[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 20 November 1968

Words struck out by the Committee are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

Hon. Mr Seath

COUNTIES AMENDMENT

ANALYSIS

Title
1. Short Title

PART I

MISCELLANEOUS AMENDMENTS OF PRINCIPAL ACT

2. Interpretation
3. Readjustment of representation in general election year
4. Extraordinary vacancies
5. Roll of electors
6. Money not to be paid by promissory note or bill
7. Imprest Accounts
8. Rateable value of property where rates levied over county as a whole
9. Rateable value of property where rates levied separately in ridings
10. Sanitary and stormwater drainage rate
11. Library rate
12. Application of surplus of separate or special rate
13. Apportionment of income for each year
14. Sale or exchange of land vested in Corporation
15. Powers of Council with respect to private ways
16. Pedestrian malls
17. Penalties for injuries to roads
18. Damage to electricity works
19. Powers of Council with respect to dilapidated or ruinous buildings
20. Powers of Council with respect to buildings likely to be dangerous in earthquake
21. Powers of Council in relation to public recreation and instruction, etc.
22. Power of Council to guarantee loans of sports bodies
23. Apartment buildings and boarding-houses to be licensed
24. Sale of land for housing
25. Proceeds of sale or lease of building allotments
26. Council may acquire shares in company erecting commercial building for occupation by shareholders
27. Purchase and development of land for commercial or industrial purposes
28. Bylaws as to secondhand timber
29. Bylaws as to amusement galleries and shooting galleries
30. Bylaws as to mobile or travelling shops
31. Temporary buildings
32. Amalgamation of titles on issue of building permit
33. Contracts by Council

PART II

AMENDMENTS OF COUNTIES AMENDMENT ACT 1961

34. Roads and road access
35. Subdivision of land fronting existing narrow road
36. Reserves for public purposes
37. Reserves along seashore and banks of lakes, rivers, etc.
38. Variation or revocation of scheme plan or conditions imposed
39. Appeal to Town and Country Planning Appeal Board by adjoining local authority

No. 63—2

Price 35c

40. Time for appealing to Town and Country Planning Appeal Board
41. Refund of money paid if scheme plan revoked or lapses
42. Plan to be deposited
43. Plan approved subject to amalgamation or transfer of allotments
44. Endorsements on scheme plans

PART III

COUNTY TOWNS

45. Constitution of county towns
46. Constitution as county town of borough or town district included or merged in county
47. Union of county towns
48. Abolition of county towns
49. Notice of special orders
50. County town committee
51. Poll in county town to guide Council in appointment of county town committee
52. Chairman of county town committee
53. Appointment of representative of county town committee to attend Council meetings

Development Works

54. Powers of Council as to improvement and development works in county towns
55. Advances and grants for development works in county towns

Rates in County Towns

56. Separate improvement and development rates over county towns
57. Differential rating in county towns
58. Ratepayers of county town may determine basis on which rates shall be collected
59. Council may exempt farm lands in county towns from separate improvement and development rates

General Provisions

60. Special orders to be made on petition or after poll of ratepayers
61. This Part not to affect Tokoroa Town Empowering Act 1966
62. Repeals

PART IV

COUNTY BOROUGHS

63. Constitution of county boroughs
64. Constitution as county borough of borough or town district included or merged in county
65. Alteration of boundaries of county borough
66. Union of county boroughs
67. Abolition of county borough
68. Notice of special orders
69. County borough to constitute a riding

County Borough Council

70. County Borough Council
71. Election of members of County Borough Council
72. Qualification for membership of Council
73. Filling of extraordinary vacancies
74. Functions and powers of County Borough Council
75. Chairman of County Borough Council
76. Annual allowance to Chairman
77. Remuneration of members of County Borough Council

Representation of County Borough on County Council

78. Representation of county borough on County Council

Development Works in County Borough

79. Development works

Rates in County Borough

80. Rates in county borough

General Provisions

81. Special orders under this Part
82. Appointment to special bodies
83. References in other Acts to county towns and county town committees
84. Application of Public Bodies Meetings Act 1962

A BILL INTITULED

An Act to amend the Counties Act 1956

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

1. Short Title—This Act may be cited as the Counties Amendment Act 1968, and shall be read together with and deemed part of the Counties Act 1956* (hereinafter referred to as the principal Act).

PART I

MISCELLANEOUS AMENDMENTS OF PRINCIPAL ACT

2. Interpretation—(1) Section 2 of the principal Act is hereby amended by repealing the definition of the terms "valuation list" and "valuation roll" in subsection (1), and substituting the following definition:

" 'Valuation roll' means a valuation roll for the district prepared under section 28 of the Valuation of Land Act 1951 or, as the case may be, compiled under section 28 of the Rating Act 1967."

(2) Section 447 of the principal Act is hereby amended—

(a) By omitting the words "valuation roll or list", and substituting the words "valuation roll":

(b) By omitting the words "roll, list, or document", and substituting the words "roll, or document":

(c) By omitting the words "roll, list, or other document", and substituting the words "roll, or other document".

3. Readjustment of representation in general election year—Section 35 of the principal Act is hereby amended by inserting, after the words "rateable value", the word "area".

4. Extraordinary vacancies—(1) Section 40 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsections:

"(1) Subject to subsections (1A) and (1B) of this section, if any person, while holding office as Councillor,—

"(a) Ceases to be an elector or ceases to possess a qualification as an elector; or

"(b) Becomes a mentally defective person within the meaning of the Mental Health Act 1911; or

"(c) Is adjudged a bankrupt; or

"(d) Is convicted of any offence punishable by imprisonment for a term of two years or more; or

*1957 Reprint, Vol. 3, p. 1
Amendments: 1958, No. 60; 1959, No. 58; 1960, No. 54; 1961, No. 131; 1962, No. 38; 1963, No. 82; 1964, No. 129; 1965, No. 76; 1966, No. 56; 1967, No. 66

"(e) Is convicted of any offence punishable by imprisonment for a term of less than two years and is sentenced to imprisonment for that offence,—

his office shall thereby be vacated.

"(1A) In any case to which paragraph (d) of subsection (1) of this section applies—

"(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction and, in the event of an appeal against conviction, until the appeal is determined; and

"(b) The Councillor concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as Councillor during the period of that leave of absence.

"(1B) In any case to which paragraph (e) of subsection (1) of this section applies—

"(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction or the sentence and, in the event of an appeal against conviction or against the sentence or both, until the appeal is determined; and

"(b) The Councillor concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as Councillor during the period of that leave of absence."

(2) Section 40 of the principal Act is hereby further amended by inserting in subsection (2), after the words "paragraph (b) thereof", the words "or while on leave of absence pursuant to subsection (1A) or subsection (1B) of this section".

5. Roll of electors—(1) Section 52 of the principal Act is hereby amended by repealing the proviso to subsection (1).

(2) Section 52 of the principal Act is hereby further amended by inserting, after subsection (1), the following (*subsection*) subsections.

"(1A) (*Subject to*) Notwithstanding subsection (1) of this section, the County Clerk may omit from the roll of electors for any riding the name of any person whose name appeared by virtue only of a residential qualification on the roll for the last general election of Councillors, if—

"(a) That person, being qualified to vote and not being a candidate, did not vote at that election; and

"(b) That person, having been given notice in accordance with regulations under this Act that his name is to be omitted from the roll, has not applied in the prescribed form for his name to be entered on the roll:

New

"Provided that in any case where the notice is given by post, the name of any person shall not be omitted from the roll unless the notice has been returned to the County Clerk as unclaimed:

"Provided also that this subsection shall not apply with respect to any person who has voted at any one of any subsequent elections of a Councillor or Councillors at which he was entitled to vote."

New

"(1B) A notice given to any person under paragraph (b) of subsection (1A) of this section shall, if given by post, be sent to him at the address appearing to the County Clerk to be his last known place of abode, whether or not that address is the address appearing on the roll for the last general election of Councillors."

6. Money not to be paid by promissory note or bill—Section 102 of the principal Act is hereby amended by inserting, after the words "or bill", the words "(not being a cheque)".

7. Imprest Accounts—(1) Section 103 of the principal Act is hereby amended by omitting from subsection (1) the words "the bank at which the County Fund is kept", and substituting the words "such bank as the Council from time to time appoints".

(2) Section 103 of the principal Act is hereby amended by inserting, after subsection (4), the following subsection:

"(4A) With the prior approval of the Audit Office, the Council may, pursuant to a resolution in that behalf, establish one or more additional Imprest Accounts, which shall be operated for such purposes and in accordance with such provisions as are approved by the Audit Office, and shall be kept at such bank as the Council from time to time appoints. Subsections (2) to (4) of this section shall apply with respect to

every such additional Imprest Account as if it had been established under subsection (1) of this section, and as if for the words 'salaries and wages and of emergency expenditure' in subsection (4) there were substituted the words 'money for the purposes for which the Imprest Account was established'."

8. Rateable value of property where rates levied over county as a whole—Section 106 of the principal Act is hereby amended by adding the following subsection:

"(3) In this section the term 'rateable value', in relation to any property in respect of which grants are received in lieu of general rates, means the value of that property as appearing in the valuation roll."

9. Rateable value of property where rates levied separately in ridings—Section 107 of the principal Act is hereby amended by adding the following subsection:

"(4) In this section the term 'rateable value', in relation to any property in respect of which grants are received in lieu of general rates, means the value of that property as appearing in the valuation roll."

10. Sanitary and stormwater drainage rate—(1) The principal Act is hereby further amended by repealing section 125, and substituting the following section:

"125. (1) In any urban drainage area in the county constituted under Part XVII of this Act, the Council may make and levy an annual sanitary and stormwater drainage rate on all lands and buildings (being rateable property) within the area that are connected, either directly or through a private drain, to a public sanitary or stormwater drain, not exceeding a rate equal to five thirty-seconds of a cent in the dollar on the capital value of those lands and buildings or its equivalent on the unimproved value or annual value:

"Provided that, if that rate would produce less than two dollars in respect of any such land or building, a rate of not more than two dollars may be made and levied.

"(2) Instead of making and levying any such rate, the Council may make a uniform annual charge for sanitary or stormwater drainage:

"Provided that any such annual charge for sanitary drainage may be a uniform annual charge for each water closet or urinal connected, either directly or through a private drain, to a public sanitary drain.

"(3) Every such annual charge shall for all purposes be deemed to be a separate rate.

"(4) Where any land or building (being rateable property) within the urban drainage area is situated within one hundred feet of a public sanitary or stormwater drain to which it is capable of being effectively connected, either directly or through a private drain, but the land or building is not connected, either or through a private drain, to any public sanitary or stormwater drain, the Council may make and levy a rate or, as the case may be, make an annual charge on or in respect of that land or building not exceeding half of the rate made and levied pursuant to subsection (1) of this section or, as the case may be, half the annual charge made pursuant to subsection (2) of this section:

"Provided that if the amount that would be payable in respect of that land or building exceeds ten dollars, a rate of not more than ten dollars may be made and levied or, as the case may be, a charge not exceeding ten dollars may be made:

"Provided also that if in any case where a rate is made and levied the amount that would be payable in respect of that land or building is less than one dollar, a rate of one dollar may be made and levied.

"(5) The proceeds of the rate or annual charge shall be available only for the purpose of the maintenance and extension of public sanitary or stormwater drains of the urban drainage area or the payment of annual charges on any loans raised in connection with the stormwater or sanitary drainage system of the urban drainage area.

"(6) Different rates may be made and levied and different annual fees may be charged under this section in different urban drainage areas in the county."

(2) Section 6 of the Counties Amendment Act 1961 is hereby consequentially repealed.

11. Library rate—Section 126 of the principal Act is hereby amended—

(a) By omitting from subsection (1) the words "by special order":

(b) By omitting from subsection (1) the words "the special order", and substituting the words "the resolution making the rate".

12. Application of surplus of separate or special rate—Section 132 of the principal Act (as amended by section 7 (1) of the Decimal Currency Act 1964) is hereby further amended—

(a) By omitting from the first proviso the words "one hundred dollars", and substituting the words "one thousand dollars":

(b) By omitting from the second proviso the words "ten dollars", and substituting the words "two hundred and fifty dollars".

13. Apportionment of income for each year—Section 134 of the principal Act is hereby amended—

(a) By inserting in subsection (2), after the words "the general rate", the words "and in respect of property in that riding by way of grants in lieu of general rates":

(b) By inserting in subsection (3), after the words "in the riding", the words "(including property in the riding in respect of which grants are received in lieu of general rates)":

(c) By adding to subsection (3) the words "(including property in the county in respect of which grants are received in lieu of general rates)".

New

13A. Accounts to be kept in accordance with requirements of Audit Office—Section 146 of the principal Act is hereby amended by omitting from paragraph (a) of subsection (1) the words "any regulation thereunder" wherever they occur, and substituting in each case the words "resolution of the Council".

14. Sale or exchange of land vested in Corporation—Section 170 of the principal Act is hereby amended—

(a) By omitting from subsection (1) the words "pursuant to a special order in that behalf", and substituting the words "pursuant to a resolution of the Council":

(b) By omitting from the proviso to subsection (1) the words "a special order shall not be necessary", and substituting the words "public notice of the time and place of the meeting at which the resolution is to be submitted to the Council and of the purport of the resolution (including the name of and number in the road in which the land is situated, or some other readily identifiable description of the land) shall be given not less than fourteen clear days before the date of the meeting, but no such notice shall be necessary".

15. Powers of Council with respect to private ways—Section 198E of the principal Act (as inserted by section 40 of the Counties Amendment Act 1961) is hereby amended by omitting the words "more than two buildings that are separately owned or separately occupied", and substituting the words "two or more allotments that are separately owned or separately occupied or to any allotment on which there are two or more buildings that are separately occupied".

16. Pedestrian malls—The principal Act is hereby further amended by inserting, after section 198F (as inserted by section 41 of the Counties Amendment Act 1961), the following heading and section:

"Pedestrian Malls

"198G. (1) In this section, unless the context otherwise requires,—

" 'Vehicle' has the same meaning as in section 2 of the Transport Act 1962:

" 'Parking' means the stopping or standing of a vehicle for any period exceeding five minutes; and 'park' has a corresponding meaning.

"(2) The Council may from time to time, by special order, prohibit or restrict, either generally or during particular hours and subject to such exemptions and conditions as to occasional user or otherwise as may be specified in the order, the driving, riding, or parking of any vehicle or the riding of any animal on all or any portion of any road, and may provide that the special order shall have effect for a limited period only.

New

"Provided that where the road has been declared to be a State highway under the National Roads Act 1953, no special order made under this section shall apply with respect to that road or any portion thereof except with the prior consent of the National Roads Board.

"(3) The first public notice of any resolution under subsection (2) of this section shall, in addition to any other particulars required to be given therein, contain a statement to the effect that any person likely to be affected by the proposal contained in the resolution may, by writing under his hand addressed to the County Clerk and received at the office of the Council not later than fourteen days after publication of the notice, object to the proposal and that any such person will be given the opportunity of being heard by the Council.

"(4) Where any person objects to the proposal in accordance with subsection (3) of this section, the Council shall appoint a day for considering the objection and shall give notice to the objector of the time when and place where the objection is to be heard. Any such time shall be not earlier than seven days after the date on which the notice of objection was received at the office of the Council.

"(5) The Council, at the time and place stated in the notice referred to in subsection (4) of this section, shall consider the objection, and after hearing any submissions made by or on behalf of the objector, may either dismiss the objection or decide not to proceed with the proposal or make such modifications to the proposal to which the objection relates as it thinks fit. The hearing of any such objection may be adjourned from time to time and from place to place.

"(6) Where there are more objectors than one, the Council shall, as far as practicable, hear all objections together and give each objector an opportunity of considering and being heard in respect of all other objections.

"(7) Where any proposal is modified under subsection (5) of this section, the modified proposal shall, for the purposes of the special order, be deemed to be contained in the original resolution, and may be confirmed at the subsequent meeting of the Council held under section 87 of this Act without any further notification of the original resolution as modified.

"(8) No resolution under this section shall be confirmed until the Council has considered all objections of which notice has been given in accordance with this section.

"(9) Where the Council makes a special order under subsection (2) of this section in any case where one or more objections to the proposal were received—

"(a) The Council shall give public notice of the making of the special order and of the general purport thereof specifying in the notice the right of appeal conferred by subsection (10) of this section; and

"(b) The special order shall not take effect until the expiration of the time for appealing and, in the event of any appeal, shall be suspended until all appeals against the special order have been determined.

"(10) Any objector aggrieved by the decision of the Council making a special order under subsection (2) of this section may appeal against that decision in the prescribed manner to the Town and Country Planning Appeal Board constituted under the Town and Country Planning Act 1953.

"(11) On any such appeal, the Board may cancel or confirm the special order or confirm it subject to modification, and the decision of the Board shall be final.

New

"(11A) Nothing in subsections (3) to (11) of this section shall apply in any case where the special order under subsection (2) of this section is made for the purpose of giving effect to any provision of an operative district scheme under the Town and Country Planning Act 1953.

"(12) Any person who drives, rides, or parks any vehicle or rides any animal or causes or permits any vehicle to be driven, ridden, or parked or any animal to be ridden in contravention of a special order made under subsection (2) of this section (including such an order modified by the Town and Country Planning Appeal Board) commits an offence, and is liable to a fine not exceeding twenty dollars.

New

"(12A) Nothing in any special order made under subsection (2) of this section or in subsection (12) of this section shall be deemed to prohibit or restrict the use of any road or portion of any road to which any such special order relates by any fire appliance, ambulance, or other vehicle where it is necessary for that appliance, ambulance, or vehicle to enter the road or portion thereof for the protection of human life or of property.

"(13) Any special order made under subsection (2) of this section (including such an order modified as aforesaid) may by subsequent special order, be revoked, or varied. In making any such subsequent special order, the procedure to be followed shall be the same as for the making of the original special order."

17. Penalties for injuries to roads—Section 206 of the principal Act is hereby amended by inserting in subsection (1), after paragraph (d), the following paragraph:

"(dd) Wilfully or negligently causes or allows any oil, or any liquid harmful to sealed or paved road surfaces or likely to create a danger to vehicles on such surfaces, to escape on to any road having a sealed or paved surface; or".

18. Damage to electricity works—The principal Act is hereby further amended by inserting, after section 305, the following section:

"305A. (1) Every person who wilfully or negligently damages electricity works or appliances established or constructed or used by the Council under this Part of this Act shall be liable for the amount of such damage, to be recovered by the Council in any Court of competent jurisdiction.

"(2) Every person who wilfully damages any such electricity works or appliances commits an offence, and is liable to a fine not exceeding one thousand dollars."

19. Powers of Council with respect to dilapidated or ruinous buildings—Section 317 of the principal Act is hereby amended—

(a) By omitting from subsection (3) the words "(other than a dwellinghouse)":

(b) By inserting in subsection (3), after the words "ruinous condition", the words "and, in the case of a dwellinghouse, has not been inhabited by or with the authority of the owner, lessee, or licensee thereof for twelve months or more".

20. Powers of Council with respect to buildings likely to be dangerous in earthquake—The principal Act is hereby further amended by inserting, after section 318, the following section:

"318A. (1) In this section—

" 'Building' means a building constructed wholly or substantially of unreinforced concrete or unreinforced masonry; and includes any part of a building so constructed; but does not include any building used wholly or principally as a private dwelling, unless the building is of two or more storeys and contains three or more residential flats or apartments:

" 'Council' means a Council to which this section applies pursuant to an Order in Council under subsection (2) of this section:

" 'Masonry' means any construction in units of burnt clay, concrete, or stone laid to a bond in and joined together with mortar:

Struck Out

" 'Moderate earthquake' means an earthquake of such force that it would not be likely to cause substantial damage to buildings designed to resist seismic forces one-half as great as those specified in Chapter 8 of the New Zealand Standard Model Building Bylaw (NZSS 1900 of December 1965) for the zone (as described in that bylaw) in which the buildings are situated, but would be likely to cause substantial damage to buildings not so designed:

New

" 'Moderate earthquake' means an earthquake that would subject a building to seismic forces one-half as great as those specified in New Zealand Standard Model Building Bylaw (N.Z.S. 1900, Chapter 8: 1965) for the zone (as described in that bylaw) in which the building is situated:

" 'Unreinforced masonry' has the same meaning as in (*Chapter* 9) Chapter 9.2:1964 of the said bylaw.

"(2) The Governor-General may from time to time, by Order in Council made on the application to the Minister by the Council concerned, declare that any specified Council shall be a Council to which this section applies.

Struck Out

"(3) Where the Council is satisfied that any building in the county (being a building to which this section applies), having regard to its condition, the ground on which it is built, its present and likely future use, and all other relevant matters, will constitute a serious danger to persons therein or in any adjoining building or on any adjoining land or to passers-by in the event of a moderate earthquake, the Council may, by notice in writing under the hand of the Chairman or of the County Clerk or Engineer, require the owner of the building within the time specified in the notice to remove the danger, either by securing the building to the satisfaction of the Council or by taking down the building. The Council shall send a copy of the notice to every person having a registered interest in the land on which the building is erected under any mortgage or other encumbrance.

New

"(3) Where the Council is satisfied that any building in the county (being a building to which this section applies), having regard to its condition, the ground on which it is built, its present and likely future use, and all other relevant matters, will have its ultimate load capacity exceeded in a moderate earthquake and thereby constitute a danger to persons therein or in any adjoining building or on any adjoining land or to passers-by, the Council may, by notice in writing signed by the Chairman or by the County Clerk or Engineer given to the owner, require the owner of the building within the time specified in the notice to remove the danger, either by securing the building to the satisfaction of the Council or by taking down the building. The Council shall also send a copy of the notice—

"(a) To every person having a registered interest in the land on which the building is erected under any mortgage or other encumbrance; and

"(b) To every person claiming an interest in the land which is protected by a caveat lodged under section 137 of the Land Transfer Act 1952 and for the time being in force; and

"(c) Where the owner is not the occupier of the land within the meaning of the Rating Act 1967, to every occupier of the land within the meaning of that Act.

"(4) (*Within twenty-eight days after the service on him of the notice, the owner or any person having any such registered interest in the land*) Within sixty days after the notice is given to him, the owner or any person referred to in paragraphs (a) to (c) of subsection (3) of this section may object in writing to the Council against the requirements of the notice, and the notice shall thereupon be deemed to be suspended pending the determination of the objection, or, where application is made to the Court to confirm the notice, pending the decision of the Court.

"(5) Where any such objection is received by the Council, the Council shall as soon as practicable inquire into and dispose of the objection:

"Provided that no objection shall be dismissed unless reasonable notice of the date and time when and the place where it is to be considered has been given to the objector, who, if present at the appointed time and place, shall be entitled to be heard (*in support of his objection*) and submit evidence and call witnesses in support of his objection. Any objector may be represented at the hearing by counsel or otherwise.

"(6) Where on inquiry into the objection the Council reaffirms its requirements, the Council shall apply to a Magistrate's Court for an order confirming the notice given by the Council under subsection (3) of this section.

New

"(6A) The Minister shall from time to time, by notice in the *Gazette*, publish a panel of persons of special skill or knowledge from whom assessors may be appointed under subsection (6B) of this section.

"(6B) The Court hearing an application under subsection (6) of this section shall hear the application with the assistance of two assessors, to be appointed for the purposes of that application by the Secretary for Internal Affairs from the panel of persons published under subsection (6A) of this section. The sole function of the assessors shall be to assist the Court in determining the application, and the application shall be determined by the Court alone.

"(6C) If any assessor dies or is for any reason unable to act or to continue to act, an assessor may be appointed under subsection (6B) of this section to act in his place, whether or not the hearing of the application has commenced.

"(6D) There shall be paid to assessors appointed under subsection (6B) of this section, out of money appropriated by Parliament, remuneration by way of fees or allowances and travelling allowances or expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if those assessors were members of a statutory Board within the meaning of that Act.

"(7) On the hearing of the application, the Court may—

"(a) Confirm the notice without modification; or

"(b) Confirm the notice subject to modification; or

"(c) Extend the time specified in the notice for removing the danger; or

"(d) Set aside the notice.

"(8) Where—

"(a) In any case in which no objection is made, the owner fails to do any act in compliance with the notice given under subsection (3) of this section within the time specified in that notice; or

"(b) In any case in which objection is made, the notice is confirmed by the Court (whether with or without modification or extension of time), and the owner fails to do any act in compliance with the notice or with the notice as modified or extended, as the case may be,—

the Council may enter upon the land and do that act and recover the cost thereof from the owner.

"(9) The said cost shall be a charge on the land."

New

20A. Appeal to Supreme Court—The principal Act is hereby further amended by inserting, after section 318A (as inserted by section 20 of this Act), the following section:

"318B. (1) Where any party to the proceedings is dissatisfied with any determination of a Magistrate's Court on any application under section 318A of this Act as being erroneous in point of law, he may appeal to the Supreme Court for the opinion of that Court on a question of law only.

"(2) The provisions of Part IV of the Summary Proceedings Act 1957, so far as they relate to appeals by way of case stated on a question of law only, shall apply, so far as they are applicable, to every appeal under this section.

"(3) The decision of the Supreme Court on any appeal under this section shall be final.

"(4) The operation of the order against which an appeal is made under this section shall be suspended by the appeal."

21. Powers of Council in relation to public recreation and instruction, etc.—Section 319 of the principal Act is hereby amended by inserting in paragraph (a) of subsection (2), before the words "Technical or secondary schools", the words "Universities within the meaning of the Universities Act 1961,".

22. Power of Council to guarantee loans of sports bodies—The principal Act is hereby further amended by inserting, after section 319, the following section:

"319A. The Council may from time to time, in the name and on behalf of the Corporation, by deed or other instrument, and subject to such terms and conditions as it thinks fit, guarantee the repayment of any money advanced to any incorporated association or body of persons not carried on for private profit whose object or principal object or one of whose principal objects is to promote, encourage, or control physical education, training, or any sport other than horse racing or trotting."

23. Apartment buildings and boardinghouses to be licensed—(1) The principal Act is hereby further amended by inserting, after section 334, the following heading and section:

"Apartment Buildings and Boardinghouses

"334A. (1) For the purposes of this section—

" 'Apartment building' means a building in which accommodation is provided for three or more families living independently of one another, with or without a common right to the use of cooking or laundry facilities, sanitary conveniences, entrances, passages, stairways, or open spaces; and where necessary includes a portion of such a building or a combination of two or more such buildings or parts thereof; but does not include any building comprising wholly or principally owner-occupier flats:

" 'Boardinghouse' means a residential building in which lodging alone or board and lodging are provided for a single night or longer for five or more lodgers or boarders, with or without the use of furniture; and includes a guest house, rooming house, private hotel, motel, residential club, hostel, and residential institution; and where necessary also includes a portion of such a building or combination of two or more such buildings or parts thereof; but does not include any premises in respect of which a licence under the Sale of Liquor Act 1962 is in force, any premises in respect of which such a licence is deemed to be in force pursuant to the Licensing Trusts Act 1949 or the Masterton Licensing Trust Act 1947 or the Invercargill Licensing Trust Act 1950, any hospital, or any home for aged persons required to be licensed by regulations made pursuant to section 120A of the Health Act 1956 (as inserted by section 2 of the Health Amendment Act 1958):

" 'Family' includes one person living alone; and also includes two or more persons, whether related or not, living together but independently of other persons living in the same building:

" 'Owner-occupier flat' means a residential flat in respect of which any person has a right of occupation under a lease or licence or other tenure held by him by virtue of his being a shareholder in a company owning the building of which the flat forms part or by virtue of his being the owner of an estate or interest in the land on which the building is erected.

"(2) No person shall, on or after the first day of April, nineteen hundred and seventy, use any building within the county as an apartment building or a boardinghouse unless and until the building is licensed pursuant to subsection (3) of this section and, in addition to such other conditions as the Council lawfully imposes, the provisions of that subsection have been complied with:

"Provided that where a building is being so used on that date and does not comply with the requirements imposed by the Council pursuant to this section and any bylaws of the Council for the time being in force, the Council may issue a temporary licence in respect of that building for such period and subject to such conditions as the Council thinks fit.

"(3) The provisions of sections 328, 329, 332, and 333 of this Act and of the Fifth Schedule to this Act (except paragraph (c) of clause 2 and clause 3), as far as they are applicable and with the necessary modifications, shall apply with respect to every apartment building or boardinghouse in the county as if—

"(a) The apartment building or boardinghouse, as the case may be, were licensed under section 326 of this Act, or, as the case may require, an application for a licence in respect thereof had been made under that Schedule; and

"(b) The reference in section 333 to section 326 of this Act were a reference to this section.

New

"Provided that nothing in paragraph 2 of the Fifth Schedule to this Act, as applied by this subsection, shall impose any obligation on the Council to issue a licence unless the Council is satisfied that all the provisions of any bylaws applying with respect to the apartment building or boardinghouse have been complied with.

"(4) Where on the first day of April, nineteen hundred and seventy, any building in the county is being used as an apartment building or a boardinghouse and a licence issued by the Council in respect of that building under bylaws of the Council is for the time being in force, the foregoing provisions of this section shall not apply with respect to that building until the expiration or sooner cancellation of the licence."

(2) Section 401 of the principal Act is hereby amended by repealing paragraph (21) of subsection (1), and substituting the following paragraph:

Struck Out

"(21) Subject to section 334A of this Act, licensing, inspecting, and regulating apartment buildings and boardinghouses (as defined in that section):".

New

"(21) Defining, licensing, inspecting, and regulating, boardinghouses, being houses (other than common lodginghouses or premises for which a licence under the Sale of Liquor Act 1962 is in force or in respect of which such a licence is deemed to be in force pursuant to the Licensing Trusts Act 1949 or the Masterton Licensing Trust Act 1947 or the Invercargill Licensing Trust Act 1950) in which persons are lodged for a single night or longer, and apartment buildings:

"Provided that in the case of any boardinghouse or apartment building to which section 334A of this Act applies, this paragraph shall be read subject to the provisions of that section, but nothing in that section shall be construed as limiting the generality of the matters in respect of which bylaws may be made under this paragraph:":

24. Sale of land for housing—The principal Act is hereby further amended by inserting, after section 353, the following section:

"353A. The Council may sell or lease by private contract or in accordance with section 173 of this Act any land which it has acquired under this Part of this Act, or any other land vested in the Corporation and not held upon trust for any particular purpose other than housing, to any person, company, or other organisation, subject to the condition that that

person, company, or other organisation will build houses thereon for disposal by way of sale or lease to any person desirous of personally occupying the same."

25. Proceeds of sale or lease of building allotments—Section 355 of the principal Act is hereby amended by adding to subsection (2) the following paragraph:

"(d) As to so much thereof as is not required for any of the purposes specified in paragraphs (a) to (c) of this subsection, for the purposes of any public work in the county."

26. Council may acquire shares in company erecting commercial building for occupation by shareholders—The principal Act is hereby further amended by inserting, after section 374, the following heading and section:

"Shares in Company Erecting Commercial Building for Occupation by Shareholders

"374A. (1) The Council may from time to time, on behalf of the Corporation of the county, acquire, hold, and dispose of shares and other rights in any company formed with the object of erecting on land of the company one or more commercial buildings for occupation by its shareholders.

"(2) For the purpose of paying for any such shares or rights or any calls on any such shares, the Council may borrow money by way of special loan under the Local Authorities Loans Act 1956."

New

26A. Gardens and lawns—The principal Act is hereby further amended by inserting, after section 378, the following heading and section:

"Gardens and Lawns

"378A. The Council, with the consent of the owner and subject to such conditions as may be agreed upon with the owner, whether as to payment to the Council by the owner or the use of the land by the public or any other conditions, may from time to time lay out and maintain gardens, shrubberies, and lawns on any private land in the county which is adjacent to buildings in any commercial or civic area and to any public place and which forms an integral part of the commercial or civic development of the county."

27. Purchase and development of land for commercial or industrial purposes—Section 380A of the principal Act (as inserted by section 15 of the Counties Amendment Act 1964) is hereby amended by adding the following subsection:

"(8) The provisions of subsections (3) to (7) of this section shall apply with respect to land acquired before the fourth day of December, nineteen hundred and sixty-four (being the date of the commencement of the Counties Amendment Act 1964), and owned for the time being by the Corporation for the general purposes of the county and not for any particular purpose, as if the land had been purchased under and in compliance with the provisions of subsection (2) of this section."

New

27A. Bylaws as to construction and repair of buildings—(1) Section 401 of the principal Act is hereby amended by repealing paragraph (15) of subsection (1), and substituting the following paragraph:

"(15) Regulating and controlling the construction, alteration, and repair of buildings as defined in the bylaws, including the design, construction, alteration, and repair of buildings in relation to their resistance to earthquake shocks:

"Provided that bylaws regulating and controlling the alteration or repair of buildings in relation to their resistance to earthquake shocks shall have effect only with respect to such parts of buildings as are being altered or repaired or whose resistance to earthquake shocks will be directly affected by the alterations or repairs:".

(2) Section 402 of the principal Act is hereby amended by omitting the words "design and construction", and substituting the words "design, construction, alteration, and repair".

(3) Section 3 of the Counties Amendment Act 1960 is hereby consequentially amended by repealing subsection (1).

28. Bylaws as to secondhand timber—Section 401 of the principal Act is hereby amended by inserting in paragraph (16) of subsection (1), after the word "timber", the words "(whether or not forming part of a building)".

29. Bylaws as to amusement galleries and shooting galleries—(1) Section 401 of the principal Act is hereby further amended by adding to subsection (1) the following paragraph:

"(40) Defining, licensing, and controlling amusement galleries and shooting galleries."

New

(2) Section 404 of the principal Act is hereby amended by inserting, after the words "billiard room" wherever they occur, the words "or amusement gallery or shooting gallery".

Struck Out

30. Bylaws as to mobile or travelling shops—Section 401 of the principal Act is hereby further amended by inserting in the definition of the term "mobile or travelling shop" in subsection (2) (as added by section 17 of the Counties Amendment Act 1964), after the words "(whether or not in pursuance of any invitation to call with the goods, wares, or merchandise)", the words "or from which services are offered for sale in the road".

New

30. Bylaws as to mobile or travelling shops—Section 401 of the principal Act is hereby further amended—

(a) By inserting in paragraph (27A) of subsection (1) (as inserted by section 3 (3) of the Counties Amendment Act 1960), after the words "a licence fee", the words "of such amount as the Council, in its discretion, thinks fit, but":

(b) By inserting in the definition of the term "mobile or travelling shop" in subsection (2) (as added by section 17 of the Counties Amendment Act 1964), after the words "(whether or not in pursuance of any invitation to call with the goods, wares, or merchandise)", the words "or from which services are offered for sale in the road".

31. Temporary buildings—The principal Act is hereby further amended by inserting, after section 402A (as inserted by section 42 of the Counties Amendment Act 1961), the following section:

"402B. (1) Where the Council issues a permit for the erection of any temporary building, the permit may be issued subject to such conditions as the Council considers necessary to ensure that the building will be removed at or before the expiration of the period specified in the permit, including the provision of a bond or the payment of a sum of money as security for that purpose or the entering into an agreement for that purpose.

"(2) Every such bond or agreement shall be deemed to create an interest in the land for the purposes of section 137 of the Land Transfer Act 1952, and, on the entry on the title to the land of a caveat under that section, the bond or agreement shall be deemed to be a covenant running with the land and shall bind subsequent owners accordingly."

32. Amalgamation of titles on issue of building permit—The principal Act is hereby further amended by inserting, after section 402B (as inserted by section 31 of this Act), the following section:

"402C. (1) Where application is made to the Council for a permit under bylaws made under paragraph (15) of subsection (1) of section 401 of this Act authorising the erection of a building over land of the applicant comprised or partly comprised of two or more allotments of an existing subdivision or existing subdivisions (whether comprised in the same certificate of title or not), the Council may, as a condition of the issue of a permit, require that a plan amalgamating that land into one allotment, or, where the circumstances render it expedient or desirable, into any two or more allotments, be deposited under the Land Transfer Act 1952, and a certificate or certificates of title under that Act be issued for the land in terms of the plan.

"(2) The Council may refuse to issue the permit until it is satisfied that the condition specified in subsection (1) of this section has been complied with and that the District Land Registrar has made on the certificate or certificates of title the entry required to be made thereon by subsection (5) of this section.

"(3) No such permit shall be issued subject to a condition specified in subsection (1) of this section if any of the land less than the whole is independently subject to any mortgage, charge, lien, or lease, unless two or more certificates of title are required to be issued and the land affected by the mortgage, charge, lien, or lease comprises or will comprise the whole of the land in one of those certificates of title.

"(4) Where—

"(a) The Council and the registered proprietor of the land in the said plan certify in writing to the effect that any certificate of title in his name or to be issued in his name has been issued or is required to be issued for the purpose of complying with a condition imposed under subsection (1) of this section; and

"(b) The certificate, or separate certificates, are lodged with the District Land Registrar, either—

"(i) When the request for the certificate or certificates of title is lodged; or

"(ii) After the issue of the certificate or certificates of title pursuant to that request but before the registration of any disposition of or dealing with part of the land in any such certificate of title,—

nothing in subsection (2) of section 38 of the Counties Amendment Act 1961 shall apply to the land in any such certificate of title, and subject to subsection (1) of section 22 of that Act, Part II of that Act shall apply accordingly to any resubdivision of the land.

"(5) On receiving the certificate or separate certificates of the Council and the registered proprietor referred to in subsection (4) of this section, the District Land Registrar shall make an entry on each certificate of title issued for the purpose of complying with a condition imposed under subsection (1) of this section and on the corresponding folium of the register, to the effect that the land referred to therein is subject to subsection (4) of this section."

33. Contracts by Council—The Second Schedule to the principal Act (as amended by section 7 (1) of the Decimal Currency Act 1964) is hereby further amended by omitting from the proviso to clause 6 the expression "$1,000", and substituting the expression "$10,000".

PART II

Amendments of Counties Amendment Act 1961

34. Roads and road access—Section 24 of the Counties Amendment Act 1961 is hereby amended by adding to paragraph (b) of the proviso to subsection (1) the word "or", and by adding to that proviso the following paragraph:

"(c) The allotment is to be used as the site of a pumping station, an electrical sub-station, or a gasometer, or as a site for some other public utility, and the Council resolves that this subsection shall not apply. In any such case, the Council may require the owner of the land to enter into an agreement with the Council that the land will be used only for such purpose as may be approved by the Council from time to time. Every such agreement shall be deemed to create an interest in the land for the purposes of section 137 of the Land Transfer Act 1952, and, on the entry on the title to the allotment affected of a caveat under that section, the agreement shall be deemed to be a covenant running with that allotment, and shall bind subsequent owners accordingly."

35. Subdivision of land fronting existing narrow road—Section 24A of the Counties Amendment Act 1961 (as inserted by section 19 (1) of the Counties Amendment Act 1964) is hereby amended by omitting from subsection (4) the word "deriving", and substituting the word "accruing".

36. Reserves for public purposes—(*(1) Section 28 of the Counties Amendment Act 1961 is hereby amended by omitting from subsection (3) the words "at his option", and substituting the words "at the option of the Council".*)

New

(1) Section 28 of the Counties Amendment Act 1961 is hereby amended by repealing subsection (3), and substituting the following subsection:

"(3) Notwithstanding anything in paragraph (b) of subsection (2) of section 23 of this Act, where in the opinion of the Council it is undesirable or unnecessary to require the owner to make provision under subsection (2) of this section for the making of reserves for public purposes,—

"(a) The Council may in lieu thereof make it a condition of approval that the owner shall pay a sum of money to the Council within such time as it may specify; or

New

"(b) The Council and the owner may agree that instead of making such a payment the owner shall set aside from the land in the subdivision an area of land to be vested in the Corporation equal to the area that would otherwise be required to be set aside as reserves for public purposes."

(2) Section 28 of the Counties Amendment Act 1961 is hereby further amended by inserting, after subsection (9), the following ~~(*subsection*)~~ subsections:

"(9A) Notwithstanding anything in subsection (8) or subsection (9) of this section, the Council may—

"(a) Apply any money to which subsection (8) of this section applies for the purpose of adding to, improving, or developing any land outside the county that is vested in the Corporation or controlled by the Council for the purposes of public recreation:

"(b) With the consent of the Minister, and subject to such terms and conditions as the Minister thinks fit, pay or advance any money to which subsection (8) of this section applies, or so much thereof as the Minister approves, to any local authority or public body for the purpose of adding to, improving, or developing any land outside the county that is vested in that local authority or public body or the corporation of which it is the governing body for the purposes of public recreation, or is controlled by that local authority or public body for the purposes of public recreation,—

if that addition, improvement, or development will be to the benefit of the inhabitants of the locality in which the land included in the scheme plan is situated."

New

"(9B) The Council may, subject to such terms and conditions as it thinks fit, advance any money to which subsection (8) of this section applies to the administering body of any public reserve in the district, being a reserve which is subject to the Reserves and Domains Act 1953.

"(9C) Any local authority or public body or administering body to which any advance is made under paragraph (b) of subsection (9A) or subsection (9B) of this section shall be deemed to have power to borrow the money so advanced."

37. Reserves along seashore and banks of lakes, rivers, etc.—Section 29 of the Counties Amendment Act 1961 is hereby amended by inserting after subsection (1A) (as inserted by section 22 of the Counties Amendment Act 1964), the following subsections:

"(1B) Where—

"(a) Pursuant to subsection (1) of this section or the provisions of any other enactment, (whether passed before or after the commencement of this subsection, and whether or not in force at the commencement of this subsection) a strip of land less than sixty-six feet in width has been set aside as reserved for public purposes along the mean high-water mark of the sea or of any of its bays, inlets, or creeks, or along the margin of any lake, or along any bank of any river or stream; and

"(b) A scheme plan of subdivision of land contiguous to that strip of land is subsequently submitted to the Council under the provisions of this Part of this Act,—

then, notwithstanding the provisions of subsection (5) of this section, the Council may, as a condition of its approval of the scheme plan, require the owner to set aside as reserved for public purposes a strip of land contiguous to the strip of land previously set aside and of a width determined by the Council, being not more than the difference between the width of the strip of land previously set aside and sixty-six feet.

"(1C) The strip of land required to be reserved pursuant to subsection (1B) of this section shall be so reserved only in respect of so much of the land in the scheme plan as abuts on the strip of land reserved, pursuant to subsection (1) of this section or the corresponding provisions of any other enactment, on the earlier subdivision and adjoins any allotment having an area of less than ten acres.

"(1D) Where in the opinion of the Council it is in the public interest that a road or part of a road be dedicated within the area required to be set aside as reserved for public purposes pursuant to subsection (1) or subsection (1B) of this section, then, with the consent of the Minister of Lands, the dedication of that road or part of that road which lies within the area set aside may be accepted in satisfaction of and in substitution for the area or part of the area, as the case may be, that would otherwise be required to be set aside under this section."

38. Variation or revocation of scheme plan or conditions imposed—Section 32 of the Counties Amendment Act 1961 is hereby amended by inserting in subsection (2), after the words "section 23 of this Act", the words "or under the corresponding provisions of the Land Subdivision in Counties Act 1946 or of any former enactment".

39. Appeal to Town and Country Planning Appeal Board by adjoining local authority—(1) Section 33 of the Counties Amendment Act 1961 is hereby amended by adding to subsection (1) the following paragraph:

"(c) The Council of any county, borough, or town district whose district adjoins that of the Council by which the decision was made."

(2) Section 33 of the Counties Amendment Act 1961 is hereby further amended by adding to subsection (3) the following paragraph:

"(d) The Council of any county, borough, or town district whose district adjoins that of the Council making the decision to which the appeal relates."

40. Time for appealing to Town and Country Planning Appeal Board—Section 33 of the Counties Amendment Act 1961 is hereby further amended by omitting from paragraph (a) of subsection (2) the words "fourteen days", and substituting the words "twenty-one days".

41. Refund of money paid if scheme plan revoked or lapses—The Counties Amendment Act 1961 is hereby further amended by inserting, after section 34, the following section:

"34A. Where a scheme plan is revoked or has lapsed, the Council may refund to the owner of the land, or, if he is deceased, to his personal representative, any amount paid by the owner to the Council in respect of the land pursuant to any provision of this Part of this Act."

42. Plan to be deposited—Section 35 of the Counties Amendment Act 1961 is hereby amended by omitting from subsection (6) the words "one year", and substituting the words "two years".

43. Plan approved subject to amalgamation or transfer of allotments—Section 36 of the Counties Amendment Act 1961 is hereby amended by adding the following subsections:

"(5) Where, for the purpose of complying with any condition specified in subsection (1) of this section, any land is amalgamated in one certificate of title with other land already subject to a registered instrument under which a power to sell, a right of renewal, or a right or obligation to purchase is lawfully conferred or imposed, and that power, right, or obligation becomes exercisable but is not able to be exercised or fully exercised owing to the provisions of subsection (3) of this section, the power, right, or obligation shall be deemed to extend to the first-mentioned land as if that land were included in the instrument as part of the land to which it applies.

"(6) Where any instrument to which subsection (5) of this section applies is a mortgage, charge, or lien, it shall be deemed to have priority over any mortgage, charge, or lien against the land first-mentioned in that subsection which is registered subsequent to the issue of the certificate of title pursuant to subsection (1) of this section."

(2) Section 36 of the Counties Amendment Act 1961 is hereby further amended by adding to subsection (4) the words "and also, in any case to which subsection (5) or subsection (6) of this section applies, that the land is subject to subsection (5) or, as the case may be, subsection (6) of this section".

44. Endorsements on scheme plans—The First Schedule to the Counties Amendment Act 1961 is hereby amended by adding to subclause (2) of clause 6 the words "The plan shall be signed by the owner of the land in the place provided for his signature as aforesaid. For the purpose of this subclause, the term 'owner', in relation to the land, includes the lessee under a registered lease, an owner in equity, and the holder of an option, in writing, to purchase the land."

PART III

COUNTY TOWNS

45. Constitution of county towns—(1) The Council may from time to time by special order, declare that any part of the county (not being part of a dependent town district) having a population of not less than two hundred and an average density of population of not less than one person to the acre, or in which there are not less than sixty dwelling-houses with an average density of not less than one dwelling-house to every three acres, shall be a county town under this Part of this Act.

(2) The Council, by the same or any subsequent special order, may fix the boundaries of any such county town and may assign a name thereto; and from time to time, by any subsequent special order, may alter the boundaries of any county town.

(3) Every special order under this section shall fix the date on which the county town shall be constituted or the boundaries thereof altered, as the case may be.

(4) Before making any special order for the constitution of a county town or the alteration of the boundaries of a county town, the Council shall cause a plan of the proposed county town showing the boundaries thereof, or, as the case may be, a plan of the county town showing the proposed alterations of boundaries, to be deposited in the office of the Council and in some other place or places in the proposed county town or in the county town, as the case may be. Every such plan shall be open for inspection by the public without fee for at least one month before the passing of the resolution to make the special order, and public notice of the times when and the places where that inspection can be made shall be given by the Council.

Cf. 1956, No. 64, s. 416 (1)–(4); 1959, No. 58, s. 2

46. Constitution as county town of borough or town district included or merged in county—(1) Where—

(a) Any borough or independent town district is abolished and the area comprising the former borough or town district is added to the county; or

(b) Any dependent town district is merged in the county,—

the County Council may, by special order made at any time within the period of three months after the addition or merger, declare that the area comprising the former borough or town district shall be a county town under this Part of this Act having the name assigned thereto by the special order and, notwithstanding anything in section 60 of this Act, without a petition or poll of ratepayers.

(2) The Council from time to time, by any subsequent special order, may alter the boundaries of any county town constituted under this section. The provisions of subsection (4) of section 45 of this Act relating to the alteration of the boundaries of a county town shall apply with respect to the alteration of the boundaries of any county town constituted under this section.

(3) Every special order under this section shall fix the date on which the county town shall be constituted or the boundaries thereof altered, as the case may be.

(4) Where an area comprising a former borough or town district is constituted a county town under the provisions of this section,—

(a) The farm land roll (if any) made or continuing in force under Part VI of the Rating Act 1967 that was in force in that area immediately before the addition to or merger in the county of that area shall continue in force until a new farm land roll for the county town is made under the provisions of that Part:

(b) In any case where the system of rating that was in force in that area immediately before the addition to or merger in the county of that area differs from that in force in the county, rates shall, subject to the power of the ratepayers to change the system of rating from time to time, be made and levied in the county town on the system of rating that was in force in that area before the addition to or merger in the county of that area, and the provisions of subsections (2) and (3) of section 58 of this Act shall apply as if that system of rating had been adopted in the county town under that section.

Cf. 1956, No. 64, s. 417 (1)–(3), (5)

47. Union of county towns—(1) The Council may from time to time, by special order, declare any two or more adjoining county towns in the county to be united and to form one county town under such name as the Council thinks fit.

(2) Every special order under this section shall fix the date on which the county towns shall be united.

(3) On the union of two or more county towns under this section, the original county towns shall be deemed to be abolished, the members of the county town committees thereof shall go out of office, and the Council shall, under section 50 of this Act, appoint a county town committee for the united county town.

(4) For the purposes of this section, any two or more county towns shall be deemed to be adjoining, notwithstanding that they may be separated by a road, any river or harbour, the sea, or any natural feature.

48. Abolition of county towns—(1) The Council may from time to time, by special order, abolish any county town in the county.

(2) Every special order under this section shall fix the date on which the county town shall be abolished.

49. Notice of special orders—As soon as practicable after the making of a special order under sections 45 to 48 of this Act, the County Clerk shall send a copy of the special order to the Secretary for Internal Affairs.

Cf. 1956, No. 64, ss. 416 (5), 417 (4)

50. County town committee—(1) As soon as practicable after the constitution of a county town, the Council shall appoint a county town committee for that county town, for the purpose of—

(a) Advising the Council on any matter relating to the administration of the county town:

(b) Exercising such powers and duties in relation to the county town as may from time to time be delegated to it by the Council.

(2) The county town committee shall consist of such number of members, being not fewer than three nor more than seven, as the Council decides from time to time.

(3) Where pursuant to section 35 of the principal Act the Council considers the representation of the different ridings in the county, the Council shall also consider whether the number of members of the county town committee for each county town in the county should be altered. Where the Council decides to alter the number of members of a county town committee, the Council shall appoint such additional members of the committee, or, as the case may be, revoke the appointment of such members of the committee, as may be necessary; but no such appointment or revocation of appointment shall take effect before the next succeeding general election of the Council.

(4) No person shall be eligible for appointment as a member of the county town committee, unless he is—

(a) A ratepayer having a qualification in respect of property situated within the county town; or

(b) An elector of the county having a residential qualification in respect of an address within the county town; or

(c) A member of the Council for the riding in which the county town is situated.

(5) The Council may, if it thinks fit, appoint the members of the county town committee from a panel of names chosen at a meeting of electors having a ratepayer's qualification in respect of property within the county town or a residential qualification in respect of an address within the county town convened by the Council and held as soon as practicable after the constitution of the county town, and thereafter within three months after each general election of Councillors, and conducted in a manner determined by the Council.

(6) Every member of the county town committee shall hold office until the Councillors elected at the next general election of the Council held after the date of his appointment come into office, but may at any time be removed from office by the Council for disability, neglect of duty, or misconduct, or he may at any time resign his office by writing addressed to the Council:

Provided that every member of a county town committee who ceases to be qualified for appointment as a member of the committee shall thereupon cease to be a member of the committee.

(7) On the occurrence from any cause of a vacancy in the county town committee, the Council may appoint any other qualified person to fill the vacancy.

(8) Subject to the provisions of this section, the provisions of Parts V and VI of the principal Act relating to committees of the Council shall, as far as they are applicable and with the necessary modifications, apply with respect to the county town committee and the members thereof as if the county town committee were a committee of the Council appointed under Part V of the principal Act.

(9) Nothing in this section shall derogate from the provisions of section 3 of the Local Legislation Act 1963 or section 4 of the Local Legislation Act 1967.

Cf. 1956, No. 64, s. 418; 1959, No. 58, s. 3

51. Poll in county town to guide Council in appointment of county town committee—(1) Notwithstanding anything in subsection (5) of section 50 of this Act, the Council may from time to time, for the purpose of ascertaining the wishes of the electors with respect to the persons to be appointed by the Council to be members of the county town committee pursuant to that section, direct the Returning Officer for the county to conduct in any country town a poll of electors qualified to vote pursuant to subsection (2) of this section, and the Returning Officer shall conduct a poll accordingly.

(2) The following provisions shall apply with respect to every poll under subsection (1) of this section:

(a) No person shall be entitled to vote unless he is an elector of the county having a ratepayer's qualification in respect of property situated within the county town or a residential qualification in respect of an address within the county town:

(b) Every elector shall have one vote only.

(3) The provisions of the Local Elections and Polls Act 1966 as to elections, as far as they are applicable and with the necessary modifications, shall extend and apply to any poll held pursuant to this section as if it were an election of the members of a local authority.

52. Chairman of county town committee—(1) Notwithstanding anything in section 72 of the principal Act (as applied to county town committees by subsection (8) of section 50 of this Act), the Chairman of a county town committee shall be elected by the committee from among its members at its first meeting, and thereafter at the first meeting of the committee held after the annual meeting of the Council in each succeeding year.

(2) At every meeting for the election of the Chairman of a county town committee, the County Clerk or any other officer of the Council appointed by him for the purpose, shall preside, and in any case of an equality of votes shall determine the election by lot in such manner as the committee directs.

(3) The Chairman of a county town committee shall come into office on his election, and, subject to subsection (4) of this section, shall hold office until the election of his successor.

(4) The Chairman of a county town committee may resign his office by writing under his hand delivered to the County Clerk; and in that case, or in case of his death, or if he ceases to be a member of the committee, his office shall become vacant, and the County Clerk shall forthwith call a meeting of the committee, who shall elect a Chairman in his stead.

53. Appointment of representative of county town committee to attend Council meetings—(1) A county town committee may from time to time appoint a member of the committee to attend meetings of the Council or of any committee of the Council, either generally or in any particular case.

(2) Any member so appointed shall be entitled to attend accordingly and to speak and take part in the discussion on any matter relating to the county town as if he were a Councillor or, as the case may be, a member of the committee of the Council, but with no right to vote.

(3) The provisions of section 136 of the principal Act (relating to the payment of travelling allowances and expenses of Councillors) shall apply with respect to every person appointed to attend meetings of the Council under subsection (1) of this section as if he were a Councillor.

Cf. 1956, No. 64, s. 419

Development Works

54. Powers of Council as to improvement and development works in county towns—The Council may from time to time construct and maintain such public works as it thinks fit in any county town for the purposes of improving, developing, and maintaining the town as an urban area.

Cf. 1956, No. 64, s. 420

55. Advances and grants for development works in county towns—(1) The Council may from time to time, with the prior approval of the Local Authorities Loans Board, advance out of the County Fund Account all or any part of the money required to meet the expenses incurred in executing any work in a county town under the authority of section 54 of this Act.

(2) Where the Council advances money under subsection (1) of this section,—

(a) The cost of the works defrayed out of that money shall be debited to a separate account kept in respect of those works;

(b) The amount of the cost so debited shall be deemed to represent money advanced out of the County Fund Account for the particular benefit of the ratepayers in the county town; and

(c) The money so advanced, together with interest (if any), shall be recouped out of the proceeds of any rate made in respect of that work under the authority of section 56 of this Act or out of the county town general rate made under the authority of section 57 of this Act.

(3) The Council may from time to time transfer money from its General Account or from the appropriate Riding Account to a separate account kept in respect of a county town, to meet expenses incurred in executing or maintaining any work in the county town under the authority of section 54 of this Act.

Cf. 1956, No. 64, s. 421

Rates in County Towns

56. Separate improvement and development rates over county towns—(1) The Council may from time to time, by special order, make and levy a separate improvement and development rate on all rateable property within a county town for the purpose of defraying the expenses incurred in executing any work therein under section 54 of this Act; but the total amount of all separate improvement and development rates made for any one year in a county town shall not exceed one and a quarter cents in the dollar on the capital value of the rateable property in the county town or its equivalent on the unimproved value or annual value.

(2) From the proceeds of every such separate improvement and development rate there may be deducted such sum as, in the opinion of the Council, is necessary to defray the cost of making and levying the rate and of the supervision and clerical work necessary in connection with the expenditure thereof.

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

(4) The remainder of the separate improvement and development rate shall be expended wholly within or for the benefit of the county town within which it was levied.

(5) Every separate improvement and development rate made under the authority of this section shall be made as an annually recurring rate, leviable year by year, without further proceeding on the part of the Council, until all money advanced under section 55 of this Act and all money borrowed and for the time being payable out of the proceeds of the rate are repaid in full, and thereafter until the Council, by resolution, decides that the separate rate be discontinued:

Provided that no such rate shall be discontinued while any work which has been commenced and in respect of which the rate has been made and levied remains uncompleted.

(6) Every separate rate made under the authority of this section shall be appropriately adjusted in the event of any revaluation of the rateable property in the county town effecting an increase or reduction in the rateable value thereof.

(7) The powers conferred by this section are in addition to and not in substitution for any other powers the Council may have to make and levy general or other rates in respect of the rateable property in any county town, and rates may be made under the authority of this section notwithstanding that those rates, together with any other rates from time to time made by the Council in respect of that property, shall exceed the maximum general or other rates which may be made in any year under the provisions of the principal Act.

Cf. 1956, No. 64, s. 422

57. Differential rating in county towns—(1) The Council may from time to time, by resolution, declare that the general rate that would otherwise be made and levied on all rateable property within the county or, in any case where the general rate is 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 a county town general rate 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 a county town general rate (not exceeding the maximum prescribed for the general rate by section 105 of the principal Act) on all rateable property within the county town:

Provided that, except with the prior consent of the county town committee appointed in respect of that county town, the Council shall not make and levy a county town general rate under the provisions of this section if the total amount that that rate is calculated to produce would exceed the total amount that would be produced from all the rateable property in the county town if the general rate 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.

(2) The proceeds of any county town general rate 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:

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:

Provided also that, in the case of a county where the general rate is 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.

(3) 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.

(4) Where the Council makes and levies a county town general rate under the provisions of this section,—

(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 106 of the principal Act, or in estimating the proposed expenditure of the riding under section 107 of that Act; and

(b) The rateable property situated within the county town and the property situated in the county town in respect of which grants are received in lieu of general rates shall, in any case to which section 107 of that Act applies, be disregarded in estimating for the purposes of subsection (3) 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 (2) of section 106 of the principal Act the rateable value of the property in the county.

Cf. 1956, No. 64, s. 423

58. Ratepayers of county town may determine basis on which rates shall be collected—(1) The ratepayers within any county town may at any time require the Council to take a poll of the ratepayers within the county town on a proposal to adopt within the county town a system of rating which differs from that in force in the county. In every such case the provisions of the Rating Act 1967 as to changing the system of rating shall, as far as they are applicable and with the necessary modifications, apply as if the county town were a district of a territorial authority within the meaning of section 2 of that Act.

(2) Where at any such poll a system of rating is adopted which differs from that in force in the county, then, notwithstanding anything to the contrary in this Act or in the Rating Act 1967, the following provisions shall apply, namely:

(a) Where any rate is made and levied only on rateable property within the county town, it shall be made and levied on the system of rating adopted at that poll:

(b) Where any rate is made and levied on all rateable property within the whole county or within a part of the county which includes the county town, the Council shall, instead of levying that rate on rateable property within the county town on the system of rating in force in the county, make and levy on the rateable property within the county town on the system of rating adopted at the poll a rate calculated to produce a total amount equal to the amount that would have been produced from all the rateable property in the county town if it had been levied on the system of rating in force in the county.

(3) In order to produce a total amount of rates equal to the amount that would have been produced from all the rateable property in the county town if it had been levied on the system of rating in force in the county, the Council may under paragraph (b) of subsection (2) of this section make and levy within the county town a rate of such amount as may be necessary for the purpose, notwithstanding that it may exceed the maximum rate that may be levied under the provisions of the principal Act.

(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 51 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.

Cf. 1956, No. 64, s. 424

59. Council may exempt farm lands in county towns from separate improvement and development rates—(1) In any case where the Council does not make and levy a differential general rate in the county town under section 57 of this Act, the Council may, of its own motion or on the application of the occupier within the meaning of the Rating Act 1967, and on being satisfied that any land within a county town—

(a) Is used exclusively or principally for farming purposes; and

(b) Is not in the opinion of the Council fit for subdivision for building purposes or is not likely in that opinion to be required for building purposes within a period of five years from the date on which that opinion is expressed; and

(c) Will not derive the full benefit of any improvement and development works carried out under this Part of this Act,—

exempt that land or any part thereof from the whole or any part of any separate improvement and development rate made in that county town. Every such exemption shall be for such period as the Council thinks fit, and may at any time be revoked or amended by the Council.

(2) Public notice shall be given by the Council of every decision of the Council under subsection (1) of this section.

(3) Any ratepayer in the county town aggrieved by any decision of the Council under subsection (1) of this section may appeal therefrom by lodging with the Registrar of the Magistrate's Court nearest to the public office of the Council a notice of appeal setting out the grounds thereof. The notice of appeal shall be lodged within seven days after the giving of the public notice referred to in subsection (2) of this section, and a copy of the notice of appeal shall within the same seven days be lodged at the public office of the Council.

(4) Not less than three days' notice of the time and place for the hearing of the appeal shall be given by the Registrar to the County Clerk and to the appellant, and also, where the appellant is not the occupier of the land, to the occupier.

(5) The determination of the Court on any such appeal shall be final.

(6) Nothing in Part VI of the Rating Act 1967 shall apply in any case where the Council has granted an exemption under this section.

Cf. 1956, No. 64, s. 424A; 1961, No. 131, s. 17

General Provisions

60. Special orders to be made on petition or after poll of ratepayers—(1) Except as provided in section 46 of this Act or in any case to which subsection (2) of this section applies, any power conferred on the Council by this Part of this Act to do anything by special order may be exercised by the Council upon a petition signed by a majority of

the ratepayers in the county town, or, as the case may be, in the area proposed to be constituted a county town or to be added to or excluded from the county town, or, in the discretion of the Council, may be exercised without any such petition:

Provided that, where the Council proposes to proceed further to exercise that power pursuant to that special order without any such petition, a poll of ratepayers in the county town, or, as the case may be, in the area proposed to be constituted a county town or to be added to or excluded from the county town, shall be taken on the proposal where—

(a) Not less than five percent of the ratepayers in the county town, or, as the case may be, in the area proposed to be constituted a county town or to be added to or excluded from the county town, by writing under their hands delivered or sent by post to the Council and received at the offices of the Council not later than the day before the date fixed for the confirmation of the resolution to exercise that power, demand that a poll of the ratepayers in the county town, or, as the case may be, in that area, be taken on the proposal; or

(b) The Council so resolves;—

and the Council shall not exercise that power unless a majority of the valid votes recorded at the poll are in favour of the proposal.

(2) Any power conferred on the Council by section 47 of this Act to unite two or more county towns may be exercised by the Council upon a petition signed by a majority of the ratepayers in any of the county towns proposed to be united, or, in the discretion of the Council, may be exercised without any such petition:

Provided that, where the Council proposes to proceed further to unite those county towns pursuant to a special order under the said section 47 without any such petition, a poll of the ratepayers in any of those county towns shall be taken on the proposal where—

(a) Not less than five percent of the ratepayers in that county town, by writing under their hands delivered or sent by post to the Council and received at the offices of the Council not later than the day before the date fixed for the confirmation of the resolution

to exercise that power, demand that a poll of the ratepayers in that county town be taken on the proposal; or

(b) The Council so resolves;—

and the Council shall not exercise that power unless a majority of the valid votes recorded at the poll are in favour of the proposal. Where a demand for a poll is received from the ratepayers in two or more of those county towns, or where, pursuant to a resolution of the Council, a poll is to be taken in two or more of those county towns, separate polls shall be taken in each of those county towns, and the Council shall not exercise that power unless a majority of the valid votes recorded at each of those polls is in favour of the proposal.

(3) For the purposes of this section, the terms "a majority" and "five percent", in relation to the ratepayers in the county town or area, mean a majority or five percent, as the case may be, of all the number of ratepayers who were on the roll of electors of the county as having a ratepayer's qualification within the county town or area for the last general election of Councillors.

Cf. 1956, No. 64, s. 425; 1961, No. 131, s. 18

61. This Part not to affect Tokoroa Town Empowering Act 1966—Nothing in this Part of this Act shall derogate from the provisions of the Tokoroa Town Empowering Act 1966.

62. Repeals—The following enactments are hereby repealed:

(a) Part XXX of the principal Act:

(b) The Counties Amendment Act 1959:

(c) Sections 17 and 18 of the Counties Amendment Act 1961.

PART IV

County Boroughs

63. Constitution of county boroughs—(1) Subject to this section, the County Council may from time to time, by special order, declare that any county town within the county or any two or more adjoining county towns within the county shall be a county borough under this Part of this Act having the name assigned thereto by the special order.

(2) No part of the county shall be constituted a county borough under subsection (1) of this section unless that part has a population of not less than one thousand five hundred.

(3) Every special order under this section shall fix the date on which the county borough shall be constituted.

(4) For the purposes of this section, two or more county towns shall be deemed to be adjoining, notwithstanding that they may be separated by a road, any river or harbour, the sea, or any natural feature.

64. Constitution as county borough of borough or town district included or merged in county—(1) Where—

(a) Any borough or independent town district is abolished and the area comprising the former borough or town district is added to the county, or any dependent town district is merged in the county; and

(b) The area comprising the former borough or town district has a population of not less than one thousand five hundred,—

the County Council may, by special order made at any time within the period of three months after the addition or merger, declare that the area comprising the former borough or town district shall be a county borough under this Part of this Act having the name assigned thereto by the special order and, notwithstanding anything in section 81 of this Act, without a petition or poll of ratepayers.

(2) Every special order under this section shall fix the date on which the county borough shall be constituted.

(3) The provisions of subsection (4) of section 46 of this Act, as far as they are applicable and with any necessary modifications, shall apply with respect to any county borough constituted under this section as if it were a county town constituted under the said section 46.

65. Alteration of boundaries of county borough—(1) The County Council may from time to time, by special order, alter the boundaries of any county borough constituted under section 63 or section 64 of this Act.

(2) Every special order under this section shall fix the date on which the boundaries of the county borough shall be altered. The provisions of subsection (4) of section 45 of this Act shall, with the necessary modifications, apply with respect to the alteration of the boundaries of a county borough under this section.

66. Union of county boroughs—(1) The County Council may from time to time, by special order, declare any two or more adjoining county boroughs in the county to be united and to form one county borough under such name as the Council thinks fit.

(2) Every special order under this section shall come into force only at a general election of the County Council, except to such extent as may be necessary for providing for that election.

(3) On the union of two or more county boroughs under this section, the former county boroughs shall be deemed to be abolished and the members of the County Borough Councils thereof shall go out of office.

(4) For the purposes of this section, any two or more county boroughs shall be deemed to be adjoining, notwithstanding that they may be separated by a road, any river or harbour, the sea, or any natural feature.

67. Abolition of county borough—(1) The County Council may from time to time, by special order, abolish any county borough within the county.

(2) By that special order the County Council may declare the county borough to be a county town, and on the coming into force of that order the county borough shall become a county town as if it had been constituted as such under Part III of this Act.

(3) Every such special order shall come into full force only at a general election of the County Council, except to such extent as may be necessary for providing for that election.

68. Notice of special orders—As soon as practicable after making a special order under sections 63 to 67 of this Act, the County Clerk shall send a copy of the special order to the Secretary for Internal Affairs.

69. County borough to constitute a riding—(1) Every county borough in the county shall for the purposes of the principal Act and every other enactment constitute a riding of the county.

(2) Where, as a result of the constitution of a county borough, the number of ridings in the county would exceed twelve, the County Council shall alter the ridings of the county, so as to reduce that number to not more than twelve, but not so as to include any county borough or part thereof in any other riding.

(3) Until the first general election of the County Council following the constitution as a county borough of any part of the county that was not a riding of the county, the number of ridings in the county shall be increased by the addition of the riding comprising the county borough, notwithstanding anything in subsection (2) of this section or in subsection (2) of section 21 of the principal Act.

County Borough Council

70. County Borough Council—(1) For each county borough there shall be a County Borough Council consisting of such number of members as the County Council fixes from time to time, being not fewer than five nor more than twelve.

(2) The following provisions shall apply with respect to the number of members of a County Borough Council:

(a) The number of members of the first Council shall be fixed by the County Council in the special order constituting the county borough:

(b) The County Council shall consider the membership of the County Borough Council when considering under section 35 of the principal Act the representation of the different ridings in the county:

(c) The County Council may from time to time, by special order, and, notwithstanding anything in section 81 of this Act, without a petition or poll of ratepayers, alter within the limits, aforesaid the number of members of the County Borough Council. Every such special order shall come into force only at a general election of the County Borough Council, except in so far and to such extent as may be necessary for providing for that election.

71. Election of members of County Borough Council—(1) Members of a County Borough Council shall be elected, in manner provided in Part III of the principal Act, by the electors of the county borough, and the provisions of that Part shall, with the necessary modifications, apply as if the election were an election of members of the County Council. The roll of the riding comprising the county borough prepared under section 52 of the principal Act shall be the roll of electors for the purposes of every such election.

(2) Notwithstanding anything in section 51 of the principal Act, every elector shall have one vote only at an election under this section.

(3) The first general election of members of a County Borough Council shall be held on a date to be appointed by the County Council, and subsequent general elections shall be held on the dates on which general elections of the County Council are held.

New

(4) Where the whole of any riding of the county is constituted a county borough, the member or members of the County Council representing that riding immediately before its constitution as a county borough shall go out of office on the date on which the members of the County Borough Council elected at the first general election of the County Borough Council come into office.

72. Qualification for membership of Council—(1) Subject to subsection (2) of this section, every elector of the county borough shall be qualified to be elected as a member of the County Borough Council.

(2) The following provisions of the principal Act shall apply with respect to members of the County Borough Council:

(a) Section 39 (which relates to the disqualification of Councillors):

(b) Section 40 (which relates to extraordinary vacancies):

(c) Section 41 (which requires a Councillor to make a declaration):

(d) Section 42 (which relates to the vacation of office by Councillors):

(e) Section 45 (which relates to the ouster from office of any Councillor),—

as if in those sections references to the Council were references to the County Borough Council, references to a Councillor were references to a member of the County Borough Council, and references to the Chairman were references to the Chairman of the County Borough Council.

73. Filling of extraordinary vacancies—The provisions of sections 50 and 52 of the Local Elections and Polls Act 1966 (which relate to the filling of extraordinary vacancies in elective offices), as far as they are applicable and with any necessary modifications, shall apply with respect to every extraordinary vacancy in the office of a member of a County Borough Council as if the office were an office to which those sections applied, and as if the references in section 52 to a Town Council were references to a County Borough Council and as if the references in that section to the Town Clerk were references to the County Clerk.

74. Functions and powers of County Borough Council—(1) Subject to this Part of this Act, a County Borough Council shall have, in relation to the county borough, all the powers and duties conferred or imposed on a County Council by the principal Act or any other Act, except—

(a) The powers and duties conferred or imposed on County Councils by the Public Works Act 1928, the Housing Improvement Act 1945, or the Town and Country Planning Act 1953, except in so far as any of those powers or duties are delegated by the County Council to the County Borough Council pursuant to a power of delegation conferred by any of those Acts:

(b) The power to borrow money, to make a rate or a charge in lieu of a rate, to make a bylaw, to enter into a contract otherwise than in accordance with the provisions of section 4 of the Public Bodies Contracts Act 1959, or to institute an action:

(c) The power to acquire, hold, or dispose of property:

(d) The power to appoint or remove officers or servants.

(2) To the extent that a County Borough Council is unable for any reason to exercise or perform, in relation to the county borough, any of the powers or duties conferred or imposed on it by subsection (1) of this section, those powers or duties may, at the request of the County Borough Council, be exercised or performed by the County Council on behalf of the County Borough Council.

(3) The County Borough Council may, of its own motion or at the request of the County Council, advise the County Council on any matter specified in paragraphs (a) to (d) of subsection (1) of this section so far as it affects the county borough.

(4) Subject to this Part of this Act, a County Borough Council shall be deemed to be a committee of the County Council as if it had been appointed as such under Part V of the principal Act and the County Council had delegated to it the powers and duties conferred or imposed on the County Borough Council by this Part of this Act, and the provisions of Parts V and VI of the principal Act and of every other enactment relating to committees of the Council, as far as they are applicable and with the necessary modifications, shall apply accordingly.

75. Chairman of County Borough Council—(1) The Chairman of a County Borough Council shall be elected by that Council from among its members at its first meeting, and thereafter at its first meeting after the meeting of the County Council held under section 67 of the principal Act at which the County Chairman is elected.

(2) The provisions of subsections (2) to (5) of section 67 and section 68 of the principal Act shall apply with respect to the Chairman of a County Borough Council, as if in those provisions references to the County Chairman were references to the Chairman of a County Borough Council and references to the County Council were references to a County Borough Council.

(3) Section 70 of the principal Act (which relates to the appointment of a Deputy Chairman) shall apply with respect to a County Borough Council as if in that section the references to the Council were references to a County Borough Council and the references to the Chairman were references to the Chairman of a County Borough Council.

76. Annual allowance to Chairman—

Struck Out

(1) The Chairman of a County Borough Council may be paid such annual allowance out of the County Fund as the County Council from time to time fixes, not exceeding—

(a) Where the Chairman is not also the County Chairman, half the annual allowance for the time being payable to the County Chairman:

(b) Where the Chairman is also the County Chairman, half the annual allowance for the time being payable to him as County Chairman; but in no case shall the allowance payable to him as County Chairman together with the allowance payable to him as Chairman of the County Borough Council exceed the maximum amount payable to him as County Chairman specified in section 69 of the principal Act;—

but no alteration in the amount of that allowance shall take effect during the term of office of any Chairman.

New

(1) The Chairman of a County Borough Council shall be paid such annual allowance out of the County Fund as the County Council from time to time fixes, not exceeding half the amount that would be payable to him under section 69 of the principal Act if the county borough were a county and he were the County Chairman, but no alteration in the amount of that allowance shall take effect during the term of office of any Chairman:

Provided that where the Chairman of the County Borough Council is also the County Chairman, the allowance payable to him as County Chairman together with the allowance payable to him as Chairman of the County Borough Council shall not exceed the maximum amount payable to him as County Chairman as specified in section 69 of the principal Act.

(2) For the purposes of this section, a person re-elected as Chairman shall be deemed to be a new Chairman.

77. Remuneration of members of County Borough Council—The County Council may pay to each member of a County Borough Council remuneration at the rate of three dollars in respect of each meeting of the County Borough Council attended by him:

Provided that the total amount that may be paid under this section to any member in any financial year shall not exceed one hundred and fifty-six dollars:

Provided also that no remuneration may be paid to the Chairman of a County Borough Council under this section if an allowance is for the time being payable to him under section 76 of this Act.

Representation of County Borough on County Council

78. Representation of county borough on County Council—(1) By the special order constituting a county borough, the County Council may fix the number of members of the County Council to represent the riding comprising the county borough, and for that purpose the County Council shall take into account the matters specified in section 35 of the principal Act as if the representation of that riding were being adjusted under that section.

Struck Out

(2) Notwithstanding anything in the principal Act or in the Local Elections and Polls Act 1966, the following provisions shall apply with respect to the members of the County Council representing a riding which is a county borough, namely:

(a) If there is one Councillor only for that riding, the Chairman for the time being of the County Borough Council shall, by virtue of his office, be the member of the County Council representing that riding:

(b) If there are two or more Councillors for that riding, the Chairman for the time being of the County Borough Council shall, by virtue of his office, be one of the members of the County Council representing that riding, and the other member or members of the County Council representing that riding shall be elected by the County Borough Council from among its members.

New

(2) Notwithstanding anything in the principal Act or in the Local Elections and Polls Act 1966, the member or members of the County Council representing a riding which is a county borough shall be elected by the County Borough Council from among its members.

(3) The member or members of the County Council to be elected by the County Borough Council pursuant to subsection (2) of this section shall be elected by the County Borough Council as follows:

(a) The first election shall be held at the first meeting of the County Borough Council:

(b) Subsequent elections shall be held at the first meeting of the County Borough Council following a general election of the County Council:

(c) Any vacancy in the office of any such elected member shall be filled by the election by the County Borough Council of one of its members to fill the vacancy:

Provided that, where any such vacancy occurs within six months before the date fixed for the next triennial general election, the County Council may, by resolution, determine that the vacancy shall not be filled.

New

(3A) If any member of the County Council elected by the County Borough Council pursuant to subsection (2) of this section ceases to be a member of the County Borough Council, his office as a member of the County Council shall thereby be vacated.

(4) Notwithstanding anything in subsection (1) of section 33 of the principal Act, until the members of the County Council elected at the first general election of that Council following the constitution of any part of the county as a county borough come into office, the number of members of the County Council shall, in any case where before its constitution as a county borough that part was not a riding of the county, be increased by the number of members of the County Council representing that riding.

Development Works in County Borough

79. Development works—The provisions of sections 54 and 55 of this Act, as far as they are applicable and with the necessary modifications, shall apply with respect to a county borough, as if—

(a) Every reference in those sections to a county town were a reference to a county borough:

(b) The reference in paragraph (c) of subsection (2) of section 55 to the county town general rate were a reference to the county borough general rate.

Rates in County Borough

80. Rates in county borough—The provisions of sections 56 to 59 of this Act, as far as they are applicable and with the necessary modifications, shall apply with respect to a county borough, as if—

(a) Every reference in those sections to a county town were a reference to a county borough:

(b) Every reference in section 57 to a county town general rate were a reference to a county borough general rate:

(c) Every reference in section 57 to the County Town Account were a reference to the County Borough Account:

(d) For the words "the riding of which the county town forms part", wherever they occur in section 57, there were substituted in each case the words "the riding comprising the county borough".

General Provisions

81. Special orders under this Part—The provisions of section 60 of this Act, as far as they are applicable and with the necessary modifications, shall apply with respect to a county borough, as if—

(a) Every reference in that section to a county town were a reference to a county borough:

(b) For the words "section 46" in subsection (1) there were substituted the words "section 64 or paragraph (c) of subsection (2) of section 70":

(c) For the words "section 47" wherever they occur in subsection (2) there were substituted in each case the words "section 66".

82. Appointment to special bodies—The members of a County Borough Council shall be eligible for and may be appointed to any board, committee, tribunal, or other organisation or body to which any member of the County Council may be appointed.

83. References in other Acts to county towns and county town committees—Every reference to a county town or a county town committee in any other enactment in force at the passing of this Act shall, unless the context otherwise requires, be read after the passing of this Act as including a reference to a county borough or, as the case may be, a County Borough Council.

84. Application of Public Bodies Meetings Act 1962—Part I of the Schedule to the Public Bodies Meetings Act 1962 is hereby amended by repealing so much thereof as relates to County Councils and County Town Committees, and substituting, in the appropriate columns thereof, the following words:

"County Councils	1956, No. 64—The Counties Act 1956. (1957 Reprint, Vol. 2, p. 1101.)
County Town Committees County Borough Councils	1968, No. 00—The Counties Amendment Act 1968."

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