



ANALYSIS

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1998, No. 69

An Act to—

- (a) Provide for the Valuer-General to be a statutory officer within Land Information New Zealand; and
- (b) Introduce contestability to the rating valuations market by assigning to the Valuer-General a regulatory rather than a participatory role in the preparation of district valuation rolls; and
- (c) Repeal the Valuation of Land Act 1951 and generally restate the law relating to the valuation of land for rating purposes

[23 June 1998]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Rating Valuations Act 1998.

(2) This Act comes into force on 1 July 1998.

2. Interpretation—(1) In this Act, unless the context otherwise requires,—

“Annual value”, in relation to any rateable property, means the greater of—

(a) The rent at which the property would let from year to year, reduced by—

(i) Twenty percent in the case of houses, buildings, and other perishable property; and

(ii) Ten percent in the case of land and other hereditaments:

(b) Five percent of the capital value of the fee simple of the property:

“Capital value” of land means, subject to sections 20 and 21, the sum that the owner’s estate or interest in the land, if unencumbered by any mortgage or other charge, might be expected to realise at the time of valuation if offered for sale on such reasonable terms and conditions as a bona fide seller might be expected to require:

“Department” means Land Information New Zealand, or such other department or ministry as has, with the authority of the Prime Minister, for the time being assumed responsibility for the administration of this Act:

“District” means the district over which the jurisdiction of a local authority to levy rates extends:

“District plan” means a district plan within the meaning of the Resource Management Act 1991:

“District valuation roll” means a roll prepared for a district under section 7 and approved under section 11; and “valuation roll” and “roll” have corresponding meanings:

“Equalisation adjustment” means an adjusted valuation under section 192 or section 196 of the Rating Powers Act 1988:

“Equalisation certificate” means a certificate of adjusted values received by a special purpose authority or territorial authority under section 193 or section 196 of the Rating Powers Act 1988:

“Existing roll values”, in the situation where a valuation is required to preserve uniformity with existing roll values of comparable parcels of land, means the values appearing on the district valuation roll—

(a) As revised in the most recent general revaluation of that roll approved by the Valuer-General under section 11; and

(b) As updated in consequence of any alterations made in connection with that general revision under section 35 or section 39:

“General revaluation” means the periodic revaluation of all properties on a valuation roll required by section 9:

“Improvements”, in relation to any land, means all work done or material used at any time on or for the benefit of the land by the expenditure of capital or labour by any owner or occupier of the land, so far as the effect of the work done or material used is to increase the value of the land and its benefit is not exhausted at the time of valuation; but does not include—

(a) Work done or material used, whether or not by the owner or occupier of the land, in—

- (i) The provision of roads or streets, or in the provision of water, drainage or other amenities in connection with the subdivision of the land for building purposes:
- (ii) The draining, excavation, filling, or reclamation of the land, or the making of retaining walls or other related works:
- (iii) The grading or levelling of the land or the removal of rocks, stone, sand, or soil:
- (iv) The removal or destruction of vegetation, or the effecting of any change in the nature or character of the vegetation:
- (v) The alteration of soil fertility or of the structure of the soil:
- (vi) The arresting or elimination of erosion or flooding:

(b) Except in the case of land owned or occupied by the Crown or by a statutory public body, work done or material used on or for the benefit of the land by the Crown or any statutory body except to the extent that it has been paid for by way of direct contribution:

“Land” means all land, tenements, and hereditaments, whether corporeal or incorporeal, in New Zealand,

and all chattel or other interests in the land, and all trees growing or standing on the land:

“Land Valuation Tribunal” or “Tribunal” means a Land Valuation Tribunal established under the Land Valuation Proceedings Act 1948:

“Land value”, in relation to any land, and subject to sections 20 and 21, means the sum that the owner’s estate or interest in the land, if unencumbered by any mortgage or other charge, might be expected to realise at the time of valuation if—

(a) Offered for sale on such reasonable terms and conditions as a bona fide seller might be expected to impose; and

(b) No improvements had been made on the land:

“Local authority” means a local authority or public body specified in Part I or Part II or Part III of the First Schedule of the Local Government Act 1974:

“Minerals” includes all minerals, metals, coal, oil, kauri gum, clay, stone, gravel, sand, precious stones, and water; and includes petroleum within the meaning of Part I of the Crown Minerals Act 1991:

“Minister” means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act:

“Occupier” has the same meaning as in section 2 of the Rating Powers Act 1988:

“Owner” means the person who, whether jointly or separately, is seised or possessed of or entitled to any estate or interest in land:

“Rates” means all rates and charges under the Rating Powers Act 1988, including charges deemed to be rates under section 32 of that Act:

“Rates-postponement value”, in relation to any land, means the rates-postponement value of the land determined under section 22:

“Regional council” has the same meaning as in section 2 of the Local Government Act 1974:

“Registered valuer” means a valuer registered under the Valuers Act 1948:

“Special purpose authority” has the same meaning as in section 191 of the Rating Powers Act 1988:

“Special rateable value”, in relation to any land, means the special rateable value of the land determined under any of sections 23 to 27:

“Territorial authority” has the same meaning as in section 2 of the Local Government Act 1974:

“Valuation services”—

(a) Includes—

(i) The fixing or altering of the values of any property:

(ii) The altering of any such value on objection:

(iii) The making of an equalisation certificate:

(b) Does not include—

(i) Services in relation to the preparation or maintenance of a district valuation roll that are of a clerical or minor nature only and do not require expertise in the area of valuation:

(ii) Any services specified for the purposes of this paragraph in rules made under this Act:

“Value of improvements” means the added value which at the date of valuation the improvements give to land.

Cf. 1951, No. 19, s. 2

PART I

FUNCTIONS AND POWERS OF VALUER-GENERAL

3. Valuer-General—(1) There is from time to time to be appointed under the State Sector Act 1988 a Valuer-General.

(2) The Valuer-General reports directly to the Minister on the exercise of his or her functions and powers under this Act.

Cf. 1951, No. 19, s. 4

4. Functions and powers of Valuer-General—(1) The functions of the Valuer-General are—

(a) To provide technical advice to the Government on valuation issues and on the regulation of the provision of rating valuations:

(b) To set minimum quality standards and specifications necessary for the maintenance and upkeep of district valuation rolls in the interests of ensuring a nationally consistent, impartial, independent, and equitable rating valuation system:

(c) To monitor and audit rating valuations against the minimum standards and specifications:

(d) To certify to local authorities that the district valuation roll meets the minimum standards.

(2) The Valuer-General may from time to time—

- (a) Make rules in relation to rating valuations and valuation rolls in accordance with section 5:
- (b) Audit and monitor local authorities, and those contracted by local authorities to undertake rating valuation services, for compliance with the provisions of this Act and rules and regulations made under this Act, and with any other legislation relating to the valuation of land for rating purposes:
- (c) Require local authorities to collect and provide to the Valuer-General such information as the Valuer-General thinks fit for the purpose of carrying out his or her functions.

5. Valuer-General may make rules setting requirements in relation to valuations and district valuation rolls—

- (1) The Valuer-General may from time to time make rules for all or any of the following purposes:
 - (a) Prescribing standards, specifications, and methodologies for the rating valuation process, including—
 - (i) The data which must be gathered and the form in which it is gathered:
 - (ii) The processes which must be followed in gathering the data:
 - (iii) The processes for forwarding that data to the Valuer-General:
 - (b) Prescribing who may carry out valuations or provide valuation services for the purposes of this Act:
 - (c) Prescribing rules as to the maintenance and content of district valuation rolls:
 - (d) Providing for the auditing and monitoring of general revaluations, and of alterations during the currency of a roll:
 - (e) Providing for the auditing and monitoring of equalisation adjustments and special rating areas:
 - (f) Requiring the provision of information to the Valuer-General or any other person or body specified by the Valuer-General relating to valuations, general revaluations, equalisation adjustments, special rating areas, and alterations during the currency of a roll by territorial authorities:
 - (g) Providing for the manner in which any valuation is to be reviewed by a territorial authority as a result of an objection:
 - (h) Providing for such other matters relating to valuations and valuation services as are contemplated by or

necessary for giving full effect to the provision of this Act or as may be necessary or desirable to allow the Valuer-General to perform his or her functions under this Act or any related Act.

- (2) Any such rules may—
- (a) Provide for when any valuation is to take effect;
 - (b) Apply generally throughout New Zealand, or only to such local authority or authorities or such district or districts as may be specified in the rules;
 - (c) Exempt from their application any territorial authority which has commenced a general revaluation until the completion of that general revaluation.
- (3) Before making any rules under this section, the Valuer-General must—
- (a) Publish a notice of his or her intention to make the rules in daily newspapers published in Auckland, Wellington, Christchurch, and Dunedin, respectively, and also publish the notice in the *Gazette*; and
 - (b) Give interested persons a reasonable time, which must be specified in the notice, to make submissions on the proposed rules; and
 - (c) Consult with such persons or groups representative of valuers, local authorities, and other interested persons as the Valuer-General thinks appropriate having regard in each case to the content and effect of the proposed rules.
- (4) As soon as practicable after making any rules under this section, the Valuer-General must notify their making in the *Gazette*.
- (5) The *Gazette* notice must specify where copies of the rules may be inspected and obtained.
- (6) Any rules made under this section are to be treated for the purposes of the Regulations Disallowance Act 1989 (but not for the purposes of the Acts and Regulations Publication Act 1989) as if they were regulations within the meaning of that Act.

PART 2

DISTRICT VALUATION ROLLS

6. District valuation rolls to be used as basis for rating—(1) All local authorities must use the values in the relevant district valuation roll, as approved by the Valuer-General under section 11 and as amended from time to time, as the authoritative roll for rating purposes.

(2) Every rate levied by a local authority is to be levied in accordance with section 123 of the Rating Powers Act 1988 on the basis of the values appearing in the relevant district valuation roll.

Cf. 1951, No. 19, ss. 28, 29

7. Territorial authorities to prepare and maintain district valuation rolls—(1) Each territorial authority must prepare and maintain a district valuation roll for its own district in accordance with rules made under this Act.

(2) Each roll must contain such information in respect of each separate property within the district as is required by the rules, whether or not that information relates to the method of rating adopted at the time by the territorial authority.

(3) Where the boundaries of the district of a territorial authority are altered, or a new district is constituted, the relevant territorial authorities must prepare such new rolls or make such alterations in existing rolls as may be necessary to give effect to the provisions of this Act.

(4) For the purposes of this section any land that is capable of separate occupation may, if in the circumstances of the case it is reasonable to do so, and in accordance with any rules made under this Act, be treated as separate property whether or not it is separately occupied.

Cf. 1951, No. 19, s. 8

8. Persons who may provide valuations—(1) All valuation services required by this Act must be carried out by a registered valuer or by some other person or body of a class approved for the purpose by rules made under this Act.

(2) A local authority must notify the Valuer-General of each person or body who is to undertake valuation services for it in the manner specified in rules made under this Act.

General Revaluations

9. General revaluation of rolls at 3-yearly intervals—(1) A territorial authority must revise its district valuation roll at intervals of not more than 3 years by revaluing every separate property within its district to ensure that the roll represents values current as at the date of the revaluation.

(2) Any such general revaluation is to be undertaken on the basis of values as at such date as is determined by the territorial authority and advised to the Valuer-General.

(3) Any such general revaluation must comply with rules made by the Valuer-General for the purpose.

Cf. 1951, No. 19, ss. 9, 10, 11

10. Territorial authority to supply details of general revaluation to Valuer-General—A territorial authority must supply to the Valuer-General, within the time required by the Valuer-General or by rules made under this Act,—

- (a) Such information as to the values and valuation bases that are proposed to be implemented or used in the general revaluation as are specified in rules made under this Act; and
- (b) Such other related information as may be required by the Valuer-General or by rules made under this Act.

11. Valuer-General's approval required before general revaluation may be implemented—(1) As soon as reasonably practicable after receipt of all information required under section 10, the Valuer-General must either—

- (a) Certify his or her approval of the general revaluation, and notify the territorial authority accordingly; or
- (b) Notify the territorial authority that he or she declines to approve implementation of the general revaluation on the basis that it does not meet appropriate standards, giving reasons and specifying the areas where correction or improvement is required before approval will be given under this section.

(2) No rate may be levied on the basis of the values proposed in the general revaluation unless the Valuer-General has certified his or her approval of the general revaluation under this section.

12. General revaluation to be publicly notified upon completion—(1) Upon the Valuer-General's certification of a general revaluation of its district valuation roll, the territorial authority must forthwith give public notice that—

- (a) The roll is open for inspection, free of charge, at the principal public office of the territorial authority, or at another convenient specified place, during ordinary office hours or such other hours as may be specified in the notice; and
- (b) Objections to the roll must be lodged within the time fixed in regulations made under this Act.

(2) The roll must be kept available for inspection until the period allowed for objections has expired.

Cf. 1951, No. 19, s. 18A

13. Notice of general revaluation to owners and occupiers—A territorial authority must give to each owner and occupier of land in its district—

- (a) A notice of the valuation placed on that land in a general revaluation; and
- (b) Information as to the right of the owner or occupier to object to the valuation, and as to the manner in which an objection may be lodged.

Cf. 1951, No. 19, s. 18

Alterations to Rolls

14. Alterations during currency of rolls—(1) A territorial authority may at any time, of its own motion or on the application of the owner or occupier of land appearing on the roll, make alterations to its current district valuation roll in order to readjust and correct valuations and entries and bring them up to date,—

- (a) In the manner and circumstances specified in rules made under this Act; and
- (b) In accordance with any procedure specified in the rules.

(2) Any change in the valuation of a property under this section—

- (a) Must preserve uniformity with existing roll values of comparable parcels of land; and
- (b) Must be notified to the affected owner or occupier under section 17, and is subject to objection under section 32.

(3) A territorial authority that alters its district valuation roll under subsection (1) must as soon as is reasonably practicable notify that alteration to all other local authorities that use the roll for rating purposes.

Cf. 1951, No. 19, ss. 12, 15

15. Alteration may be backdated in case of certain omissions—(1) Where for any reason—

- (a) The value of any land in the district that is liable for any rate does not appear in a current district valuation roll, either separately or as part of a larger area; or
- (b) The value of any interest in any land in the district that is liable for any rate, or of any thing forming part of any such land, has not been included in the value of the land as it appears in the current district valuation roll,—

the value of that land, interest, or thing is to be entered on the valuation roll as from the end of the financial year preceding the date on which the value is actually entered on the roll.

(2) Nothing in subsection (1) authorises the entry on a district valuation roll of any interest or thing as at a date earlier than the creation of that interest or the existence or commencement of the thing.

Cf. 1951, No. 19, s. 13

16. New valuation on request—(1) An owner or occupier of land may, by written notice to a territorial authority, request the territorial authority to make a new valuation of the land for the purpose of the district valuation roll.

(2) The reasonable costs of the valuation are payable by the applicant, and the territorial authority may require those costs to be paid before undertaking the valuation.

(3) The new valuation—

(a) Is to be made so as to preserve uniformity with existing roll values of comparable parcels of land; and

(b) Is otherwise to be made in accordance with rules made under this Act.

(4) A new valuation under this section, or any refusal to make or alter a valuation under this section, must be notified to the owner and the occupier of the land under section 17, and is subject to objection under section 32.

(5) For the purposes of section 6 (2), a new valuation under this section, and any new valuation made by a Land Valuation Tribunal on objection from the new valuation, is to be treated as having been entered on the district valuation roll on the last day of the financial year in which the notice under subsection (1) was given, whether or not the new valuation has been actually made and entered on or before that date.

Cf. 1951, No. 19, s. 41

17. Notice of alterations, etc, to be given to owner and occupier—A territorial authority must give to each owner and occupier of land whose valuation has been altered under section 14 or section 16, or whose request for a new valuation under section 16 has been refused or has resulted in no change in value,—

(a) A notice of the alteration, refusal, or unchanged value; and

(b) Information as to the right of the owner or occupier to object to the alteration, refusal, or unchanged value

and as to the manner in which an objection may be lodged.

Cf. 1951, No. 19, s. 18

Equalisation Certificates and Special Rating Areas

18. Equalisation certificates and special rating areas under Rating Powers Act 1988—(1) A special purpose authority or territorial authority that has arranged the making of an adjusted valuation under section 192 or section 196 of the Rating Powers Act 1988 must—

- (a) Notify the Valuer-General of that fact and of the date on which it is proposed that the adjusted valuation take effect; and
- (b) Supply to the Valuer-General, within the time required by the Valuer-General or by rules made under this Act,—
 - (i) Such information as the Valuer-General or the rules may require; and
 - (ii) A copy of each equalisation certificate that relates to the adjusted valuation.

(2) A special purpose authority or territorial authority that is proposing to levy rates in respect of a special rating area under the Rating Powers Act 1988 must—

- (a) Notify the Valuer-General of that fact and of the proposed date of implementation (which must be the same date as that on which a general revaluation for the relevant district, or 1 of the relevant districts, takes effect); and
- (b) Supply to the Valuer-General, within the time required by the Valuer-General or by rules made under this Act, such information as the Valuer-General or the rules may require.

19. Valuer-General's approval required before rating may proceed on basis of equalisation certificate or special rating area—(1) As soon as reasonably practicable after receipt of all the information required under section 18, the Valuer-General must either—

- (a) Certify his or her approval of the equalisation certificate or certificates concerned or, where appropriate, of the valuation roll for the special rating area; or
- (b) Notify the relevant authority that he or she declines to approve implementation of the relevant proposal on the basis that it does not meet appropriate standards, giving reasons and specifying the areas where

correction or improvement is required before approval will be given under this section.

(2) No equalisation certificate is to have effect for rating or levy purposes under section 193 (2) or section 194 of the Rating Powers Act 1988 unless the Valuer-General certifies his or her approval of the certificate under this section.

(3) No proposal to levy rates in respect of a special rating area is to have effect under the Rating Powers Act 1988 unless the Valuer-General certifies his or her approval of the special rating area valuations under this section.

PART 3

SPECIAL PROVISIONS RELATING TO DETERMINATION OF RATEABLE VALUES

20. Value of trees and minerals—(1) The value of any trees is not to be included in any valuation under this Act unless the trees are fruit trees, nut trees, vines, berryfruit bushes, or live hedges.

(2) The value of any fruit trees, nut trees, vines, berryfruit bushes, or live hedges is not to be taken into account in assessing the land value of any property under this Act.

(3) The value of any minerals is not to be included in any valuation under this Act unless the owner or occupier of the land is receiving a benefit from the sale or use or working or extraction of those minerals.

Cf. 1951, No. 19, s. 28 (3)

21. Value of land subject to lease—(1) For the purpose of determining under this Act the capital value or land value or annual value of land that is subject to a lease,—

- (a) Regard is to be had to the desirability for rating purposes of preserving uniformity with contemporaneous roll values of comparable parcels of land; and
- (b) Any lease provisions or circumstances particular to the property concerned that do not reflect the prevailing market conditions at the date of valuation are to be disregarded.

(2) This section applies for the purposes of determining valuations for the purposes of this Act and the Rating Powers Act 1988 only, and is not intended to alter the definitions of the terms “capital value” and “land value” in the case of valuations made other than for rating purposes under any other Act or document.

22. Rates-postponement values of farmland—(1) A territorial authority may at any time, of its own motion or on

the written application of the owner or occupier of the land, determine for the purposes of Part X of the Rating Powers Act 1988 the rates-postponement value of any farmland whose value is in some measure attributable to the potential use to which the land may be put for residential, commercial, industrial, or other non-farming development.

(2) The rates-postponement value of any land is to be determined—

(a) So as to exclude any potential value that, at the date of valuation, the land may have for residential purposes, or for commercial, industrial, or other non-farming use; and

(b) So as to preserve uniformity and equitable relativity with comparable parcels of farmland the valuations of which do not contain any such potential value.

(3) No objection to the amount of any rates-postponement value determined under this section may be upheld except to the extent that the objector proves that the rates-postponement value does not preserve uniformity with existing roll values of comparable parcels of land having no potential value for residential purposes, or for commercial, industrial, or other non-farming development.

(4) In this section, “farmland” means farmland within the meaning of section 2 of the Rating Powers Act 1988.

Cf. 1951, No. 19, s. 25A

23. Special rateable values of industrial or commercial land in residential or rural areas—(1) A territorial authority may at any time, of its own motion or on the written application of the owner or occupier of the land, determine for the purposes of Part XI of the Rating Powers Act 1988 the special rateable value of any land that—

(a) Is classified as being for use or development exclusively or principally for residential or rural purposes under an operative or proposed district plan; and

(b) Is used exclusively or principally for commercial or industrial purposes.

(2) The special rateable value of any land is to be determined under this section upon the assumption that—

(a) The actual use to which the land is being put is a use permitted as of right in an operative district plan in force for the district in which the land is situated (whether or not such a plan is for the time being actually in force); and

(b) That use will be continued for the purpose specified in subsection (1) (b); and

(c) The improvements on the land will be continued and maintained or replaced in order to enable the land to continue to be so used.

(3) No objection to the amount of any special rateable value determined under this section may be upheld except to the extent that the objector proves that the special rateable value does not preserve uniformity with existing roll values of comparable parcels of land classified as being for use or development exclusively or principally for commercial or industrial purposes under the district scheme for the district in which the land is situated.

Cf. 1951, No. 19, s. 25B

24. Special rateable values of residential land in commercial or industrial areas—(1) A territorial authority may at any time, of its own motion or on the written application of the owner or occupier of the land, determine for the purposes of Part XI of the Rating Powers Act 1988 the special rateable value of any land that—

(a) Is classified as being for use or development exclusively or principally for commercial or industrial purposes under an operative or proposed district plan; and

(b) Is used exclusively or principally for residential purposes.

(2) The special rateable value of any land is to be determined under this section upon the assumption that—

(a) The actual use to which the land is being put is a use permitted as of right in an operative district plan in force for the district in which the land is situated (whether or not such a plan is for the time being actually in force); and

(b) That use will be continued for the purposes specified in subsection (1) (b); and

(c) The improvements on the land will be continued and maintained or replaced in order to enable the land to continue to be so used.

(3) No objection to the amount of any special rateable value determined under this section may be upheld except to the extent that the objector proves that the special rateable value does not preserve uniformity with existing roll values of comparable parcels of land classified as being for use or development exclusively or principally for residential purposes

under the district plan for the district in which the land is situated.

Cf. 1951, No. 19, s. 25c

25. Special rateable values of single or double-unit dwellings where values influenced by demand for multi-unit housing—(1) A territorial authority may at any time, of its own motion or on the written application of the owner or occupier of the land, determine for the purposes of Part XI of the Rating Powers Act 1988 the special rateable value of any land that—

- (a) Is a separate property; and
- (b) Is used exclusively or principally for single-unit or double-unit housing purposes; and
- (c) Is situated in an area where the rateable value of residential land is to some extent attributable to the actual or potential use to which it is or may be put for multi-unit housing purposes.

(2) The special rateable value of any land is to be determined under this section upon the assumption that—

- (a) The land will continue to be used for single-unit or double-unit housing purposes; and
- (b) The improvements on the land will be continued and maintained or replaced in order to enable the land to continue to be so used.

(3) No objection to the amount of any special rateable value determined under this section may be upheld except to the extent that the objector proves that the special rateable value does not preserve uniformity with existing roll values of comparable parcels of land in the district that are used exclusively or principally for the purposes of a single-unit or double-unit dwellinghouse and whose rateable value has not been influenced by the demand for multi-unit housing.

(4) For the purposes of this section—

- (a) Land, being a separate property, is deemed to be used for single-unit housing or double-unit housing purposes if—

- (i) There is erected on the land a building or group of buildings used or intended to be used solely or principally for residential purposes and occupied or intended to be occupied exclusively as the home or residence of a single household or (as the case may be) 2 households; and

- (ii) There are no other buildings on the land:

- (b) Land, being a separate property, is deemed to be used for multi-unit housing purposes if there are erected on the land 1 or more buildings or groups of buildings used or intended to be used solely or principally for residential purposes and occupied or intended to be occupied as the homes or residences of 3 or more households:
- (c) Any land that is capable of separate occupation may, if in the circumstances it is reasonable to do so, be treated as a separate property whether or not it is separately occupied.

Cf. 1951, No. 19, s. 25D

26. Special rateable values of “existing use” properties—(1) A territorial authority may at any time, of its own motion or on the written application of the owner or occupier of the land, determine for the purposes of Part XI of the Rating Powers Act 1988 the special rateable value of the land that is used for any purpose for which the owner or occupier is entitled to use the land under section 10 of the Resource Management Act 1991.

(2) The special rateable value of the land is to be determined under this section on the assumption that—

- (a) The actual use to which the land is being put is a permitted activity in an operative district plan in force for the district in which the land is situated (whether or not such a plan is for the time being actually in force); and
- (b) That use will be continued for the purpose for which the land is actually being used at the time of valuation; and
- (c) The improvements on the land will be continued and maintained or replaced in order to enable the land to continue to be so used.

(3) No objection to the amount of any special rateable value determined under this section may be upheld except to the extent that the objector proves that the special rateable value does not preserve uniformity with existing roll values of comparable parcels of land in the district that are used exclusively or principally for the purpose for which the subject land is actually being used, the use of those parcels of land being a permitted activity in an operative district plan in force for the district in which those parcels of land are situated

(whether or not such a plan is for the time being actually in force).

Cf. 1951, No. 19, s. 25E

27. Special rateable values of land subject to special preservation conditions—(1) A territorial authority may at any time, of its own motion or on the written application of the owner or occupier of the land, determine for the purposes of Part XI of the Rating Powers Act 1988 the special rateable value of land that is subject to—

- (a) A heritage covenant under the Historic Places Act 1993; or
- (b) A heritage order under the Resource Management Act 1991; or
- (c) An open space covenant under the Queen Elizabeth the Second National Trust Act 1977; or
- (d) A protected private land agreement or conservation covenant under the Reserves Act 1977; or
- (e) Any other covenant or agreement entered into by the owner of the land with a public body for the preservation of existing features of land, or of buildings, where the conditions of the covenant or agreement are registered against the title to the land and are binding on subsequent owners of the land.

(2) The special rateable value of any land under this section—

- (a) Is to be determined upon the assumption that—
 - (i) The actual use to which the land is being put at the date of valuation will be continued; and
 - (ii) Any improvements on the land will be continued and maintained or replaced in order to enable the land to continue to be so used; and
- (b) Is to be assessed taking into account any restriction on the use that may be made of the land imposed by the mandatory preservation of any existing tenements, hereditaments, trees, buildings, other improvements, and features.

(3) No objection to the amount of any special rateable value determined under this section may be upheld except to the extent that the objector proves that the special rateable value does not preserve uniformity with existing roll values of comparable parcels of land in the district after making due allowance for the restrictions on the use of that land owing to the existence of anything specified in subsection (1).

Cf. 1951, No. 19, s. 25F

28. Rates-postponement or special rateable value need not be determined unless likely to be lower than normal rateable value—No rates-postponement value or special rateable value need be determined under any of sections 22, 24, 25, and 27, or once determined entered in the district valuation roll, unless, in the opinion of the territorial authority, that value is or would be less than—

- (a) The capital value of the land, if the capital value system of rating is in force; or
- (b) The land value of the land, if the land value system of rating is in force; or
- (c) The annual value of the land, if the annual value system of rating is in force.

Cf. 1951, No. 19, ss. 25A-25F

29. When rates-postponement and special rateable values to be entered in valuation roll—(1) Where—

- (a) A rates-postponement value or a special rateable value determination under any of sections 22 to 27 is made on the application of the owner or occupier of the land following a revaluation of the district made in the last month of a financial year; and
- (b) That application is made before the end of the first month in the next financial year,—

the relevant value is to be treated as having been entered in the valuation roll on the last day of the financial year in which the revaluation was made, whether or not the value has actually been determined and entered before that date.

(2) In all other cases, a rates-postponement or special rateable value is to be treated as entered in the valuation roll on such date as the territorial authority determines, being a date not earlier than the end of the financial year preceding the date when the value is actually made and assessed.

Cf. 1951, No. 19, s. 25G (1)

30. Land ceasing to be used for purpose for which rates-postponement or special rateable value determined—(1) Where land ceases to be used for the purpose that authorised the determination of its rates-postponement or special rateable value under any of sections 22 to 27, the person by whom the rates on that land are being paid must forthwith notify the territorial authority of that fact.

(2) Where the land ceases to be used for the relevant purpose, or for any other reason (such as a change in or

introduction of a district plan) it would cease to be eligible to have its value determined under any of sections 22 to 27, its rates-postponement or special rateable value is to be treated as having been removed from the valuation roll—

- (a) On the last day of the financial year preceding the financial year during which the land ceased to be so used or the reason for ineligibility arose, if rates for the rating year current on the date when the land ceased to be so used or eligible have not been made and levied as at that date:
- (b) On the last day of the financial year during which the land ceased to be so used or the reason for ineligibility arose, if rates for the rating year current on the date when the land ceased to be so used or eligible have been made and levied as at that date.

Cf. 1951, No. 19, s. 25G (2)

31. Notice to owners and occupiers in relation to rates-postponement or special rateable value—(1) A territorial authority must give written notice to the owner and the occupier of land of—

- (a) Any determination by the territorial authority of the rates-postponement value or the special rateable value of the land under any of sections 22 to 27:
 - (b) Any refusal by the territorial authority of an application to determine the rates-postponement value or the special rateable value of the land under any of sections 22 to 27:
 - (c) Any removal from the valuation roll of the rates-postponement or special rateable value of the land.
- (2) The notice must provide information as to the right of the owner or occupier to object to the determination, refusal, or removal, and as to the manner in which an objection may be lodged.

Cf. 1951, No. 19, s. 25G (3)

PART 4

OBJECTIONS

32. Objection by owner or occupier—(1) An owner or occupier may object to a valuation or to any other decision required to be notified to the owner or occupier under section 13 or section 17 or section 31.

(2) The objection must be made within the time and in the manner specified in regulations made under this Act.

Cf. 1951, No. 19, s. 18 (2)

33. Objection by other persons—(1) A person who is the owner or occupier of land appearing on a district valuation roll may object to any other valuation entered on that roll in a general revaluation.

(2) The objection must be made within the time and in the manner specified in regulations made under this Act.

(3) The person must notify the owner or occupier of the land of the objection in the prescribed manner.

34. Objection to be initially reviewed by valuer—(1) If an owner or occupier or other person objects under section 32 or section 33, the territorial authority must refer the objection to a registered valuer or other person of a class specified in rules made under this Act for review.

(2) The person to whom the objection is referred may be the same person who undertook the valuation or made the decision objected to.

(3) Any review under this section must be conducted in accordance with any rules made under this Act.

(4) On conclusion of the review, the territorial authority may determine to—

- (a) Alter the valuation; or
- (b) Decline to alter the valuation.

(5) Where the territorial authority determines to alter the valuation—

- (a) It is to alter the district valuation roll accordingly; and
- (b) The alteration takes effect on and from the date on which the valuation objected to would have taken effect had no objection been made.

35. Notification of result of review—(1) The territorial authority must give the objector written notice of—

- (a) Its decision on a review under section 34 (4); and
- (b) The objector's right to require the objection to be heard by a Land Valuation Tribunal and of the manner of exercising that right.

(2) If the objector is not both the owner and the occupier of the land concerned, the territorial authority must also notify the owner or the occupier of the matters specified in subsection (1).

(3) If no notice to take the matter further is given under section 36,—

- (a) The decision of the territorial authority is to be treated as having been assented to by the objector, and as the case may require the owner or occupier; and

- (b) The decision of the territorial authority is to be taken as final and conclusive.

Cf. 1951, No. 19, s. 20 (2)–(5)

36. Persons affected may require objection to be heard by Land Valuation Tribunal—Any affected person (including the territorial authority) who is dissatisfied with a review under section 34 may, within 20 working days after service of the notice under section 35, require the objection to be heard by a Land Valuation Tribunal by—

- (a) Filing the objection in the office of the District Court in which the objection is required by section 21 of the Land Valuation Proceedings Act 1948 to be filed; and
- (b) Serving a copy of the objection on the territorial authority (except where it is the territorial authority that is dissatisfied with the review); and
- (c) If appropriate, serving a copy of the objection on the owner or occupier of the land concerned.

Cf. 1951, No. 19, s. 20

37. Valuer-General may object to any valuation, or join proceedings—(1) The Valuer-General may at any time—

- (a) Object to any valuation made under this Act, in the manner specified in regulations made under this Act;
- (b) Object to any valuation determined on review under section 34, and require the objection to be heard by a Land Valuation Tribunal under section 36;
- (c) As of right, join as a party in any proceedings in a Land Valuation Tribunal, and any subsequent or related court proceedings.

(2) Where the Valuer-General wishes to have his or her objection heard by a Land Valuation Tribunal, the Valuer-General commences proceedings by—

- (a) Filing the objection in the office of the District Court in which the objection is required by section 21 of the Land Valuation Proceedings Act 1948 to be filed; and
- (b) Serving a copy of the objection on—
 - (i) The territorial authority concerned; and
 - (ii) The owner and the occupier of the land concerned; and
 - (iii) Where appropriate, the original objector (if not the owner or occupier of the land concerned).

38. Proceedings of Land Valuation Tribunal—(1) The presence of at least a District Court Judge and a registered valuer who is a member of a Tribunal is necessary to constitute

a sitting of the Tribunal for the purpose of hearing an objection made under this Act.

(2) The onus of proof on any objection rests with the objector.

(3) In any proceedings before a Tribunal a local authority may be represented by a person who provides or has provided valuation services to the local authority, or an officer or employee of such a person, notwithstanding that the person, officer, or employee is not an officer or employee of the local authority, and the statement of any such person, officer, or employee that he or she appears by authority of the local authority is to be accepted as sufficient evidence of that authority.

(4) A Tribunal may award such costs against the relevant party as it considers reasonable if—

(a) The party fails to appear at the time fixed for any hearing of an objection before the Tribunal or fails to give adequate notice of the abandonment or settlement of the objection; or

(b) The Tribunal considers the objection frivolous or vexatious.

(5) Subject to this section, the Land Valuation Proceedings Act 1948 applies to all proceedings of a Land Valuation Tribunal on any objection under this Act.

Cf. 1951, No. 19, s. 20 (7), (8)

39. Territorial authority to give effect to decisions of Tribunal—Except in any case where there is an appeal lodged against a Tribunal's decision, or where the Tribunal otherwise directs,—

(a) A territorial authority must, where appropriate, alter its district valuation roll to reflect any decision of a Land Valuation Tribunal; and

(b) Any such alteration takes effect on and from the date on which the valuation objected to would have taken effect had no objection been made.

Cf. 1951, No. 19, s. 21

40. Valuation may be acted on while appeal pending—(1) The fact that an appeal is pending does not in the meantime interfere with or affect the decision of the Land Valuation Tribunal that is the subject of the appeal, and rates may be made, levied, and recovered on the valuation fixed by the decision of the Tribunal as if no appeal were pending.

(2) If the valuation is altered on appeal due adjustment is to be made, by the appropriate persons or bodies, with amounts paid in excess to be refunded and amounts paid short to be recoverable as arrears.

Cf. 1951, No. 19, s. 24

PART 5

MISCELLANEOUS PROVISIONS

41. Copies of entries in rolls available to public—(1) A territorial authority must supply a certified copy of any entry in its district valuation roll to any person who requests it and pays the prescribed fee.

(2) The certified copy must contain such matters as are required by rules or regulations made under this Act.

Cf. 1951, No. 19, s. 40

42. Territorial authorities to maintain and supply information to Valuer-General—A territorial authority must—

- (a) Keep and maintain all information and documents required to be kept and maintained by it, by or under this Act, to the standard set in rules made under this Act; and
- (b) Supply such information and documents to the Valuer-General at the Valuer-General's request without charge.

43. Regional councils to share costs of maintaining district valuation rolls—(1) A regional council must pay annually to each of its constituent territorial authorities a share of the costs of the territorial authority in preparing and maintaining its district valuation roll.

(2) The regional council's annual share of the costs in any particular case is to be an amount determined having regard to the formula in subsection (3), or such other amount as is agreed between the council and the relevant territorial authority.

(3) The formula referred to in subsection (2) is as follows:

$$\frac{b}{a + b} \times c$$

where—

- a is the average annual gross revenue generated from rates for the last 3 financial years by the territorial authority; and

- b is the average annual gross revenue generated from rates for the last 3 financial years by the regional council within the district of the territorial authority; and
- c is all the costs incurred by the territorial authority in the relevant year in preparing and maintaining its district valuation roll.

(4) In determining generally how to undertake its valuation services, a territorial authority must—

- (a) Consult with the relevant regional council; and
- (b) Have regard to the views of the regional council in its choice of service provider.

(5) A territorial authority must, without charge, provide a copy of its district valuation roll to a regional council or other special purpose authority that uses the district valuation roll for rating purposes and that requests it.

(6) If the territorial authority and the regional council cannot agree on the amount of the share of costs determined having regard to the formula in subsection (3), that amount is to be determined by arbitration in accordance with the Arbitration Act 1996.

44. Territorial authorities may be required to supply valuation services for equalisation certificates and special rating areas—(1) A territorial authority must, on payment by the regional council or other special purpose authority of the costs of providing the service (being costs additional to any share of the costs payable under section 44), supply to a regional council or other special purpose authority that requests them such valuation services as are needed for the purposes of—

- (a) Obtaining an equalisation certificate under Part XIV of the Rating Powers Act 1988; or
- (b) Establishing and maintaining a special rating area for the purposes of that Act.

(2) Before undertaking the valuation services requested under subsection (1), the territorial authority must—

- (a) Consult with the regional council or other special purpose authority; and
- (b) Have regard to the views of the regional council or special purpose authority in its choice of service provider.

(3) If the territorial authority and the regional council or other special purpose authority cannot agree on the amount of the costs under this section,—

- (a) The territorial authority must still provide the valuation services requested; but

- (b) The amount of the costs is to be determined by arbitration in accordance with the Arbitration Act 1996.

45. Powers of entry—(1) Every person appointed or engaged by a local authority for the purpose of carrying out valuations under this Act, and the Valuer-General or any person authorised by the Valuer-General for the purpose, may at any reasonable time during a day other than a Sunday or a public holiday enter on any land for the purpose of making a valuation of the land or for the purpose of carrying out the functions of the Valuer-General set out in section 4.

(2) Subsection (1) does not authorise any person to enter a building except with the consent of the person appearing to be in charge of the building.

(3) A person exercising a power of entry under this section must produce to the person appearing to be in charge of the land written evidence of the authorisation to enter—

- (a) If practicable, on first entering the land; and
- (b) Whenever subsequently reasonably required to do so by that person.

(4) The evidence of authorisation to enter referred to in subsection (3) must contain—

- (a) A reference to this section; and
- (b) The name of the authorised person; and
- (c) A statement of the powers conferred by subsection (1) on the authorised person.

(5) The owner or occupier or manager of the land must answer any question put by any person authorised by subsection (1) to enter the land, and generally supply all necessary information, to enable a correct valuation to be made and the valuation roll to be prepared, revised, and altered.

(6) Despite subsection (5), no person need answer any question or supply any information that the person would not be obliged to answer or supply as a witness in proceedings in any court of law.

(7) A person commits an offence if that person—

- (a) In any way obstructs or hinders any other person in the exercise of his or her functions under this section; or
- (b) Refuses or fails to answer any question or to supply any requested information in his or her possession.

(8) A person who commits an offence under subsection (7) is liable on summary conviction to—

- (a) A fine not exceeding \$5,000, in the case of an individual:

- (b) A fine not exceeding \$10,000, in the case of a body corporate.

Cf. 1951, No. 19, s. 7

46. Provisions relating to notices—(1) Any notice required to be given by any of sections 13, 14, 16, 17, and 31 must contain such information and be in such form (if any) as is specified in regulations made under this Act.

(2) The failure of a territorial authority to give notice under any of those sections does not invalidate a valuation.

(3) Any notice required by this Act may be sent by post and addressed to the addressee (or, in the case of an objection made by an agent of the objector, to the agent) at that person's last known place of abode or business in New Zealand, and in the absence of proof to the contrary is deemed to have been served when it would in the ordinary course of post be delivered.

Cf. 1951, No. 19, ss. 18 (1), 20 (3)

47. Delegation of Valuer-General's functions and powers—The Valuer-General may under section 41 of the State Sector Act 1988 delegate to employees of the Department, in the same manner and to the same extent as if the Valuer-General were its chief executive,—

- (a) Any power conferred on the Valuer-General by statute, other than the power to make rules under section 5;
- (b) Any power delegated to the Valuer-General by a Minister of the Crown.

Cf. 1951, No. 19, s. 5A

48. Appearance in legal proceedings of Valuer-General—The Valuer-General may appear either personally or by a barrister or solicitor or any officer of the Department in any court or in any other proceedings, and the statement of any such barrister or solicitor or officer that he or she appears by authority of the Valuer-General is to be accepted as sufficient evidence of that authority.

Cf. 1951, No. 19, s. 47

49. Expenses of administration of Valuer-General—(1) All expenses incurred by the Valuer-General in the administration of this Act are to be met from—

- (a) Any appropriation by Parliament for the purpose; and
- (b) Any charges or levies imposed on local authorities pursuant to regulations made under section 52 (1) (b).

(2) All monies received by the Valuer-General under this Act are to be paid into a Departmental Bank Account.

(3) Subject to section 73 of the Public Finance Act 1989, all fines recovered under this Act are to be paid into the Crown Bank Account.

Cf. 1951, No. 19, s. 49

50. Delegation of functions and powers of territorial authority—(1) A local authority may delegate to any officer or employee of the local authority any of its functions and powers under this Act.

(2) Section 715 of the Local Government Act 1974 applies to any such delegation as if that section referred also to the delegation to officers and employees of powers and functions of a local authority under this Act.

51. Sale of information obtained under Act not prevented by Copyright Act 1994—Nothing in the Copyright Act 1994 prevents any territorial authority or the Valuer-General from selling any information required to be provided to the Valuer-General by or under this Act.

52. Regulations—(1) The Governor-General may from time to time, by Order in Council made on the recommendation of the Minister, make regulations for all or any of the following purposes:

- (a) Prescribing the matters in respect of which fees or charges are payable under this Act, the amounts of any fee or charge, or the method or rates by which they are to be assessed, the persons liable for payment of the fees or charges, the method of recovery of any fees or charges, and the circumstances in which the payment of the whole or any part of the fees or charges may be remitted or waived:
- (b) Imposing charges or levies on local authorities to be paid to the Valuer-General in respect of the exercise of his or her functions under this Act, and prescribing the amount or method of calculation of any such charge or levy and the manner of its collection:
- (c) Prescribing the time and manner in which notices are to be given under this Act:
- (d) Prescribing the time within which and the manner in which objections are to be lodged, including prescribing forms:
- (e) Specifying the matters on which any person is required to provide any information (including requiring any vendor to notify the Valuer-General of the sale price of any property) for the purposes of this Act:

- (f) Prescribing limitations or prohibitions on the bulk provision of district valuation roll information for purposes outside the purposes of this Act or the Rating Powers Act 1988 or related legislation, or to persons not having responsibilities in relation to the administration of this Act or the Rating Powers Act 1988 or related legislation:
 - (g) Creating offences in respect of the contravention of or non-compliance with any regulation made under this Act, and providing for the imposition of penalties not exceeding \$5,000:
 - (h) Providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for its due administration.
- (2) Different fees and charges, or different methods or rates for assessing fees and charges, may be prescribed under subsection (1) (a) in respect of different classes of person.
- (3) Any charge or levy imposed by regulations made under subsection (1) (b)—
- (a) Must be reasonable having regard to the expenses incurred or to be incurred by the Valuer-General in the exercise of his or her functions and powers under this Act in relation to the local authority on whom the charge or levy is imposed; and
 - (b) Is payable to the Valuer-General and recoverable in any court of competent jurisdiction as a debt due to the Valuer-General.
- (4) The Minister may not recommend the making of an Order in Council that imposes or increases a fee or charge unless the Minister has previously consulted the New Zealand Local Government Association Incorporated on the matter.

Cf. 1951, No. 19, s. 48

Repeals and Amendments

53. Repeals—The enactments listed in Schedule 1 are repealed.

54. Amendments to other Acts, etc—(1) The enactments specified in Schedule 2 are amended in the manner indicated in that schedule.

(2) The Maori Land Court Rules 1994 (S.R. 1994/35) are amended by omitting from each of rules 111 (1), 116 (3), and 120 (2) the words “apply to the Valuer-General for a special valuation”, and substituting in each case the words “arrange for a registered valuer to make a valuation”.

Savings

55. References to Valuer-General in leases and other documents—(1) Where any lease or other document provides for the rent or other matter under the lease or other document to be determined by the Valuer-General, all references to the Valuer-General in the lease or other document are to be read as references to a registered valuer nominated by the President of the New Zealand Institute of Valuers.

(2) Despite subsection (1), where any lease administered by the Maori Trustee contains a provision whereby the Valuer-General is requested to recommend a rental, the lease is to be read as if the rental were that determined by a valuation by a registered valuer chosen in accordance with the following provisions:

(a) The Maori Trustee must—

(i) Nominate a registered valuer to conduct the valuation; and

(ii) Notify the lessee in writing of the name of the registered valuer:

(b) If the lessee does not object to the registered valuer within 14 days after being notified of the nomination, that valuer may conduct the valuation:

(c) If the lessee does object within 14 days after the notification, and no agreement as to who should conduct the valuation can be reached, the valuation is to be conducted by a registered valuer nominated by the President of the New Zealand Institute of Valuers.

(3) Any reference in a lease administered by the Maori Trustee to the term “special government valuation” is to be read as a reference to the term “special valuation”, and any reference to the Valuer-General is to be read as a reference to a registered valuer agreed by the parties or, failing agreement, nominated by the President of the New Zealand Institute of Valuers.

56. References to this Act, etc—(1) Unless the context in any case otherwise requires, references to this Act or any provision of this Act in this Act or in any of the enactments amended by section 54 are to be treated as including references to the Valuation of Land Act 1951, or the appropriate corresponding provision of that Act.

(2) Unless the context otherwise requires,—

(a) References to a registered valuer in any of the enactments amended by section 54 are to be treated as including, in respect of any matters occurring before the

commencement of this Act, references to the Valuer-General; and

- (b) Where any matter involving requirements on or actions of the Valuer-General in relation to valuations has been started but not concluded under any such enactment by the date of commencement of this Act then, if it is impractical for the matter to be concluded under the relevant enactment by the appointment of another registered valuer to replace the Valuer-General, the requirements or action in relation to valuations may be concluded by a registered valuer appointed by the Valuer-General after consultation with the President of the New Zealand Institute of Valuers.

57. Savings relating to proceedings—(1) All proceedings that, immediately before the commencement of this Act, were pending by or against or which could have been brought by or against or in respect of the chief executive of the Valuation Department may be carried on, completed, or enforced by or against or in respect of the Attorney-General or such chief executive or other person as the Attorney-General may certify for the purposes of this section.

(2) All proceedings that—

- (a) Immediately before the commencement of this Act were pending by or against or which could have been brought by or against or in respect of any person other than the chief executive of the Valuation Department; and
- (b) Relate to anything done or omitted to be done by or against or in relation to that person in the performance of functions or powers of the chief executive of the Valuation Department, whether as an employee of the relevant Ministry or otherwise,— may be carried on, completed, or enforced by or against or in respect of the Attorney-General or such chief executive or other person as the Attorney-General may certify for the purposes of this section.

58. Saving of pre-1971 definitions of “improvements” and “value of improvements” in certain cases—The repeal of the Valuation of Land Amendment Act (No. 2) 1970 by section 53 does not affect the continued application of section 8 (5) to (8) of that Act, and references in that section to section 2 or section 3 of that Act are to be treated as including references to section 53 of this Act.

*Transitional Provisions Relating to Valuation Rolls***59. Existing valuation rolls to continue in force—**

(1) Every valuation roll prepared under the Valuation of Land Act 1951 which is in force immediately before the commencement of this Act continues in force, and may be altered from time to time in accordance with this Act, until—

(a) In the case of the district valuation roll of a territorial authority, a general revaluation of that roll takes effect under this Act:

(b) In the case of a valuation roll of a local authority other than a territorial authority, the roll is revised in accordance with this Act.

(2) Until a district valuation roll that continues in force under subsection (1) (a) ceases to be in force by reason of a general revaluation taking effect,—

(a) Every valuation roll of a special purpose authority that is compiled from the district valuation roll pursuant to any enactment and is in force immediately before the commencement of this Act continues in force; and

(b) A valuation roll of any special purpose authority may be compiled from that district valuation roll pursuant to any enactment; and

(c) Alterations may be made in any such valuation roll in accordance with this Act.

(3) Any district valuation roll that was in force immediately before the commencement of this Act is deemed to have been approved by the Valuer-General under section 11.

60. Territorial authorities may be required to use services of Valuation New Zealand Limited until 1 September 2000—(1) Subject to subsections (2) and (3),—

(a) All valuation services required by a territorial authority in respect of general revaluations and maintenance of its district valuation rolls up to and including the date 1 September 2000 are to be contracted out to Valuation New Zealand Limited; and

(b) Any such contract is to extend beyond 1 September 2000 to the extent required to allow for the undertaking and completion of objections in respect of general revaluations made on or before that date, or for the undertaking and completion of further work needed to obtain the Valuer-General's approval for such general revaluations.

(2) Subsection (1) does not apply to—

(a) Any territorial authority if and to the extent that it is exempted from that subsection by the Valuer-General by notice in the *Gazette* made under section 61:

(b) The Auckland City Council.

(3) For such time as a territorial authority is required to use the valuation services of Valuation New Zealand Limited under subsection (1), the date as at which a general revaluation of its district valuation roll must be undertaken is 1 September or such other date as the Valuer-General determines.

61. Valuer-General and New Zealand Local Government Association to agree on which territorial authorities need not use Valuation New Zealand Limited—(1) The Valuer-General and the New Zealand Local Government Association Incorporated may from time to time consult with each other and agree on how many and which territorial authorities are to be exempt from the requirements of section 60 (1).

(2) The number of such exemptions—

(a) Is to be not fewer than 2 (in addition to the Auckland City Council), for territorial authorities whose next general revaluation is required to involve revaluations as at 1 September 1999:

(b) Is to be not fewer than 6 (in addition to the Auckland City Council), for territorial authorities whose next general revaluation is required to involve revaluations as at 1 September 2000.

(3) If the Valuer-General and the Association cannot agree by 1 July in the relevant year as to the number and identity of territorial authorities to be exempt from section 60 (1), those questions are to be decided by the Valuer-General.

(4) Where agreement is reached under subsection (1) or a decision is made under subsection (3), the Valuer-General must as soon as practicable, by notice in the *Gazette*, specify—

(a) The territorial authorities to be exempted from section 60 (1); and

(b) The date from which the exemption starts; and

(c) Any other details relating to the exemption.

(5) Any exemption under this section may exclude from its ambit matters (including the undertaking and completion of objections) relating to valuation services that relate back to valuations made pursuant to an earlier contract between Valuation New Zealand Limited and the relevant territorial authority.

62. Saving for Auckland City Council—(1) Nothing in section 42 requires the Auckland City Council to maintain or supply, before 1 July 1999, any information other than information acquired or held by the Council for the purpose of determining rates on an annual value basis.

(2) The Valuer-General may, whether by contract with Valuation New Zealand Limited or otherwise,—

- (a) Arrange for the provision of valuation services in respect of the maintenance of the district valuation roll of Auckland City up until 1 July 1999; and
- (b) Recover from the Auckland Regional Council such reasonable share of the costs of providing those services as may be agreed between the Valuer-General and the Regional Council (or, failing agreement, as may be determined by arbitration in accordance with the Arbitration Act 1996).

63. Saving in respect of rules made on or before 1 August 1998—Nothing in section 5 (3) (which requires publication and consultation in respect of proposed rules) applies in respect of rules made under section 5 on or before 1 August 1998.

SCHEDULES

SCHEDULE 1

Section 53

ENACTMENTS REPEALED

- 1951, No. 19—Valuation of Land Act 1951. (R.S. Vol. 21, p. 851.)
- 1964, No. 116—Valuation of Land Amendment Act 1964. (R.S. Vol. 21, p. 886.)
- 1965, No. 64—Valuation of Land Amendment Act 1965. (R.S. Vol. 21, p. 886.)
- 1968, No. 114—Valuation of Land Amendment Act 1968. (R.S. Vol. 21, p. 888.)
- 1970, No. 118—Valuation of Land Amendment Act 1970. (R.S. Vol. 21, p. 888.)
- 1970, No. 135—Valuation of Land Amendment Act (No. 2) 1970. (R.S. Vol. 21, p. 889.)
- 1971, No. 138—Valuation of Land Amendment Act 1971. (R.S. Vol. 21, p. 893.)
- 1981, No. 101—Valuation of Land Amendment Act 1981. (R.S. Vol. 21, p. 895.)
- 1985, No. 44—Valuation of Land Amendment Act 1985. (R.S. Vol. 21, p. 895.)
- 1988, No. 98—Valuation of Land Amendment Act 1988.
- 1988, No. 119—Trustee Amendment Act 1988: So much of the Second Schedule as relates to section 42 of the Valuation of Land Act 1951.
- 1988, No. 218—Valuation of Land Amendment Act (No. 2) 1988.
- 1989, No. 41—Valuation of Land Amendment Act 1989.
- 1989, No. 44—Public Finance Act 1989 (R.S. Vol. 33, p. 619): So much of the First Schedule as relates to section 49 of the Valuation of Land Act 1951.
- 1991, No. 56—Valuation of Land Amendment Act 1991.
- 1991, No. 60—Judicature Amendment Act 1991: So much of the Schedule as relates to the Valuation of Land Act 1951.
- 1991, No. 69—Resource Management Act 1991 (R.S. Vol. 32, p. 131): So much of the Eighth Schedule as relates to the Valuation of Land Act 1951.
- 1993, No. 38—Historic Places Act 1993: So much of the Second Schedule as relates to section 25F of the Valuation of Land Act 1951.
- 1994, No. 64—Valuation of Land Amendment Act 1994.
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Section 54

SCHEDULE 2
AMENDMENTS TO OTHER ACTS

Enactment	Amendment
<p>1941, No. 12—Soil Conservation and Rivers Control Act 1941 (R.S. Vol. 36, p. 783)</p>	<p>By omitting from section 28 (1) the expression “Valuer-General”, and substituting the words “chief executive of the ministry or department for the time being responsible for the administration of this Act”.</p> <p>By omitting from section 28 (2) and section 28 (3) the expression “Valuer-General”, and substituting the words “chief executive”.</p>
<p>1948, No. 50—Land Valuation Proceedings Act 1948 (R.S. Vol. 17, p. 241)</p>	<p>By repealing section 31.</p>
<p>1948, No. 63—Valuers Act 1948 (R.S. Vol. 11, p. 723)</p>	<p>By omitting from section 2 the definition of the term “Minister”, and substituting the following definition:</p> <p style="padding-left: 40px;">“‘Minister’ means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act.”</p> <p>By omitting from section 4 (5) the words “other officer of the Valuation Department”, and substituting the words “officer under the Valuer-General’s control”.</p> <p>By omitting from section 37A (1) the expressions “the Valuation Department” and “the Department” wherever they occur, and substituting in each case the expression “Land Information New Zealand”.</p>
<p>1954, No. 60—Maori Vested Lands Administration Act 1954 (R.S. Vol. 8, p. 725)</p>	<p>By inserting, after section 14, the following section:</p> <p style="padding-left: 40px;">“14A. Special valuations made on or after 1 July 1998—(1) This section applies on and after 1 July 1998 to any case where—</p> <p style="padding-left: 80px;">“(a) This Act or any lease to which this Act applies requires or provides for any special valuation to be made; and</p> <p style="padding-left: 80px;">“(b) The Valuer-General has not made the valuation concerned before 1 July 1998;—</p> <p>and sections 11 to 14, and any lease to which this Act applies, are to be read</p>

SCHEDULE 2—*continued*AMENDMENTS TO OTHER ACTS—*continued*

Enactment	Amendment
<p>1954, No. 60—Maori Vested Lands Administration Act 1954 (R.S. Vol. 8, p. 725)—<i>continued</i></p>	<p>accordingly with any necessary modifications and as if the references to the Valuer-General were references to a registered valuer.</p> <p>“(2) In the case of any special valuation under this Act to which this section applies, the valuation is to be made not by the Valuer-General but by a registered valuer chosen in accordance with the following provisions:</p> <p>“(a) The Maori Trustee (or the other legal owner, in a case where land is revested under section 70) must—</p> <p> “(i) Nominate a registered valuer to conduct the valuation; and</p> <p> “(ii) Notify the lessee in writing of the name of the registered valuer:</p> <p>“(b) If the lessee does not object to the registered valuer within 14 days after being notified of the nomination, that valuer may conduct the valuation:</p> <p>“(c) If the lessee does object within 14 days after the notification, and no agreement as to who should conduct the valuation can be reached, the valuation is to be conducted by a registered valuer nominated by the President of the New Zealand Institute of Valuers.”</p> <p>By omitting from section 24 (2) (a) and (2) (b) the words “the Valuer-General”, and substituting in each case the words “a registered valuer”.</p> <p>By omitting from section 25 (1) the words “the Valuer-General”, and substituting the words “a registered valuer”.</p>

SCHEDULE 2—*continued*
 AMENDMENTS TO OTHER ACTS—*continued*

Enactment	Amendment
<p>1954, No. 60—Maori Vested Lands Administration Act 1954 (R.S. Vol. 8, p. 725)—<i>continued</i></p>	<p>By omitting from section 25 (1) the expression “sections 12, 13, and 14”, and substituting the expression “sections 12 to 14A”.</p> <p>By omitting from section 27 (1) the words “the Valuer-General”, and substituting the words “a registered valuer”.</p> <p>By omitting from section 28 the expression “sections 12, 13, and 14”, and substituting the expression “sections 12 to 14A”.</p> <p>By omitting from section 32 (2) the words “the Valuer-General”, and substituting the words “a registered valuer”.</p> <p>By omitting from each of sections 43, 46, and 48 (2) the words “the Valuer-General”, and substituting in each case the words “the registered valuer who conducted the valuation”.</p> <p>By inserting in section 53 (1), after the words “In any proceedings”, the words “commenced before 1 July 1998 and”.</p> <p>By omitting from the First Schedule the words “the Valuer-General” where they occur in paragraph (b) of the recitals and in clauses 24 and 27 (a), and substituting in each case the words “a registered valuer”.</p>
<p>1955, No. 38—Maori Reserved Land Act 1955 (R.S. Vol. 8, p. 609)</p>	<p>By omitting from section 27 (2) the words “as estimated by the Valuer-General”, and substituting the words “as estimated by a registered valuer”.</p> <p>By omitting from section 27 (2) the words “by the Valuer-General”, and substituting the words “by a registered valuer”.</p> <p>By omitting from section 30 (2) the words “the Valuer-General” where they twice occur, and substituting—</p> <p style="margin-left: 2em;">(a) In the first case, the words “a registered valuer”:</p> <p style="margin-left: 2em;">(b) In the second case, the words “the registered valuer”.</p> <p>By omitting from both section 31 and section 32 the word “Valuer-General”</p>

SCHEDULE 2—*continued*
 AMENDMENTS TO OTHER ACTS—*continued*

Enactment	Amendment
<p>1955, No. 38—Maori Reserved Land Act 1955 (R.S. Vol. 8, p. 609)—<i>continued</i></p>	<p>wherever it occurs, and substituting in each case the words “registered valuer”. By inserting, after section 32, the following section: “32A. Special valuations made on or after 1 July 1998—(1) This section applies on and after 1 July 1998 to any case where— “(a) This Part or any lease to which this Part applies requires or provides for any special valuation to be made under this Part; and “(b) The Valuer-General has not made the valuation concerned before 1 July 1998;— and this Part, and any lease to which this Part applies, are to be read accordingly with any necessary modifications and as if any references to the Valuer-General were references to a registered valuer. “(2) In the case of any special valuation under this Part to which this section applies, the valuation is to be made not by the Valuer-General but by a registered valuer chosen in accordance with the following provisions: “(a) The Maori Trustee (or the other legal owner, in a case where section 14 (4) applies) must— “(i) Nominate a registered valuer to conduct the valuation; and “(ii) Notify the lessee in writing of the name of the registered valuer: “(b) If the lessee does not object to the registered valuer within 14 days after being notified of the nomination, that valuer may conduct the valuation: “(c) If the lessee does object within 14 days after the notification, and no agreement as to who</p>

SCHEDULE 2—*continued*
 AMENDMENTS TO OTHER ACTS—*continued*

Enactment	Amendment
<p>1955, No. 38—Maori Reserved Land Act 1955 (R.S. Vol. 8, p. 609)—<i>continued</i></p>	<p>should conduct the valuation can be reached, the valuation is to be conducted by a registered valuer nominated by the President of the New Zealand Institute of Valuers.”</p> <p>By omitting from section 33 (2) the word “Valuer-General”, and substituting the words “registered valuer”.</p> <p>By omitting from each of sections 33 (8), 46, 49, and 51 (2) the word “Valuer-General”, and substituting in each case the words “registered valuer who conducted the special valuation objected to”.</p> <p>By omitting from section 56 (1) the words “the Valuer-General” where they twice occur, and substituting—</p> <p style="padding-left: 40px;">(a) In the first instance, the words “a registered valuer”;</p> <p style="padding-left: 40px;">(b) In the second instance, the words “the registered valuer”.</p> <p>By inserting in section 56 (2), after the words “Land Valuation Tribunal”, the words “commenced before 1 July 1998”.</p> <p>By repealing section 64, and substituting the following section:</p> <p style="padding-left: 40px;">“64. Valuations for renewal of leases—(1) Not earlier than 1 year and not later than 6 months before the expiry of the term of any renewable lease, the Maori Trustee (or other legal owner, where section 14 (4) applies) must arrange for a special valuation of the land comprised in the lease as at the date of the expiring term.</p> <p style="padding-left: 40px;">“(2) For the purpose of the valuation, the Maori Trustee (or other legal owner, where section 14 (4) applies) must—</p> <p style="padding-left: 80px;">“(a) Nominate a registered valuer to conduct the valuation; and</p> <p style="padding-left: 80px;">“(b) Notify the lessee in writing of the name of the registered valuer.</p>

SCHEDULE 2—*continued*AMENDMENTS TO OTHER ACTS—*continued*

Enactment	Amendment
<p>1955, No. 38—Maori Reserved Land Act 1955 (R.S. Vol. 8, p. 609)—<i>continued</i></p>	<p>“(3) If the lessee does not object to the registered valuer within 14 days after being notified of the nomination, that valuer may conduct the valuation.</p> <p>“(4) If the lessee does object within 14 days after the notification, and no agreement as to who should conduct the valuation can be reached, the valuation is to be conducted by a registered valuer nominated by the President of the New Zealand Institute of Valuers.”</p> <p>By omitting from section 65 (1) the word “Valuer-General”, and substituting the words “registered valuer”.</p> <p>By inserting in section 65 (2), after the words “Valuation of Land Act 1951”, the words “(as in force before its repeal by section 53 of the Rating Valuations Act 1998)”.</p> <p>By repealing section 66 (1), and substituting the following subsection:</p> <p>“(1) The registered valuer must provide both the Maori Trustee and the lessee with a copy of the certificate of valuation prepared under section 65.”</p> <p>By omitting from section 66 (2) the words “the Valuer-General”, where they twice occur, and substituting in each case the words “the Committee”.</p> <p>By repealing paragraph (a) of section 70 (2), and substituting the following paragraph:</p> <p>“(a) One member to be appointed on the nomination of the Minister of Justice in consultation with the Minister of Maori Affairs:”.</p> <p>By repealing section 71 (3) (a), and substituting the following paragraph:</p> <p>“(a) The remuneration, allowances, and expenses of any member appointed on the nomination of the Minister of Justice in consultation with the Minister of Maori Affairs who is not an</p>

SCHEDULE 2—*continued*AMENDMENTS TO OTHER ACTS—*continued*

Enactment	Amendment
1955, No. 38—Maori Reserved Land Act 1955 (R.S. Vol. 8, p. 609)— <i>continued</i>	<p>officer of the Public Service are to be paid without further appropriation than this section out of such account as those Ministers determine:".</p> <p>By omitting from section 73 (3) the word "Valuer-General", and substituting the words "Minister of Justice in consultation with the Minister of Maori Affairs".</p> <p>By omitting from section 74 (3) the words "or any officer of the Valuation Department".</p>
1964, No. 45—Joint Family Homes Act 1964 (R.S. Vol. 27, p. 637)	<p>By repealing section 76.</p> <p>By omitting from section 20 (1) the expression "Valuation of Land Act 1951", and substituting the expression "Rating Valuations Act 1998".</p> <p>By repealing subsections (2) and (3) of section 20, and substituting the following subsections:</p> <p>"(2) On the application of the owner or owners of any settled property or of any person entitled to make an application to the Court under section 16 in respect of any such property, and on payment of such fee as may be required by the registered valuer concerned, it is the duty of the President of the New Zealand Institute of Valuers to nominate a registered valuer to make a valuation of the settled land or any part of it at such date as the applicant or applicants may specify, and to give to the applicant or applicants a certificate setting forth the date at which the valuation is made, the area and description of the land to which the certificate relates, and the capital value of the land within the meaning of the Rating Valuations Act 1998. Where the applicant for the certificate is not an owner of the land, the registered valuer,</p>

SCHEDULE 2—*continued*AMENDMENTS TO OTHER ACTS—*continued*

Enactment	Amendment
<p>1964, No. 45—Joint Family Homes Act 1964 (R.S. Vol. 27, p. 637)—<i>continued</i></p>	<p>when giving the certificate to the applicant, is to give a like certificate to the owner or owners of the land.</p> <p>“(3) In any case where it is necessary for a valuation of any land to be made by a valuer in connection with a valuation of shares that is being made in accordance with subsection (1), the valuation of the land is to be made by a registered valuer nominated by the President of the New Zealand Institute of Valuers for the purpose. Where application for the valuation of any such land is made to the New Zealand Institute of Valuers by the valuer of any such shares, and payment is made to the registered valuer of an appropriate fee, and the registered valuer is supplied with such information as he or she may require, it is the duty of the registered valuer to make a valuation of the land at such date as the applicant may specify, and to give a certificate setting forth the date as at which the valuation is made, the area and description of the land to which the certificate relates, and the capital value of the land within the meaning of the Rating Valuations Act 1998, to—</p> <p>“(a) The applicant for the certificate; and</p> <p>“(b) The owner or owners of the shares; and</p> <p>“(c) Every person at whose request the valuation of the shares is being made.”</p> <p>By omitting from section 20 (4) the words “the Valuer-General”, and substituting the words “a registered valuer”.</p> <p>By repealing subsection (5) of section 20, and substituting the following subsections:</p> <p>“(5) Any person to whom any such certificate is given pursuant to the provisions of this section may object to the valuation, by notice in writing delivered to</p>

SCHEDULE 2—*continued*AMENDMENTS TO OTHER ACTS—*continued*

Enactment	Amendment
1964, No. 45—Joint Family Homes Act 1964 (R.S. Vol. 27, p. 637)— <i>continued</i>	<p>the registered valuer within one month after that person receives or is deemed to receive that certificate.</p> <p>“(5A) Any such objection is to be heard and determined as if it were an objection under Part 4 of the Rating Valuations Act 1998, and sections 34, 35, 36, and 38 of that Act (and any regulations made under that Act relating to reviews and objections), as far as they are applicable and with all necessary modifications, are to apply to the objection as if—</p> <p>“(a) The registered valuer had been appointed by a territorial authority to review the objection; and</p> <p>“(b) The review had been made under section 34 of that Act; and</p> <p>“(c) The references to a territorial authority in sections 34 (4), 35, and 36 of that Act were references to the registered valuer.</p> <p>“(5B) Where a valuation is varied as a result of any such objection the registered valuer must give an amended certificate to each person to whom he or she gave the original certificate.”</p>
1968, No. 35—Estate and Gift Duties Act 1968 (R.S. Vol. 28, p. 341)	<p>By omitting from section 17A (6) the words “by the Valuer-General on the requisition of the Commissioner”, and substituting the words “by a registered valuer at the request of the Commissioner”.</p> <p>By omitting from section 20 (2) (b) (ii) the words “made by the Valuer-General on the requisition of the Commissioner”, and substituting the words “made by a registered valuer at the request of the Commissioner”.</p> <p>By omitting from section 20 (4) the whole of the first sentence of that subsection.</p> <p>By omitting from section 20 (5) the words “the Valuer-General”, and substituting the words “a registered valuer”.</p>

SCHEDULE 2—*continued*
 AMENDMENTS TO OTHER ACTS—*continued*

Enactment	Amendment
<p>1971, No. 51—Stamp and Cheque Duties Act 1971 (R.S. Vol. 23, p. 771)</p>	<p>By omitting from both section 42 (1) and 42 (2) (b) (i) the words “Valuation of Land Act 1951”, and substituting in each case the words “Rating Valuations Act 1998”.</p> <p>By omitting from section 42 (2) (b) (ii) the words “made by the Valuer-General on the requisition of the Commissioner”, and substituting the words “made by a registered valuer at the request of the Commissioner”.</p> <p>By omitting from section 42 (4) the whole of the first sentence of that subsection.</p> <p>By omitting from section 42 (5) the words “the Valuer-General”, and substituting the words “a registered valuer”.</p> <p>By omitting from section 42 (8) the words “of the Valuer-General or the High Court”.</p> <p>By omitting from section 43 (1) the words “Valuation of Land Act 1951”, and substituting the words “Rating Valuations Act 1998”.</p> <p>By inserting in section 43 (2), after the words “the Valuer-General”, the words “or a registered valuer”.</p> <p>By repealing section 43 (3), except the proviso, and substituting the following subsection:</p> <p style="padding-left: 2em;">“(3) The Commissioner must thereupon forward the objection to the registered valuer who made the valuation (or another registered valuer nominated by the President of the New Zealand Institute of Valuers, if that valuer is unavailable) for review, and sections 34, 35, 36, and 38 of the Rating Valuations Act 1998 (and any regulations made under that Act relating to reviews and objections), as far as they are applicable and with all necessary modifications, are to apply to the objection as if—</p> <p style="padding-left: 4em;">“(a) The registered valuer had been appointed by a territorial authority to review the objection; and</p> <p style="padding-left: 4em;">“(b) The review had been made under section 34 of that Act; and</p>

SCHEDULE 2—*continued*AMENDMENTS TO OTHER ACTS—*continued*

Enactment	Amendment
1971, No. 51—Stamp and Cheque Duties Act 1971 (R.S. Vol. 23, p. 771)— <i>continued</i>	<p>“(c) The references to a territorial authority in sections 35 and 36 of that Act were references to the registered valuer.”.</p> <p>By inserting in section 43 (4), after the words “the Valuer-General”, the words “or registered valuer”.</p>
1972, No. 15—Unit Titles Act 1972 (R.S. Vol. 24, p. 787)	<p>By omitting from section 6 (1)—</p> <p>(a) The words “the Valuer-General or” where they twice occur;</p> <p>(b) The words “, as the case may be,”.</p> <p>By omitting from section 44 (2) (d)—</p> <p>(a) The words “the Valuer-General, or”;</p> <p>(b) The words “Valuer-General or the”;</p> <p>(c) The words “, as the case may be,”.</p> <p>By omitting from section 44 (3)—</p> <p>(a) The words “the Valuer-General, or”;</p> <p>(b) The words “Valuer-General or” where they twice occur;</p> <p>(c) The words “, as the case may be,”.</p>
1974, No. 66—Local Government Act 1974 (R.S. Vol. 25, p. 1)	<p>By repealing section 44 (6).</p> <p>By omitting from the definition of “capital value” in section 2 (1) the words “Valuation of Land Act 1951”, and substituting the words “Rating Valuations Act 1998”.</p> <p>By omitting from the definition of “valuation roll” in section 2 (1) the words “section 28 of the Valuation of Land Act 1951”, and substituting the words “section 7 of the Rating Valuations Act 1998 and approved by the Valuer-General under section 11 of that Act”.</p> <p>By omitting from section 230 (6) the words “the Valuer-General under the Valuation of Land Act 1951” wherever they occur, and substituting in each case the words “a registered valuer in accordance with the Rating Valuations Act 1998”.</p>

SCHEDULE 2—*continued*
 AMENDMENTS TO OTHER ACTS—*continued*

Enactment	Amendment
<p>1974, No. 66—Local Government Act 1974 (R.S. Vol. 25, p. 1)—<i>continued</i></p>	<p>By omitting from section 230 (6A) the words “Valuation of Land Act 1951”, and substituting the words “Rating Valuations Act 1998”.</p> <p>By omitting from section 230 (6A) and section 230 (6B) the words “the Valuer-General” wherever they occur, and substituting in each case the words “a registered valuer”.</p> <p>By omitting from section 555 (2)(b) the words “Valuation of Land Act 1951”, and substituting the words “Rating Valuations Act 1998”.</p> <p>By omitting from section 555 (3) the words “the Valuer-General”, and substituting the words “a registered valuer nominated by the President of the New Zealand Institute of Valuers”.</p>
<p>1976, No. 166—Matrimonial Property Act 1976 (R.S. Vol. 26, p. 491)</p>	<p>By repealing section 12 (2), and substituting the following subsections:</p> <p>“(2) For the purposes of subsection (1), a homestead’s value is to be determined by ascertaining the capital value of the land on which the homestead is situated, and apportioning that value between the homestead and the remainder of the land.</p> <p>“(2A) The capital value is to be determined, and the apportionment made, by a valuer chosen by the spouses.</p> <p>“(2B) If the spouses cannot agree on a valuer, the President of the New Zealand Institute of Valuers, on the request of either spouse, must nominate a valuer to undertake the valuation and apportionment.</p> <p>“(2C) The apportionment must be made as at the date of the making of the valuation.</p> <p>“(2D) Either spouse may appeal to the High Court against any apportionment made or any value determined by a valuer under this section.”</p>

SCHEDULE 2—*continued*AMENDMENTS TO OTHER ACTS—*continued*

Enactment	Amendment
1976, No. 8 (Local)— Taranaki Harbours Board Empowering Act 1976	By omitting from section 3 (1) the words “special valuation made by the Valuation Department”, and substituting the words “registered valuer”.
1979, No. 37—Unit Titles Amendment Act 1979 (R.S. Vol. 24, p. 851)	By omitting from section 7 (1)— (a) The words “the Valuer-General or” where they twice occur: (b) The words “, as the case may be,”. By omitting from section 9 (6) (a) the words “the Valuer-General or”.
1982, No. 7 (Local)— Greymouth Harbour Board Empowering Act 1982	By omitting from section 3 (1) the words “special valuation made by the Valuation Department”, and substituting the words “registered valuer”.
1988, No. 97—Rating Pow- ers Act 1988	By omitting from the definitions of the terms “annual value”, “capital value”, “land value”, “rateable value”, “special rateable value”, and “Valuer-General” in section 2 the words “Valuation of Land Act 1951”, and substituting in each case the words “Rating Valuations Act 1998”. By repealing the definitions of “valuation roll” and “Valuer” in section 2, and substituting the following definition: “Valuation roll” means a valuation roll prepared under the Rating Valuations Act 1998, as approved by the Valuer-General under section 11 of that Act and as amended from time to time under that Act.”. By repealing section 88. By repealing section 101 (1) (b), and substituting the following paragraph: “(b) Where the proposal is— “(i) To change from the land value rating system to the capital value rating system; or “(ii) To change from the capital value rating system or the annual value rating system to the land value rating system,—the rateable value (and where applicable the rates postponement value or the special rateable value) of each rateable property in the district under

SCHEDULE 2—*continued*AMENDMENTS TO OTHER ACTS—*continued*

Enactment	Amendment
1988, No. 97—Rating Powers Act 1988— <i>continued</i>	<p>the system proposed to be adopted is to be the capital value or, as the case may be, the land value (and where applicable the rates postponement value or the special rateable value) of the property as shown in the valuation roll for the district for the time being in force.”.</p> <p>By omitting from section 101 (2) the words “Valuation of Land Act 1951”, and substituting the words “Rating Valuations Act 1998”.</p> <p>By repealing section 105, and substituting the following section:</p> <p>“105. Valuation rolls—(1) For the purposes of this Act, the district valuation roll current for the district of any territorial authority under the Rating Valuations Act 1998 is the valuation roll for the district.</p> <p>“(2) For the purposes of this Act, the district valuation rolls current under the Rating Valuations Act 1998 for the districts of its constituent territorial authorities are the valuation roll for the district of a regional council.</p> <p>“(3) For the purposes of the making and levying of an area rate under this Act, the areas appearing on the valuation roll as corrected from the district valuation roll up to the end of the financial year preceding the date of the rate are sufficient evidence of these areas in the absence of proof to the contrary.</p> <p>“(4) Where land is differentially rated, the relevant local authority must ensure that, in each case where parts of a separately rateable property are allocated to different types or groups of property,—</p> <p>“(a) The area of the part in each type or group of property is specified in the district valuation roll maintained under the Rating</p>

SCHEDULE 2—*continued*AMENDMENTS TO OTHER ACTS—*continued*

Enactment	Amendment
1988, No. 97—Rating Powers Act 1988— <i>continued</i>	<p>Valuations Act 1998, if the land is or is proposed to be rated on an area system; and</p> <p>“(b) The rateable value of the property is apportioned among its different parts, and is so specified in the roll, under the Rating Valuations Act 1998, if the land is or is proposed to be rated on the land value, capital value, or annual value system; and</p> <p>“(c) Any such specification or apportionment is made in accordance with any relevant rules made under the Rating Valuations Act 1998.</p> <p>“(5) Section 202 applies to any apportionment under subsection (4) (b) of this section.”</p> <p>By omitting from both section 106 (2) and section 106 (3) the words “, to every other local authority that makes and levies rates on the land, and to the Valuer-General”, and substituting in each case the words “and to every other local authority that makes and levies rates on the land”.</p> <p>By repealing section 106 (6) (e), and substituting the following paragraph:</p> <p>“(e) The valuation roll is amended under the Rating Valuations Act 1998 to record such part of the property as a separately rateable property.”</p> <p>By omitting from section 106 (8) the words “, to every other local authority that makes and levies rates on the property, and to the Valuer-General”, and substituting the words “and to every other local authority that makes and levies rates on the property”.</p> <p>By repealing section 107.</p>

SCHEDULE 2—*continued*
 AMENDMENTS TO OTHER ACTS—*continued*

Enactment	Amendment
<p>1988, No. 97—Rating Powers Act 1988—<i>continued</i></p>	<p>By omitting from section 120 (1) the words “Valuation of Land Act 1951”, and substituting the words “Rating Valuations Act 1998”.</p> <p>By repealing section 134 (1), and substituting the following subsection: “(1) Where notice of a change of use of any land for which— “(a) A rates postponement value has been assessed under section 22 of the Rating Valuations Act 1998; or “(b) A special rateable value has been assessed under any of sections 23 to 27 of that Act— has not been given as required by section 30 of that Act, the local authority may recover from the occupier an amount calculated in accordance with the following formula: $a - b$ where— “a is the rates which should have been assessed on the rateable value if the notice had been given, calculated from the date on which, had the notice been given, the rates postponement value or special rateable value would have ceased to have effect under section 30 of the Rating Valuations Act 1998; and “b is the rates assessed on the rates-postponement value or the special rateable value, calculated from that same date.”</p> <p>By omitting from both section 158 (1) (a) and section 159 the words “section 25A of the Valuation of Land Act 1951”, and substituting in each case the words “section 22 of the Rating Valuations Act 1998”.</p>

SCHEDULE 2—*continued*
 AMENDMENTS TO OTHER ACTS—*continued*

Enactment	Amendment
1988, No. 97—Rating Powers Act 1988— <i>continued</i>	<p>By omitting from section 161 the words “the decision of the Valuer-General or the Valuer granting”.</p> <p>By omitting from section 163 the words “the decision of the Valuer-General or the Valuer determining the rates postponement value of the land has not ceased to have effect pursuant to section 25G of the Valuation of Land Act 1951”, and substituting the words “the rates postponement value of the land has not been removed from the valuation roll under section 30 of the Rating Valuations Act 1998”.</p> <p>By repealing section 164, and substituting the following section:</p> <p style="padding-left: 2em;">“164. When postponed rates become payable—(1) All rates whose payment has been postponed under section 158 and which have not been written off under section 163 become due and payable immediately on—</p> <p style="padding-left: 4em;">“(a) The land ceasing to be farmland; or</p> <p style="padding-left: 4em;">“(b) The value of the land ceasing to be to some extent attributable to the potential use to which the land may be put for residential, commercial, industrial, or other non-farming development; or</p> <p style="padding-left: 4em;">“(c) The interest of the person who was the occupier at the date on which the rates postponement value was entered on the valuation roll becoming vested in some person other than—</p> <p style="padding-left: 6em;">“(i) The occupier’s spouse or former spouse; or</p> <p style="padding-left: 6em;">“(ii) The executor or administrator of the occupier’s estate; or</p> <p style="padding-left: 6em;">“(iii) Where the occupier was the proprietor of the interest as a trustee, a new trustee under the trust.</p>

SCHEDULE 2—*continued*
 AMENDMENTS TO OTHER ACTS—*continued*

Enactment	Amendment
<p>1988, No. 97—Rating Powers Act 1988—<i>continued</i></p>	<p>“(2) Section 143 (or in the case of Maori freehold land section 186) applies with respect to rates that have become due and payable under subsection (1) of this section as if they first become due and payable on the date of the occurrence specified in that subsection.</p> <p>“(3) This section is subject to section 166 where part only of farmland is disposed of.”</p> <p>By omitting from section 165 the expression “section 164 (2) (c)”, and substituting the expression “section 164 (1) (c)”.</p> <p>By omitting from section 166 (1) (a) the words “section 25A of the Valuation of Land Act 1951”, and substituting the words “section 22 of the Rating Valuations Act 1998.</p> <p>By omitting from section 166 (1) (c) the words “of the Valuer-General or the Valuer”.</p> <p>By repealing section 168.</p> <p>By omitting from section 170 (a) the words “section 25B of the Valuation of Land Act 1951”, and substituting the words “section 23 of the Rating Valuations Act 1998”.</p> <p>By omitting from section 171 (a) the words “section 25C of the Valuation of Land Act 1951”, and substituting the words “section 24 of the Rating Valuations Act 1998”.</p> <p>By omitting from section 172 (a) the words “section 25D of the Valuation of Land Act 1951”, and substituting the words “section 25 of the Rating Valuations Act 1998”.</p> <p>By omitting from section 173 (a) the words “section 25E of the Valuation of Land Act 1951”, and substituting the words “section 26 of the Rating Valuations Act 1998”.</p> <p>By omitting from section 174 (a) the words “section 25F of the Valuation of Land Act 1951”, and substituting the words</p>

SCHEDULE 2—*continued*AMENDMENTS TO OTHER ACTS—*continued*

Enactment	Amendment
1988, No. 97—Rating Powers Act 1988— <i>continued</i>	<p>“section 27 of the Rating Valuations Act 1998”.</p> <p>By omitting from section 175 (1) (a) (i) the words “Section 25B of the Valuation of Land Act 1951”, and substituting the words “section 23 of the Rating Valuations Act 1998”.</p> <p>By omitting from section 175 (1) the words “neither the Valuer-General nor the Valuer shall be required”, and substituting the words “the territorial authority is not required”.</p> <p>By omitting from section 175 (2) (a) (i) the words “Section 25C of the Valuation of Land Act 1951”, and substituting the words “section 24 of the Rating Valuations Act 1998”.</p> <p>By omitting from section 175 (2) the words “neither the Valuer-General nor the Valuer shall be required”, and substituting the words “the territorial authority is not required”.</p> <p>By omitting from section 175 (3) (a) the words “section 25E of the Valuation of Land Act 1951”, and substituting the words “section 26 of the Rating Valuations Act 1998”.</p> <p>By omitting from section 175 (3) the words “neither the Valuer-General nor the Valuer shall be required”, and substituting the words “the territorial authority is not required”.</p> <p>By omitting from the definition of “adjusted value” in section 191 the words “made by the Valuer-General”, and substituting the words “as certified”.</p> <p>By omitting from the definition of “improvements” in section 191 the words “Valuation of Land Act 1951”, and substituting the words “Rating Valuations Act 1998”.</p> <p>By repealing sections 192 to 194, and substituting the following sections:</p>

SCHEDULE 2—*continued*AMENDMENTS TO OTHER ACTS—*continued*

Enactment	Amendment
1988, No. 97—Rating Powers Act 1988— <i>continued</i>	<p data-bbox="516 351 966 431">“192. Adjustment of valuations of land in constituent districts—(1) Where—</p> <p data-bbox="543 431 966 883">“(a) Any special purpose authority is by this Act or by Order in Council empowered to make and levy any rate on the land value or capital value over rateable property in 2 or more constituent districts within its district, or to make a levy on the territorial authorities of 2 or more constituent districts within its district (being a levy assessed in whole or in part on the land value or capital value of rateable property or on the value of the improvements on rateable property in those constituent districts); and</p> <p data-bbox="543 883 966 1044">“(b) The valuation rolls under the Rating Valuations Act 1998 for all such constituent districts for the time being current did not all take effect on the same date,—</p> <p data-bbox="516 1044 966 1309">the special purpose authority may of its own motion, and must if so requested by the territorial authority of any constituent district, arrange the making of an adjusted valuation by a registered valuer of all the rateable property (or, where appropriate, of the improvements in all the rateable property) in the constituent districts comprising the district of the special purpose authority.</p> <p data-bbox="516 1309 966 1498">“(2) The purpose of the adjusted valuation is to determine the total amount of the rateable values on the land value or capital value (according to the system of rating in force in the district of the special purpose authority or, as the case may be, according to the values on which</p>

SCHEDULE 2—*continued*
 AMENDMENTS TO OTHER ACTS—*continued*

Enactment	Amendment
<p>1988, No. 97—Rating Powers Act 1988—<i>continued</i></p>	<p>levies made by the special purpose authority are assessed) of all the rateable property (or, where appropriate, of the improvements on all the rateable property) in each constituent district within the district of the special purpose authority calculated as at—</p> <p>“(a) 1 March in the year in which the certificate is given under section 193; or</p> <p>“(b) Such other date as is determined by the special purpose authority, being the date as at which the valuation roll of one of the constituent districts was last revised.</p> <p>“(3) The registered valuer by whom such an adjusted valuation is made may be—</p> <p>“(a) A registered valuer engaged by the special purpose authority for the purpose; or</p> <p>“(b) One or more of the registered valuers who provide valuation services to the territorial authorities of the constituent districts of the special purpose authority.</p> <p>“193. Certificates of adjustment—</p> <p>(1) Each registered valuer who carries out an adjustment valuation of 1 or more of the constituent districts under section 192 is to supply the special purpose authority with a certificate as to the matters specified in section 192 (2) in relation to the relevant district or districts.</p> <p>“(2) The amounts specified in the 1 or more certificates supplied to the special purpose authority are for the purposes of this Part of this Act, but subject to the approval of the Valuer-General under section 19 of the Rating Valuations Act 1998, to be treated as the adjusted values of all the rateable property (or, where appropriate, of the improvements on all</p>

SCHEDULE 2—*continued*
 AMENDMENTS TO OTHER ACTS—*continued*

Enactment	Amendment
<p>1988, No. 97—Rating Powers Act 1988—<i>continued</i></p>	<p>the rateable property) in the several constituent districts comprising the district of the special purpose authority.</p> <p>“(3) The special purpose authority must supply the territorial authorities of each constituent district with a copy of each certificate received by the special purpose authority under this section.</p> <p>“194. Effect of certificate—Every certificate given under section 193, if approved by the Valuer-General under section 19 of the Rating Valuations Act 1998, has effect for the purposes of rates or levies made by or on behalf of the special purpose authority after 30 June in the year in which the certificate is given, until the earliest of the following dates:</p> <p>“(a) The date the certificate is superseded by a further certificate given under this section and approved under section 19 of the Rating Valuations Act 1998; or</p> <p>“(b) The date on which a subsequent general revaluation made in any of the constituent districts becomes current under the Rating Valuations Act 1998; or</p> <p>“(c) The date 30 June that first follows any subsequent alteration in the boundaries of the special purpose authority or of any of its constituent districts, where in the opinion of the special purposes authority or any of its constituent territorial authorities the extent of the alteration is such that the adjusted values shown in the certificate or certificates do not fairly reflect the relative values of the constituent districts.”</p> <p>By omitting from section 195 (1) the words “by the Valuer-General issued”, and substituting the word “given”.</p>

SCHEDULE 2—*continued*
 AMENDMENTS TO OTHER ACTS—*continued*

Enactment	Amendment
<p>1988, No. 97—Rating Powers Act 1988—<i>continued</i></p>	<p>By repealing section 196, and substituting the following section:</p> <p style="padding-left: 2em;">“196. Adjustment of valuations where parts of district revalued on different dates—(1) Where the district valuation roll under the Rating Valuations Act 1998 of any district of a territorial authority in which the system of rating on the land value or the capital value is in force did not take effect on the same date in relation to all the properties on that roll, the territorial authority may arrange for an adjusted valuation to be made for the purposes of this Part of this Act of all the rateable property in the 2 or more portions of its district which were revalued as at different dates.</p> <p style="padding-left: 2em;">“(2) The definition of the term ‘adjusted value’ in section 191, and sections 192 to 195 (except sections 192 (1) and 193 (2) and 195 (1) (a)), as far as they are applicable and with the necessary modifications, apply to an adjusted valuation under this section as if in those provisions—</p> <p style="padding-left: 4em;">“(a) References to a constituent district were references to a separately revalued part of the district of a territorial authority; and</p> <p style="padding-left: 4em;">“(b) References to a special purpose authority were references to a territorial authority.”</p> <p>By omitting from section 202 (1) the words “in such manner as the Valuer-General, or, as the case may be, the Valuer for the district, thinks fit,”.</p> <p>By omitting from section 202 (2) the words “Valuation of Land Act 1951”, and substituting the words “Rating Valuations Act 1998”.</p> <p>By repealing section 203, and substituting the following section:</p> <p style="padding-left: 2em;">“203. Adjusted valuation—(1) Where any rate is made and levied by or</p>

SCHEDULE 2—*continued*
 AMENDMENTS TO OTHER ACTS—*continued*

Enactment	Amendment
<p>1988, No. 97—Rating Powers Act 1988—<i>continued</i></p>	<p>on behalf of a local authority on the capital value or land value, the relevant territorial authority may from time to time, of its own motion or on the application of the regional council, where the current valuation roll for the district or any subdivision of the district has been in effect for at least 1 year, or, as the case may be, where the last preceding certificate under this section took effect at least 1 year previously, arrange the making of an updated assessment by a registered valuer of the total capital value of all the rateable property within the district or subdivision.</p> <p>“(2) A territorial authority must, as soon as practicable after making a decision under subsection (1) to arrange an updated assessment, issue and, where appropriate, supply to the regional council a certificate specifying the total amount of the rateable values on the capital value, calculated as at a date determined by the territorial authority, of all the rateable property in the district or subdivision.</p> <p>“(3) Notwithstanding anything in section 123 of this Act or section 6 of the Rating Valuations Act 1998, every certificate that is made under this section and approved by the Valuer-General under section 19 of the Rating Valuations Act 1998 has effect for the purposes of rates made by the local authority after 30 June in the year in which the certificate is given and subsequent years until—</p> <p>“(a) It is superseded by a further certificate given under this section and approved by the Valuer-General under section 19 of the Rating Valuations Act 1998; or</p> <p>“(b) A subsequent revaluation of the district or subdivision is made and is approved by the Valuer-</p>

SCHEDULE 2—*continued*
 AMENDMENTS TO OTHER ACTS—*continued*

Enactment	Amendment
1988, No. 97—Rating Powers Act 1988— <i>continued</i>	<p>General under section 11 of the Rating Valuations Act 1998; or</p> <p>“(c) Where the boundaries of the district or subdivision are altered after the date of the issue of the certificate, 30 June following the date of that alteration,—</p> <p>whichever first occurs.</p> <p>“(4) Where the updated assessment is made on the application of the regional council, the regional council must pay to the territorial authority the reasonable costs of supplying a certificate under this section.”</p>
1989, No. 68—Maori Affairs Restructuring Act 1989	<p>By repealing section 23 (2), and substituting the following subsection:</p> <p>“(2) The chief executive of the Ministry of Maori Development is to arrange for a special valuation to be made by a registered valuer, with such particulars as to the capital value and as to the nature and value of any improvements on the land as the chief executive may require.”</p> <p>By inserting, after section 23, the following section:</p> <p>“23A. Special valuations made for the purposes of this Part on or after 1 July 1998—(1) This section applies on and after 1 July 1998 to any case where—</p> <p>“(a) This Part or any lease of land subject to this Part requires or provides for any special valuation to be made; and</p> <p>“(b) The Valuer-General has not made the valuation concerned before 1 July 1998;—</p> <p>and this Part, and any lease of land subject to this Part, are to be read accordingly with any necessary modifications and as if the references to the Valuer-General were references to a registered valuer.</p>

SCHEDULE 2—*continued*
 AMENDMENTS TO OTHER ACTS—*continued*

Enactment	Amendment
<p>1989, No. 68—Maori Affairs Restructuring Act 1989— <i>continued</i></p>	<p>“(2) In the case of any special valuation to which this section applies, the valuation is to be made not by the Valuer-General but by a registered valuer chosen in accordance with the following provisions:</p> <p>“(a) The lessor, whether of the lessor’s own motion or at the request of the lessee, must—</p> <p style="padding-left: 40px;">“(i) Nominate a registered valuer to conduct the valuation; and</p> <p style="padding-left: 40px;">“(ii) Notify the lessee in writing of the name of the registered valuer:</p> <p>“(b) If the lessee does not object to the registered valuer within 14 days after being notified of the nomination, that valuer may conduct the valuation:</p> <p>“(c) If the lessee does object within 14 days after the notification, and no agreement as to who should conduct the valuation can be reached, the valuation is to be conducted by a registered valuer nominated by the President of the New Zealand Institute of Valuers.”</p> <p>By repealing section 37 (1), and substituting the following subsection:</p> <p style="padding-left: 40px;">“(1) For the purpose of determining the rent to be paid by the lessee on the review of the rent or on the grant of a renewal of the lease, the chief executive is to arrange for a special valuation of the land comprised in the lease to be made by a registered valuer.”</p> <p>By omitting from section 37 (2) the words “the Valuer-General”, and substituting the words “the registered valuer”.</p> <p>By adding to section 37 (3) the words “(as in force before its repeal by section 53 of the Rating Valuations Act 1998)”.</p>

SCHEDULE 2—*continued*
 AMENDMENTS TO OTHER ACTS—*continued*

Enactment	Amendment
<p>1989, No. 68—Maori Affairs Restructuring Act 1989—<i>continued</i></p>	<p>By omitting from each of subsections (4), (5), and (6) of section 37 the words “the Valuer-General”, and substituting in each case the words “a registered valuer”.</p> <p>By omitting from each of subsections (1), (6), and (9) of section 38 the words “the Valuer-General”, and substituting in each case the words “the registered valuer”.</p> <p>By repealing section 38 (8), and substituting the following subsection: “(8) All objections made in the manner prescribed by this section are to be heard and determined in similar manner to objections made to valuations under the Rating Valuations Act 1998, and sections 34, 35, 36, and 38 of that Act (and any regulations made under that Act relating to reviews and objections), as far as they are applicable and with all necessary modifications, are to apply to the objection as if— “(a) The registered valuer had been appointed by a territorial authority to review the objection; and “(b) The review had been made under section 34 of that Act; and “(c) The references to a territorial authority in sections 34 (4), 35, and 36 of that Act were references to the registered valuer.”</p> <p>By repealing section 41 (1), and substituting the following subsection: “(1) For the purpose of ascertaining the amount of compensation to which any lessee is entitled in accordance with this Part and the terms of the lease, the chief executive of the Ministry of Maori Development must (in accordance with section 23A (2)) arrange for a registered valuer to make a valuation of the land comprised in the lease as at the date of the termination of the lease or as at such other date as the lease provides.”</p>

SCHEDULE 2—*continued*
 AMENDMENTS TO OTHER ACTS—*continued*

Enactment	Amendment
<p>1989, No. 68—Maori Affairs Restructuring Act 1989—<i>continued</i></p>	<p>By omitting from both subsection (3) and subsection (6) of section 44 the words “the Valuer-General”, and substituting in each case the words “the registered valuer”.</p> <p>By omitting from both section 45 (2) and section 46 (2) the words “the Valuer-General”, and substituting in each case the words “a registered valuer”.</p>
<p>1991, No. 69—Resource Management Act 1991 (R.S. Vol. 32, p. 131)</p>	<p>By omitting from section 237H (1) the words “the Valuer-General”, and substituting the words “a registered valuer agreed on by the parties (or, failing agreement, nominated by the President of the New Zealand Institute of Valuers)”.</p> <p>By repealing section 237H (2) and (3), and substituting the following subsections:</p> <p style="padding-left: 2em;">“(2) The territorial authority or Crown, as the case may be, or the registered proprietor who is dissatisfied with the determination under subsection (1) may, within 20 working days after service of the determination, object to the determination to the registered valuer in writing, stating the grounds of objection.</p> <p style="padding-left: 2em;">“(3) Sections 34, 35, 36, and 38 of the Rating Valuations Act 1998 (and any regulations made under that Act relating to reviews and objections), as far as they are applicable and with all necessary modifications, are to apply to the objection as if—</p> <p style="padding-left: 4em;">“(a) The registered valuer had been appointed by a territorial authority to review the objection; and</p> <p style="padding-left: 4em;">“(b) The review had been made under section 34 of that Act; and</p> <p style="padding-left: 4em;">“(c) The references to a territorial authority in sections 34 (4), 35, and 36 of that Act were references to the registered valuer.”</p>

SCHEDULE 2—*continued*AMENDMENTS TO OTHER ACTS—*continued*

Enactment	Amendment
1993, No. 4—Te Ture Whenua Maori Act 1993	<p>By repealing section 158 (2), and substituting the following subsection:</p> <p>“(2) Every special valuation required for the purposes of this section is to be made by a registered valuer and to be transmitted by the registered valuer to the Court.”</p> <p>By omitting from each of subsections (3), (4), and (5) of section 158 the word “Valuer-General” wherever it occurs, and substituting in each case the words “registered valuer”.</p> <p>By omitting from section 193 (2) (a) the words “Valuer-General serve that certificate”, and substituting the words “it be served”.</p> <p>By repealing section 201 (2) and (3), and substituting the following subsections:</p> <p>“(2) The Maori Trustee, the lessor, or a person acting on behalf of the lessor must, whether of their own motion or at the request of the lessee,—</p> <p>“(a) Nominate a registered valuer to conduct a valuation for the purposes of this section; and</p> <p>“(b) Notify the lessee in writing of the name of the valuer.</p> <p>“(2A) If the lessee does not object to the registered valuer within 14 days after being notified of the nomination, that valuer may conduct the valuation.</p> <p>“(2B) If the lessee does object within 14 days after the notification, and no agreement as to who should conduct the valuation can be reached, the valuation is to be conducted by a registered valuer nominated by the President of the New Zealand Institute of Valuers.</p> <p>“(3) A person who requests a valuation for the purposes of this section must supply to the registered valuer either an original or counterpart copy of the lease, or a copy verified by statutory declaration as being a true copy of the clauses of the lease relating to the revision of the rent, or the renewal of the lease, as the case may require, the area of the land, the</p>

SCHEDULE 2—*continued*
 AMENDMENTS TO OTHER ACTS—*continued*

Enactment	Amendment
<p>1993, No. 4—Te Ture Whenua Maori Act 1993—<i>continued</i></p>	<p>term of the lease, the original rent, and any record contained in the lease identifying improvements existing on the land at the commencement of the lease and in respect of which no capital payment has been made by the lessee at the commencement of the lease.”</p> <p>By repealing section 207 (1), and substituting the following subsections:</p> <p>“(1) For the purpose of ascertaining the amount of compensation to which the lessee under any lease to which this section applies is entitled in accordance with the terms of the lease and this Part, the Maori Trustee, the lessor, or a person acting on behalf of the lessor must, whether of their own motion or at the request of the lessee,—</p> <p>“(a) Nominate a registered valuer to make a valuation of the land comprised in the lease as at the date of the termination of the lease, or as at such other date as the lease provides; and</p> <p>“(b) Notify the lessee in writing of the name of the registered valuer.</p> <p>“(1A) If the lessee does not object to the registered valuer within 14 days after being notified of the nomination, that valuer may conduct the valuation.</p> <p>“(1B) If the lessee does object within 14 days after the notification, and no agreement as to who should conduct the valuation can be reached, the valuation is to be conducted by a registered valuer nominated by the President of the New Zealand Institute of Valuers.”</p> <p>By omitting from section 207 (2) the word “Valuer-General”, and substituting the words “registered valuer”.</p> <p>By inserting in section 207 (3), after the words “Valuation of Land Act 1951”, the words “(as in force before its repeal by section 53 of the Rating Valuations Act 1998)”.</p>

SCHEDULE 2—*continued*
 AMENDMENTS TO OTHER ACTS—*continued*

Enactment	Amendment
<p>1993, No. 4—Te Ture Whenua Maori Act 1993—<i>continued</i></p>	<p>By omitting from section 207 (5), (6), and (7) the words “the Valuer-General”, and substituting in each case the words “a registered valuer”.</p> <p>By omitting from section 208 (1), (6), and (9) the word “Valuer-General”, and substituting in each case the words “registered valuer”.</p> <p>By repealing section 208 (8), and substituting the following subsection: “(8) All objections made in the manner prescribed by this section are to be heard and determined in similar manner to objections made to valuations under the Rating Valuations Act 1998, and sections 34, 35, 36, and 38 of that Act (and any regulations made under that Act relating to reviews and objections), as far as they are applicable and with all necessary modifications, are to apply to the objection as if— “(a) The registered valuer had been appointed by a territorial authority to review the objection; and “(b) The review had been made under section 34 of that Act; and “(c) The references to a territorial authority in sections 34 (4), 35, and 36 of that Act were references to the registered valuer.”</p> <p>By repealing section 209 (3), and substituting the following subsection: “(3) The Maori Trustee or the Court appointed agent may request a registered valuer to make a special valuation of the land comprised in the lease as at the date of the commencement of the lease, and the provisions of sections 207 and 208, as far as they are applicable and with the necessary modifications, apply to any such valuation.</p>

SCHEDULE 2—*continued*
 AMENDMENTS TO OTHER ACTS—*continued*

Enactment	Amendment
1993, No. 4—Te Ture Whenua Maori Act 1993— <i>continued</i>	By omitting from section 309 (2) the expression “Valuation of Land Act 1951”, and substituting the expression “Rating Valuations Act 1998”.
1993, No. 28—Privacy Act 1993	By omitting from Part I of the Second Schedule the item relating to section 8 of the Valuation of Land Act 1951, and substituting the following item: “Rating Valuations Act .. Section 7”. 1998
1994, No. 166—Tax Administration Act 1994	By inserting in section 125 (h), after the word “Valuer-General”, the words “or a registered valuer”. By inserting in section 138E (1) (d), after the word “Valuer-General”, the words “or a registered valuer”.
1994, No. 4 (Local)—Otago Regional Council (Kuriwao Endowment Lands) Act 1994	By omitting from section 13 (5) the words “the Valuer-General under the Valuation of Land Act 1951” where they twice occur, and substituting in each case the words “a registered valuer”.

This Act is administered in Land Information New Zealand.
