provisions of the Arbitration Act 1908.

4. Authorising Auckland Harbour Board to contribute to cost of sculpture—Whereas Australian Mutual Provident Society intends to commission a sculpture for the public square known as the Queen Elizabeth Square and formed as part of the Auckland Harbour Board Central Area Properties Redevelopment Scheme: And whereas the Auckland Harbour Board (in this section referred to as the Board) wishes to

contribute \$15,000 towards the cost of the sculpture: And whereas the Board is not authorised to expend money for such a purpose: And whereas it is desirable that the Board be so authorised: Be it therefore enacted as follows:

The Board is hereby authorised and empowered to expend out of its general revenues the sum of \$15,000 in contributing towards the cost of the said sculpture.

5. Validating certain expenditure by Auckland Harbour Board—Whereas on the 21st day of December 1971 the Auckland Harbour Board (in this section referred to as the Board) took over the operation of the Container Terminal at Auckland from Maritime Services Limited (in this section referred to as the Company) and agreed to reimburse the Company for operating losses incurred before that date: And whereas during the year that ended with the 30th day of September 1973 the Board paid \$350 to Messrs Barr, Burgess, and Stewart (in this section referred to as the Accountants) in respect of the Accountants' professional fees in verifying the accounts of the Company: And whereas on the 28th day of March 1975 the Board paid \$13,632 to the Company in respect of the said operating losses: And whereas the Board had no authority to make either of the said payments: And whereas it is desirable that the making of the said payments be validated: Be it therefore enacted as follows:

The payment by the Board as aforesaid of \$350 to the Accountants and \$13,632 to the Company is hereby validated and declared to have been lawful.

6. Validating expenditure incurred by Auckland Harbour Board—Whereas during the year that ended with the 30th day of September 1974 the Auckland Harbour Board (in this section referred to as the Board) incurred a total expenditure of \$3,564.39 in organising the Meetings of Committees of the International Association of Ports and Harbors: And whereas the Board had no power to incur that expenditure: And whereas it is desirable that the incurring of the said expenditure by the Board be validated: Be it therefore enacted as follows:

The expenditure by the Board during the year that ended with the 30th day of September 1974 of \$3,564.39 in organising the Meetings of Committees of the International Association of Ports and Harbors is hereby validated and declared to have been lawful.

7. Empowering Auckland Regional Authority to make certain payments—Whereas the Auckland Regional Authority (in this section referred to as the Authority) has accepted certain tenders submitted at various times before the 25th day of January 1974 (in this section referred to as the said date) for the carrying out of certain works: And whereas those tenders contained no provision for the Authority to pay an increased amount in respect of fluctuations in the price of diesel fuel used in the carrying out of those works: And whereas since the said date the price of diesel fuel has risen: And whereas it is desirable that the Authority be empowered to make additional payments in respect of that rise to contractors carrying out works pursuant to tenders submitted before the said date: Be it therefore enacted as follows:

The Authority is hereby empowered to pay to any contractor carrying out works pursuant to a tender submitted before the said date such proportion as the Authority thinks fit of any increase in expenditure incurred by the contractor in purchasing on or after the said date diesel fuel used or to be used in the carrying out of those works caused by an increase or increases in the cost of diesel fuel, being no more than the difference between the actual price paid by the contractor when so purchasing the fuel and the price he would have paid had he purchased it on the day before the said date.

8. Authorising Christchurch Drainage Board to incur certain expenditure—Whereas during the year ending with the 31st day of March 1976 the Christchurch Drainage Board (in this section referred to as the Board) celebrates the 100th anniversary of its constitution: And whereas the Board wishes to incur certain expenditure in celebrating this centenary: And whereas it is desirable that the Board be authorised to incur that expenditure: Be it therefore enacted as follows:

Notwithstanding that the limit of unauthorised expenditure in any year imposed on the Board by section 52 of the Christchurch District Drainage Act 1951 (as amended by the Decimal Currency Act 1964) is \$1,000, the Board is hereby authorised and empowered to incur during the year ending with the 31st day of March 1976 further unauthorised expenditure in connection with the celebration of its centenary amounting to not more than \$6,000.

9. Validating collection of rates by Geraldine County Council and Strathallan County Council—Whereas at a duly notified meeting held on the 15th day of July 1974 the

Geraldine County Council (in this section referred to as the former Council) resolved that a rate of 0.67 cents per dollar on the capital value (in this section referred to as the higher rate) be levied on all property in the County of Geraldine other than that in the Winchester County Town District (in this section referred to as the said property) in respect of the year that ended with the 31st day of March 1975: And whereas the higher rate was incorrectly calculated: And whereas the former Council, after the error had been discovered, wished to substitute a rate of 0.58 cents per dollar on the capital value (in this section referred to as the lower rate) for the higher rate: And whereas by Order in Council made on the 26th day of August 1974 and published in the *Gazette* on the 29th day of August 1974 at page 1791 the former Council was succeeded by the Strathallan County Council (in this section referred to as the present Council) on the 1st day of September 1974 before the lower rate could legally be substituted for the higher rate: And whereas at various times between the 23rd day of August 1974 and the 1st day of September 1974 the former County delivered to owners of the said property rate assessment notices calculated at the lower rate: And whereas at various times since the 1st day of September 1974 the present Council has delivered to owners of the said property rate assessment notices calculated at the lower rate purporting to be delivered by the former Council and has collected and received from owners of the said property rates so calculated: And whereas it is desirable that the actions of the former Council and the present Council be validated: Be it therefore enacted as follows:

The lower rate is hereby deemed to have been validly made on the 15th day of July 1974 and the higher rate is deemed never to have been made; and all rate assessment notices in respect of the year that ended with the 31st day of March 1975, and all actions taken by the former Council and the present Council to deliver them and to collect the rates thereby purported to be levied are, to the extent that the said notices were calculated and the said rates were collected at the lower rate, hereby validated and declared to have been lawful.

10. Validating rates made and levied by Hokianga County Council—Whereas the Hokianga County Council (in this section referred to as the Council) at a duly notified Ordinary Meeting held on the 28th day of June 1972 resolved that a differential rate on land value be made and levied in respect

of the year that ended with the 31st day of March 1973: And whereas the Council at a further such meeting held on the 27th day of June 1973 resolved that a differential rate on land value be made and levied in respect of the year that ended with the 31st day of March 1974: And whereas the Council at a further such meeting held on the 24th day of July 1974 resolved that a general rate of 3.36 cents per dollar on the land value (in this section, together with the rates resolved to be made as aforesaid on the 28th day of June 1972 and the 27th day of June 1973, referred to as the said rates) be made and levied in respect of the year that ended with the 31st day of March 1975: And whereas the said rates were all invalid by virtue of their being in excess of the limit imposed by section 105 (2) of the Counties Act 1956: And whereas it is desirable that the said rates be validated: Be it therefore enacted as follows:

Notwithstanding that the said rates exceed the limit imposed by section 105 (2) of the Counties Act 1956,—

- (a) The said rates are hereby validated and declared to have been lawfully made:
- (b) All actions of the Council in levying and collecting the said rates are hereby validated and declared to have been lawful:
- (c) All money received by the Council in payment of the said rates is hereby declared to have been lawfully paid to and received by it:
- (d) Such part of the said rates as has not yet been paid to the Council is hereby declared to be lawfully payable, and capable of being collected as if it had always been lawfully payable.

11. Validating raising of loan by Kaiapoi Borough Council—Whereas on the 8th day of September 1965 the Secretary to the Treasury gave his sanction to the raising of a loan of \$32,000 to be known as the Sewerage Redemption Loan 1965 No. 2 by the Kaiapoi Borough Council (in this section referred to as the Council): And whereas a condition of that sanction was that the term of the said loan be 15 years: And whereas on the 15th day of September 1965 the Secretary to the Treasury varied that sanction by authorising the Council to raise up to \$12,000 of the said loan for a term of only 10 years subject to the condition that the Council establish a sinking fund to make provision for the repayment of any amount so raised: And whereas no such sinking fund has been

established: And whereas the Council has raised the whole of the said loan for a term of only 10 years: And whereas the actions of the Council in so raising the said loan are illegal: And whereas it is desirable that those actions be validated: Be it therefore enacted as follows:

The raising of the loan known as the Sewerage Redemption Loan 1965 No. 2 by the Council for a term of only 10 years and without the establishment of a sinking fund to provide for the repayment of any part of it is hereby validated and declared to have been lawful; and every debenture and all stock issued in respect of the repayment of the said loan is hereby declared to have been lawfully issued and to be of full force and effect according to its tenor.

12. Validating purchase of land by Mount Roskill Borough Council—Whereas on the 12th day of March 1973 the Mount Roskill Borough Council (in this section referred to as the Council) agreed to purchase all that parcel of land situated in the Suburbs of Auckland containing 4.0554 ha (10 acres 3.4 perches), more or less, being part Lots 58 and 63 D.P. 19403 and being all the land in certificate of title No. 9B/916 North Auckland Registry (in this section referred to as the said land) to be paid for by the Council by instalments over a period of years: And whereas section 165 of the Municipal Corporations Act 1954 provides that any such payment by instalments must be approved by the Minister of Local Government: And whereas no such approval has been obtained by the Council: And whereas the Council has paid all the instalments so agreed to be paid: And whereas it is desirable that the actions of the Council be validated: Be it therefore enacted as follows:

The actions of the Council in agreeing as aforesaid to purchase the said land and paying the instalments agreed to be paid are hereby validated and declared to have been lawful.

13. Validating payment made by Nelson Catchment Board—Whereas during the year that ended with the 31st day of March 1975 the Nelson Catchment Board (in this section referred to as the Board) paid \$1,560 to Barbara Jean McGowan as a compassionate grant in respect of the death of her husband David Vass McGowan, who at his death was an employee of the Board: And whereas the Board had no

authority to make that payment: And whereas it is desirable that the making of the payment be validated: Be it therefore enacted as follows:

The payment by the Board as aforesaid of \$1,560 to Barbara Jean McGowan is hereby validated and declared to have been lawful.

14. Validating the making of certain loans by the Otorohanga County Council—Whereas at a meeting of the Otorohanga County Council (in this section referred to as the Council) held on 21 August 1974 the Council agreed to make certain loans to certain employees of the Council, which loans were expressed to be made in order to enable each to purchase land with a suitable house erected thereon: And whereas each such employee was at that date already a joint proprietor of the land in respect of whose purchase the Council so agreed to make a loan: And whereas the true purpose of the loans is to enable the employees to repay indebtedness incurred, in anticipation of the granting of the loans, in purchasing the land in respect of whose purchase the loans were expressed to have been agreed to be made: And whereas the Council is not empowered to make loans for such a purpose: And whereas it is desirable that the making of the loans be authorised: Be it therefore enacted as follows:

The Council is hereby authorised to make the following loans:

- (a) \$12,000 to Hugh Thompson Button and Meryl Eleanor Button to be secured against all that parcel of land containing 804.31m² (31.8 perches), more or less, being Lot 2 Deposited Plan S1276 and being all the land in certificate of title, Volume 1496, folio 24, South Auckland Registry.
- (b) \$9,000 to John Leslie Pevreal and Lesley Ann Pevreal to be secured against all that parcel of land containing 1080m² (1 rood 2.7 perches), more or less, being Lot 4 Deposited Plan 25716 and being all the land in certificate of title, Volume 699, folio 226, South Auckland Registry.
- (c) \$8,000 to Denis Vaudin Welch and Beryl Lillian Welch to be secured against all that parcel of land containing 1472m² (1 rood 18.2 perches), more or less,

being Lot 6 and part Lot 7 Deposited Plan S1483 and being all the land in certificate of title, Volume 1080, folio 13, South Auckland Registry.

15. Validating rates made and levied by Waihi Borough Council—Whereas the Waihi Borough Council (in this section referred to as the Council) at a duly notified Ordinary Meeting held on 15 June 1972 resolved that a general rate on unimproved value of 6.446 cents per dollar be made and levied in respect of the year ending 31 March 1973: And whereas the Council at a similar meeting held on 8 May 1973 resolved that a general rate on unimproved value of 7.226 cents per dollar (in this section, together with the rate hereinbefore described, referred to as the said rates) be made and levied in respect of the year ending 31 March 1974: And whereas the said rates were invalid by virtue of their being in excess of the limit imposed by section 90 of the Municipal Corporations Act 1954: And whereas it is desirable that the said rates be validated: Be it therefore enacted as follows:

Notwithstanding that the said rates exceed the limit imposed by section 90 of the Municipal Corporations Act 1954,—

- (a) The said rates are hereby validated and declared to have been lawfully made:
- (b) All actions of the Council in levying and collecting the said rates are hereby validated and declared to have been lawful:
- (c) All money received by the Council in payment of the said rates is hereby declared to have been lawfully paid to and received by it:
- (d) Such part of the said rates as has not yet been paid to the Council is hereby declared to be lawfully payable, and capable of being collected as if it had always been lawfully payable.

16. Authorising Waimairi County Council to contribute towards cost of gymnasium—Whereas the Waimairi County Council (in this section referred to as the Council) wishes to contribute \$20,000 out of its Land Subdivision Account towards the cost of constructing a gymnasium at Burnside High School: And whereas the Council is not authorised to use money in that account for that purpose: And whereas it is desirable that the Council be authorised to contribute the said sum as aforesaid: Be it therefore enacted as follows:

The Council is hereby authorised and empowered to pay \$20,000 to the Secretary of the Burnside High School Board of Governors out of its Land Subdivision Account; and the Secretary shall hold that sum for the purpose aforesaid.

17. Authorising Waimea County Council to make certain payments—Whereas by an Agreement dated 23 November 1973 made between F. A. Willetts Limited and the Chairman, Councillors, and Inhabitants of the County of Waimea (in this section referred to respectively as the Contractor and the Council), the Contractor agreed to execute certain works and the Council agreed to supply to the Contractor by specified dates certain materials necessary to execute those works: And whereas the Council was unable to supply those materials until later dates: And whereas as a result of the late supply of those materials the completion of the works was considerably delayed: And whereas as a result of the delay and adverse ground and weather conditions encountered during it the Contractor incurred certain costs: And whereas it is desirable that the Council be authorised to reimburse the Contractor for those costs: Be it therefore enacted as follows:

The Council is hereby authorised and empowered to pay to the Contractor \$5,837.39 in addition to the amounts agreed to be paid to the Contractor under the said agreement.

18. Validating rates made and levied by Waitomo County Council—Whereas on 21 April 1975 the Waitomo County Council (in this section referred to as the Council) declared the result of a poll held on 18 April 1975 whereby the rate-payers of the County of Waitomo elected to adopt the capital value rating system: And whereas section 18 of the Rating Act 1967 provides that no new system of rating may be brought into effect until the first day of April following the date on which the result of the poll electing to adopt it is declared: And whereas the Council at a duly notified Ordinary Meeting held on 10 July 1975 purported to make a general rate calculated on the capital value rating system and has since levied and collected the rates so calculated: And whereas it is desirable the actions of the Council be validated: Be it therefore enacted as follows:

For the purposes only of section 18 of the Rating Act 1967, the result, declared on 21 April 1975, of the poll held by the Council on 18 April 1975, is hereby deemed to have been declared on 31 March 1975.

19. Authorising Wallace County Council to raise special loan—Whereas the Wallace County Council (in this section referred to as the Council) was authorised to raise loans of \$211,500 to be known as the Te Anau Amenities Loan No. 1—1966, of \$117,000; the Te Anau Amenities Loan No. 2—1970, of \$12,500; and the Te Anau Amenities Loan No. 3—1971, of \$82,000, for the purpose of constructing water and sewerage schemes at Te Anau: And whereas the Council has expended and proposes to expend out of general revenues a further sum not exceeding \$167,254 to complete those schemes: And whereas the Local Authorities Loans Board has no authority to sanction the raising of a loan to enable the Council to refund money so expended to its general revenues: And whereas it is desirable to authorise the Council to raise such a loan: Be it therefore enacted as follows:

The Council is hereby authorised and empowered to borrow by way of special loan under the Local Authorities Loans Act 1956 an amount not exceeding \$167,254 for the purpose of refunding to its general revenues the sums expended and proposed to be expended from them as aforesaid.

20. Authorising Wanganui City Council to expend on erection of buildings proceeds from sale of land held in trust—Whereas the Wanganui City Council (in this section referred to as the Council) maintains a bank account known as the Sale of Land—part town belt—Reserve L Account (in this section referred to as the said account) into which are paid proceeds of the sale of certain lands vested in the Council upon trust for municipal purposes: And whereas section 150 (2) of the Municipal Corporations Act 1954 provides that where land held in trust for any particular purposes is sold the proceeds shall be applied in or towards the purchase of other land to be held for the same purposes: And whereas the Council wishes to expend \$65,000 out of the said account in erecting certain buildings: And whereas it is desirable that the Council be authorised so to expend the said sum: Be it therefore enacted as follows:

The Council is hereby authorised and empowered to expend out of the said account:

- (a) Not more than \$30,000 towards the erection of a caretaker's residence on the land belonging to the Council and known as Kowhai Park:
- (b) Not more than \$35,000 towards the erection of a caretaker's residence and office on the land belonging to the Council known as the Aramoho Motor Camp.

21. Authorising Waverley Town Council to make certain payments—Whereas by agreement dated 20 December 1972 made between Pahiatua Construction Company Limited and the Chairman, Councillors, and Citizens of the Town District of Waverley (in this section referred to respectively as the Company and the Corporation) the Company agreed to do certain works within the Town District of Waverley and the Corporation agreed to make certain payments to the Company in consideration of the doing of those works: And whereas the Company is not able to complete the works so agreed to be done unless it receives payments greater than those so agreed to be made: And whereas the Corporation wishes to make to the Company such increased payments as may enable the Company to complete the works so agreed to be done: Be it therefore enacted as follows:

The Corporation is hereby authorised and empowered to pay to the Company, in addition to the sums payable under the said agreement, further sums amounting to no more than 12.862 percent of the sums so payable.

22. Closing and disposal of part of street vested in Wellington City Council—Whereas Christine Elizabeth Hermans, of Wellington, married woman, is registered as proprietor of an estate in fee simple in all that parcel of land containing 488.2m² (19.3 perches), more or less, being Lot 2, D.P. 30535, and being all the land comprised and described in certificate of title No. 7C/1267, Wellington Registry, subject to mortgages 854118 and A003456 (in this section referred to as the said land): And whereas buildings erected on part of the said land encroach upon parts of the public street known as Hanover Street in the City of Wellington to the extent of approximately 2.51m² (in this section referred to as the encroachment): And whereas the body corporate called the Mayor, Councillors, and Citizens of the City of Wellington (in this section referred to as the Council) wishes the encroachment to vest in the said Christine Elizabeth Hermans: And whereas it is desirable that the encroachment so vest: Be it therefore enacted as follows:

(1) Notwithstanding that the encroachment is part of a public street, the Council is hereby authorised and empowered to approve a subdivisional plan defining the encroachment:

Provided that any such approval shall be expressed to be subject to the condition, imposed pursuant to section 351A

(1) (e) (i) of the Municipal Corporations Act 1954, that the

encroachment be transferred to the owner of the said land, and that one certificate of title be issued to include the encroachment and the said land.

(2) It is hereby declared that upon the deposit of such a plan the encroachment shall become stopped.

(3) The Council is hereby further authorised and empowered, upon the deposit of any such plan, to transfer the encroachment to the owner of the said land.

23. Authorising Wellington City Council to vary rate—

Whereas, at a meeting duly held on the 18th day of July 1975, the Wellington City Council (in this section referred to as the Council) resolved that a certain general rate (in this section referred to as the said rate) be made and levied on all property in the City of Wellington in respect of the year ending with the 31st day of March 1976: And whereas the Council now wishes to substitute a lower rate for the said rate in respect of certain property in the City of Wellington: And whereas it is desirable that the Council be authorised to do so: Be it therefore enacted as follows:

(1) The Council is hereby authorised and empowered to resolve that rates lower than the said rate be made and levied, in respect of the year ending with the 31st day of March 1976, on any specified types or groups of property in the City of Wellington (those types or groups being determined on the basis of such criteria of any kind whatsoever as the Council thinks fit); and in respect of all property on which such a lower rate is, pursuant to this subsection, resolved to be made and levied, the said rate shall be deemed not to have been made.

(2) Where the owner of any property has paid to the Council any money (including any penalty) in respect of the rates on that property for the said year calculated on the basis of the said rate, and the Council, pursuant to subsection (1) of this section, resolves that a rate lower than the said rate be made and levied on that property in respect of the said year, the Council shall apply that money towards the rates on that property for the said year calculated on the basis of that lower rate; and where the money so paid exceeds the rates calculated on the basis of that lower rate the Council shall, as soon as practicable, refund to that owner without deduction the amount of the excess.

(3) Where, upon the sale of any property on which it is subsequently resolved, pursuant to subsection (1) of this section, that a rate lower than the said rate be made and levied in respect of the said year, an allowance or apportionment was made for or of the rates on that property in respect of the said year calculated on the basis of the said rate, an appropriate adjustment shall be made between the vendor and the purchaser.

This Act is administered in the Department of Internal Affairs.
