

COUNTIES AMENDMENT BILL

EXPLANATORY NOTE

Clause 2: The purpose of this clause is to authorise County Councils to levy differential rates in county towns. The clause provides that County Councils may declare, by resolution, that general rates that would otherwise be levied over the whole county or, in counties where the ridings are rated separately, over the riding of which the county town forms part, shall not be levied in the county town, but instead the Council may levy county town general rates over the rateable property in the county town.

County town general rates may (subject to the maximum for general rates fixed by section 120 of the principal Act) be higher or lower than those levied for the rest of the county or riding, but a higher rate cannot be levied in the county town without the prior consent of the county town committee of rate-payers. The proceeds of the rate must be credited to the County Town Account, to be expended solely for the benefit of the county town, but the County Council may transfer to the General Account or to the appropriate Riding Account such sums as it considers fair and reasonable towards the general expenditure of the whole county or riding.

Clause 3: The purpose of this clause is to make it clear that, where a system of rating is adopted in a county town which differs from that in the rest of the county, the ratepayers in the county town are to continue to have the same voting rights as the ratepayers in the rest of the county.

Hon. Mr Smith

COUNTIES AMENDMENT

| Title | | ANALYSIS | |
|--|--|-----------------------------------|--|
| 1. Short Title | | 3. Voting rights of ratepayers in | |
| 2. Differential rating in county towns | | county towns | |

A BILL INTITULED

An Act to amend the Counties Act 1920

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

1. **Short Title**—This Act may be cited as the Counties Amendment Act 1956, and shall be read together with and deemed part of the Counties Act 1920.

10 2. **Differential rating in county towns**—(1) The Counties Amendment Act 1949 is hereby amended by inserting, after section four A (as inserted by section ten of the Counties Amendment Act 1952), the following new section:

15 “4B. (1) The Council may from time to time, by resolution, declare that the general rates that would otherwise be made and levied on all rateable property within the county or, in any case where general rates are made and levied separately in each riding of the county, on all rateable property within the riding of which the county town forms part, shall not be made and levied on the rateable property within any specified

county town, and that in lieu thereof county town general rates shall be made and levied under the provisions of this section on all rateable property within the county town, and thereupon the Council shall make and levy county town general rates (not exceeding the maximum prescribed for general rates by section one hundred and twenty of the principal Act) on all rateable property within the county town: 5

“Provided that, except with the prior consent of a committee of ratepayers appointed in respect of the county town under the provisions of section seven of this Act, the Council shall not make and levy county town general rates under the provisions of this section if the total amount that those rates are calculated to produce would exceed the total amount that would be produced from all the rateable property in the county town if the general rates made and levied over all the rateable property in the county, or, as the case may be, in the riding of which the county town forms part, had been made and levied over all the rateable property in the county town. 15

“(2) The proceeds of any county town general rates made and levied under the provisions of this section shall be credited to the County Town Account kept in respect of that county town, and shall be expended within or for the benefit of that county town: 20

“Provided that there may from time to time be transferred from the County Town Account to the General Account such amount as the Council considers fair and reasonable, having regard to the direct and indirect benefit derived by the county town from the general expenditure of the county: 25

“Provided also that, in the case of a county where general rates are levied separately in each of its ridings, there may also from time to time be transferred from the County Town Account to the Riding Account of the riding of which the county town forms part such amount as the Council considers fair and reasonable, having regard to the direct or indirect benefit derived by the county town from the expenditure out of the Riding Account. 30 35

“(3) Any amount proposed to be transferred from any County Town Account to the General Account or to any Riding Account under the provisions of subsection *two* of this section shall be deemed to form part of the gross income of the county for the purposes of section one hundred and thirty-one of the principal Act. 40

“(4) The Council may from time to time transfer to any County Town Account from the General Account or from the appropriate Riding Account such sums as it thinks fit to meet the general expenses of the county town.

5 “(5) Where the Council makes and levies county town general rates under the provisions of this section,—

10 “(a) The amount thereof to be expended within or for the benefit of the county town shall be disregarded in estimating the proposed expenditure of the county under the provisions of section two of the Counties Amendment Act 1931, or in estimating the proposed expenditure of the riding under section one hundred and twenty-one of the principal Act; and

15 “(b) The rateable property situated within the county town shall, in any case to which section one hundred and twenty-one of the principal Act applies, be disregarded in estimating for the purposes of subsection three of that section the rateable value of the property in the riding of which the county town forms part and the rateable value of the property in the county, and, in any case to which that section does not apply, be disregarded in estimating for the purposes of subsection four of section 20 two of the Counties Amendment Act 1931 the rateable value of the property in the county.”

25 (2) Section one hundred and thirty-seven of the principal Act is hereby amended by inserting in subsection two, after paragraph (a), the following paragraph:

30 “(aa) A County Town Account in respect of each county town in the county where county town general rates are made and levied under the provisions of section four B of the Counties Amendment Act 1949, which shall be credited with the proceeds of all county town general rates made and levied on 35 rateable property in the county town and debited with the expenditure authorised by that section:”.

3. Voting rights of ratepayers in county towns—Section four A of the Counties Amendment Act 1949 (as inserted by section ten of the Counties Amendment Act 1952) is hereby 40 amended by adding the following subsection:

“(4) Notwithstanding that under the provisions of this section a system of rating has been adopted in a county town which differs from that in force in the county, the number of votes to which the occupier of any rateable property in the county town is entitled under section thirty-eight of the principal Act shall be determined having regard to the rateable value of the property as appearing on the valuation roll of the county and as if the system of rating in force in the county were also in force in the county town.”