

2 *Municipal Corporations Amendment (No. 2)*

(2) Part I of this Act and the Schedule to this Act shall come into force on the 1st day of April 1974.

(3) Except as provided in subsection (2) of this section, this Act shall come into force on the date of its passing.

PART I

5

ACCOUNTING PROVISIONS

2. General revenues—The principal Act is hereby amended by repealing section 84, and substituting the following section:

“84. The general revenues of every district shall comprise—

“(a) All money received by way of grant from the Govern- 10
ment, or by appropriation of Parliament, or pursuant to any Act:

“(b) All fees, fines, forfeitures, tolls, levies, and other like sums whatsoever received under this or any other Act: 15

“(c) The proceeds of all rates made and levied by the Council under this or any other Act:

“(d) All rents and profits received from property of any kind vested in the Corporation:

Struck Out

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“(e) All money received on account of waterworks, electricity works, gasworks, transport services, cemeteries, crematoria, reserves, recreation grounds, houses, and public buildings and institutions: 25

New

“(e) All money received on account of undertakings of the Council that the Council is authorised to carry on pursuant to any Act:

“(f) All money received by way of loan otherwise than under the Local Authorities Loans Act 1956: 30

“(g) All money received by way of subscription or voluntary contribution:

“(h) All money received and held by the Council by way of deposit or in trust for any person or any special purpose: 35

“(i) All other money which may become the property of the Corporation or of the Council.”

3. Financial records—The principal Act is hereby further amended by repealing section 127, and substituting the following section: 40

“127. (1) The Council shall keep such financial records and keep them in such manner as may be prescribed by regulations made under section 145 of this Act, and shall enter therein full and correct details of all money received and expended by it, and shall, in particular, keep such records as are necessary for the preparation of a statement of accounts comprising—

“(a) Administrative Accounts and Works and Services Accounts, which shall be credited with all money, excluding general and separate rates and general appropriations, raised or levied for or appropriated or allocated pursuant to any Act or by resolution of the Council to any account for an activity or a purpose carried on by the Council, and shall be debited with expenditure properly chargeable against those accounts:

“Provided that there shall be an administrative account to be called the General and Separate Rates and General Appropriations Account, which shall be credited with general and separate rates and general appropriations, and shall be debited with expenditure properly chargeable against that account:

“(b) Accounts established in accordance with section 143 of this Act, the Local Authorities Loans Act 1956, any trust deed, or any other enactment, deed, or provision, which shall be credited with all money raised or levied for, or appropriated or allocated pursuant to any Act or by resolution of the Council to, or held in trust or received for, any special purpose, and shall be debited with so much of each individual sum as is allocated to an Administrative Account or a Works and Services Account to meet expenditure therein recorded properly payable by the fund:

“(c) Operations Accounts of the revenue and expenditure of each trading activity carried on by the Council.

“(2) Where a separate rate has been levied for a particular separate work, there shall be allocated from the proceeds of that rate an amount equal to the expenditure incurred for the purpose for which the rate was levied, reduced by that amount which is financed from special funds or other sources of revenue or appropriations from the General and Separate Rates and General Appropriations Account.

There shall be allocated to the Administrative and Works and Services Accounts sufficient of the general

4 *Municipal Corporations Amendment (No. 2)*

rate and general appropriation to equal the expenditure incurred for purposes for which no separate rate was levied, or equal to the amount by which the proceeds of any separate rate levied for the work were insufficient, reduced by that amount which is financed from special funds or other sources of revenue. 5

New

“(2A) The Council may from time to time appropriate to the General and Separate Rates and General Appropriations Account any cash surplus remaining to the credit of any activity account. 10

“(3) The decision of the Audit Office as to whether or not any expenditure is properly chargeable against any such account shall be final.

“(4) Without limiting the accounts that may be provided for in regulations made pursuant to section 145 of this Act, provision shall be made in those regulations for an Administration Account and a Housing and Property Account.” 15

4. Allocation of administration costs—The principal Act is hereby further amended by repealing section 141, and substituting the following section: 20

“141. (1) Unless the Audit Office otherwise directs, the Council shall annually allocate to the Administration Account from each Works and Services Account kept by it such sum as in the opinion of the Council represents the proportionate part attributable to that account of the amount charged to the Administration Account in respect of any payment to any sick-benefit society that may be established by its employees or to any fire insurance or accident fund that may be established by the Council. 25 30

“(2) The Council may in like manner so allocate to the Administration Account a proportionate part of the office, clerical, legal, and other expenses of the Council of any nature whatsoever.

“(3) If the Audit Office considers that any sum so allocated to the Administration Account is excessive or insufficient, or that no sum should be allocated from any particular account, the Council shall forthwith re-allocate from the Administration Account the whole, or so much thereof as the Audit Office directs, of the sum allocated from that account, or, as the case may require, shall allocate to the Administration Account from the particular account such sum as the Audit Office directs.” 35 40

5. Proceeds of sale or lease of building allotments—Section 336 of the principal Act is hereby amended—

- 5 (a) By omitting from subsection (1) the words “a separate account to be known as the Land Subdivision Account”, and substituting the words “the Housing and Property Account”:
(b) By repealing subsection (2).

6. Proceeds of sale or lease of land purchased and developed for commercial or industrial purposes—Section 365A of the principal Act (as inserted by section 31 of the Municipal Corporations Amendment Act 1964) is hereby amended by repealing subsection (6), and substituting the following subsection:

- 15 “(6) All money received by the Council on the sale or lease of land purchased under this section shall be paid by the Council into the Housing and Property Account.”

7. Consequential amendments and repeals—(1) The principal Act is hereby further amended in the manner indicated in the First Schedule to this Act.

- 20 (2) The following enactments are hereby repealed:
(a) So much of the Second Schedule to the Local Authorities Loans Act 1956 as relates to the principal Act:
(b) Section 27 of the Municipal Corporations Amendment Act 1959:
25 (c) Section 9 of the Municipal Corporations Amendment Act 1964:
(d) Sections 12 and 27 of the Municipal Corporations Amendment Act 1968.

PART II

30 MISCELLANEOUS AMENDMENTS

8. District electors list—(1) Section 29 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

- 35 “(1) On or before the 30th day of June in every year in which a general election of the Council is to be held, the Town Clerk of the district shall, in the prescribed manner and form, make out a list, to be called ‘the district electors list’, setting forth the name, occupation, address, and qualification of every person, male or female, of or over the age of
40 20 years who possesses either of the following qualifications:
“(a) A rating qualification, meaning thereby that he is the person whose name appears for the time being in

the 'Occupiers' column in the valuation roll in respect of any rateable property in the ward or undivided borough or town district to which the list relates:

"(b) A residential qualification, meaning thereby that he 5
has resided for 1 year in New Zealand and has resided in the district during the 3 months then last past and is a British subject or has the status of a British subject or is an Irish citizen. For the purposes of this paragraph a person shall be deemed 10
to reside in the place in which he has his permanent home."

(2) The principal Act is hereby consequentially amended—

(a) By omitting from subsection (2) of section 29 the words "paragraph (c)", and substituting the words 15
"paragraph (b)":

(b) By omitting from section 30 the words "freehold or":

(c) By repealing subsection (3) of section 31:

(d) By omitting from subsection (5) of section 31 the 20
words "subsection (3) or":

(e) By omitting from section 93A (as enacted by section 7 of the Municipal Corporations Amendment Act 1959) the words "freehold or".

(3) The First Schedule to the Local Elections and Polls 25
Amendment Act 1970 is hereby consequentially amended by repealing so much thereof as relates to the principal Act.

(4) Not later than the 30th day of June 1974, the Town Clerk shall take all reasonable steps to inquire of every 30
person who is shown in the district electors' roll in force immediately before that date as possessing a freehold qualification under paragraph (a) of subsection (1) of section 29 of the principal Act (as in force immediately before the commencement of this section) whether he possesses a residential qualification under paragraph (b) 35
of subsection (1) of section 29 of the principal Act (as substituted by subsection (1) of this section), and, if that person possesses such a residential qualification, shall under the provisions of and in the manner prescribed by section 29 of the principal Act (as amended by this section) enter 40
the name of that person in the district electors' list required to be prepared on or before the 30th day of June 1974 as possessing such a qualification.

(5) Notwithstanding anything in subsections (1) to (4) 45
of this section, the provisions of section 29 of the principal Act shall continue to apply, as if those subsections had not

been enacted, for the purposes of any election to fill an extraordinary vacancy on the Council or in the office of Mayor and of any poll, if that election or poll is held before the date of the next triennial general election of
5 members of the Council held after the commencement of this section.

9. Annual allowance to Mayor—Section 45 of the principal Act is hereby amended by adding the following subsections:

“(3) The Governor-General may from time to time, by
10 Order in Council, amend subsection (1) of this section—

“(a) By substituting any population figure for any population figure specified in that subsection:

“(b) By substituting any maximum allowance for any maximum allowance specified in that subsection.

15 “(4) Notwithstanding anything in subsection (1) of this section, where as a result of any amendment to that subsection made by an Order in Council under subsection (3) of this section the maximum allowance that may be paid to the Mayor of any borough is increased, the allowance of the
20 Mayor of that borough who is in office on the date on which that amendment comes into force may, by resolution of the Council passed within 6 months after that date, be increased once during his term of office.”

10. How money to be withdrawn from bank—Section 87
25 of the principal Act (as substituted by section 5 (1) of the Municipal Corporations Amendment Act 1964) is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) All money shall be paid by the Corporation in cash,
30 or by cheque or other instrument signed by the Treasurer or the Deputy Treasurer or any other officer of the Council whom the Council, by resolution, from time to time appoints for the purpose of signing cheques and instruments, and countersigned in each case by any Councillor
35 whom the Council from time to time authorises to sign cheques and instruments:

“Provided that it shall be lawful in the case of any city, and with the prior consent of the Audit Office in any other case, for any money to be paid by the Corporation by
40 cheque or other instrument signed as aforesaid and countersigned by any officer of the Council whom the Council, by resolution, from time to time appoints for that purpose.”

11. Separate rate for sanitation purposes—Section 102 of the principal Act is hereby amended by inserting, after subsection (3), the following subsections:

“(3A) Where in any year any such service to any land or building is commenced after an annual rate or fee in respect of that service has been levied, the Council may require payment by the ratepayer of such part of the rate or fee as is proportionate to the unexpired portion of the year, and the ratepayer shall be liable accordingly. 5

“(3B) Where any such service is supplied to a new building not valued in the valuation roll then in force, the valuer for the time being of the Council, under the Rating Act 1967, shall by writing under his hand fix for the purposes of any sanitation rate made and levied by the Council the value of the rateable property on which the building is erected, and the value so fixed shall be deemed to be the rateable value of the property for the purposes of that rate until a new rateable value of the property is entered on the valuation roll under the provisions of the Valuation of Land Act 1951 or, as the case may be, the Rating Act 1967. The Valuer-General may, if he so agrees, be appointed as the valuer for the purposes of this subsection.” 10 15 20

12. Drainage rate—Section 103 of the principal Act (as substituted by section 7 (1) of the Municipal Corporations Amendment Act 1968) is hereby amended by inserting, after subsection (3), the following subsections: 25

“(3A) Where in any year any land or building is connected, either directly or through a private drain, to a public drain after an annual rate or charge in respect of drainage has been levied, the Council may require payment by the ratepayer of such part of the rate or charge as is proportionate to the unexpired portion of the year, and the ratepayer shall be liable accordingly. 30

“(3B) Where any such connection is supplied to a new building not valued in the valuation roll then in force, the valuer for the time being of the Council, under the Rating Act 1967, shall by writing under his hand fix for the purposes of any drainage rate made and levied by the Council the value of the rateable property on which the building is erected, and the value so fixed shall be the rateable value of the property for the purposes of that rate until a new rateable value of the property is entered on the valuation roll under the provisions of the Valuation of Land Act 1951 or, as the case may be, the Rating Act 1967. The Valuer-General may, if he so agrees, be appointed as the valuer for the purposes of this subsection.” 35 40 45

13. **Consolidated special rates**—Section 108A of the principal Act (as inserted by section 10 (1) of the Municipal Corporations Amendment Act 1959) is hereby amended by omitting from subsection (1) the words “the whole district
5 (in this section referred to as a consolidated special rate) on all rateable property within the district”, and substituting the words “the whole district or any defined portion or portions thereof (in this section referred to as a consolidated special rate) on all rateable property within the district or,
10 as the case may be, within the defined portion or portions thereof”.

14. **Remuneration of Councillors**—(1) The principal Act is hereby further amended by repealing section 114A (as inserted by section 3 (1) of the Municipal Corporations
15 Amendment Act 1962), and substituting the following section:

“114A. The Council may pay to each Councillor, not being the Mayor of a borough or the Chairman of a town district, in respect of each meeting of the Council or of any committee thereof attended by him, remuneration at a rate fixed by the
20 Council, not exceeding—

“(a) In the case of a Councillor who is the Chairman of any committee of the Council (not being an acting Chairman), \$8 in respect of each meeting of that committee attended by him as Chairman thereof
25 and \$5 in respect of every other meeting of that committee or of the Council or of any other committee thereof attended by him:

“Provided that the total amount that may be paid under this paragraph to any Councillor in any financial year shall not exceed \$416:
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“(b) In the case of any other Councillor, \$5 in respect of every meeting of the Council or of any committee thereof attended by him:

“Provided that the total amount that may be paid under this paragraph to any Councillor in any financial year shall not exceed \$260.”
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(2) The following enactments are hereby consequentially repealed:

(a) Section 3 of the Municipal Corporations Amendment Act 1962:
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(b) Section 3 of the Municipal Corporations Amendment Act 1970:

(c) Section 8 of the Municipal Corporations Amendment Act 1971.

Struck Out

15. Council may establish special funds—Section 143 of the principal Act (as substituted by section 3 of the Municipal Corporations Amendment Act 1972) is hereby amended by inserting in subsection (5), after the words “no longer attainable”, the words “or the purposes for which the fund was established are no longer to be carried out or are not likely to be carried out”. 5

New

15. Council may establish special funds—Section 143 of the principal Act (as substituted by section 3 of the Municipal Corporations Amendment Act 1972) is hereby amended by repealing subsection (5), and substituting the following subsection: 10

“(5) On the completion of the purposes for which any such fund was established, or when in the opinion of the Council with the concurrence of the Audit Office the circumstances are such that it is unnecessary to retain the whole of the fund or the whole or any part of the surplus of the fund, the Council may, by resolution, appropriate the fund or, as the case may be, the whole or any part of that surplus to the General and Separate Rates and General Appropriations Account.” 15 20

Struck Out

16. Council may require removal of scrub, etc., likely to constitute a fire hazard—Section 267 of the principal Act is hereby amended by omitting from subsection (1) the words “The Council may, by notice in writing under the hand of the Mayor or Chairman, as the case may be, or the Town Clerk”, and substituting the words “The Town Clerk or other officer authorised by the Council may, by notice in writing”. 25 30

New

16. Council may require removal of scrub, etc., likely to constitute a fire hazard—Section 267 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection: 35

“(1) The Town Clerk or other officer authorised by the Council may, by notice in writing, require the occupier or, in any case where there is no occupier, the owner of any land within the district to cut down or otherwise eradicate and to remove any broom, gorse, scrub, weeds, undergrowth, dry grass, or other grass on that land, whether standing or growing or not, which in the opinion of the Town Clerk or other officer is or is likely to become a source of danger from fire.” 40 45

17. Powers of Council in relation to public recreation and instruction—(1) Section 305 of the principal Act is hereby amended by repealing subsections (1A), (1B), and (1C) (as inserted by section 18 (1) of the Municipal Corporations Amendment Act 1964), and substituting the following subsections:

“(1A) Without limiting the powers conferred on the Council by subsection (1) of this section, that subsection shall confer power on the Council to establish and maintain cabins, huts, and motels, and conveniences and amenities for use by persons occupying those cabins, huts, or motels, on any camping ground that is on land held by the Council for the purposes of a pleasure ground.

“(1B) Without limiting the generality of subsection (1A) of this section, the powers conferred by that subsection shall include power for the Council to provide or hire to or for the use of persons occupying any cabin, hut, or motel—

“(a) Toilet, kitchen, or bathroom facilities, for the exclusive use of the occupants of that cabin, hut, or motel, or for the use of those occupants in common with the occupants of other cabins, huts, or motels on the camping ground or persons occupying camping sites on the camping ground:

“(b) Services of a direct personal nature, whether by way of meals or food or otherwise:

“(c) Linen, blankets, crockery, cutlery, or cooking utensils.”

(2) Section 18 of the Municipal Corporations Amendment Act 1964 is hereby consequentially repealed.

18. Inspection of licensed buildings—Section 312 of the principal Act is hereby amended—

(a) By omitting from subsection (1) the words “in the case of any part of any district that is included in the district of an Urban Fire Authority, the Chief Fire Officer and any other officer appointed in that behalf by the Chief Fire Officer”, and substituting the words “any member of the fire service established under the Fire Services Act 1972 authorised to undertake fire safety inspections”:

(b) By omitting from subsection (2) the words “the Chief Fire Officer, or any other officer”, and substituting the words “or other person or member of the fire service”.

19. Passages in and exits from licensed public buildings to be kept clear—Section 313 of the principal Act is hereby amended—

- (a) By omitting from subsection (1) the words “ the Chief Fire Officer, or any person authorised in that behalf by either of them”, and substituting the words “or any person authorised in that behalf by him, or a member of the fire service established under the Fire Services Act 1972 authorised to undertake fire safety inspections”:
- (b) By omitting from subsection (2) the words “Chief Fire Officer or other person as aforesaid”, and substituting the words “or other person or member of the fire service as aforesaid”.

20. Cancellation or suspension of licence for public building—Section 315 of the principal Act is hereby amended by inserting in subsection (1), after the words “in case of fire”, the words “or is being used in breach of the provisions of subsection (1) of section 313 of this Act or of any condition of the licence”.

21. Council may acquire land for housing—The principal Act is hereby further amended by repealing section 327, and substituting the following section:

“327 (1) The Council may from time to time purchase any area or areas of land, whether within or outside the district, for housing purposes.

“(2) The Council may from time to time take or otherwise acquire under the Public Works Act 1928 any area or areas of land within the district for housing purposes.

“(3) Subject to the provisions of section 18 of the Public Works Act 1928, land may be purchased or taken or otherwise acquired under this section whether or not there are buildings on the land.”

22. Powers of Council when plan submitted for approval—

(1) Section 351A of the principal Act (as enacted by section 28 (1) of the Municipal Corporations Act 1959) is hereby amended by repealing subparagraph (i) of paragraph (c) of subsection (1), and substituting the following subparagraph:

“(i) The owner make provision or further or other provision for the construction of streets or the making of reserves or the planting of trees or shrubs; or”.

New

“351CA. (1) Where under section 351A (1) of this Act the Council requires that provision be made for the planting of trees or shrubs or for the preservation of the natural landscape, trees, areas of trees or bush, or buildings or sites of historic or archeological interest, the Council may require the owner to enter into a bond for the payment by him to the Council of an amount determined by the Council in the event of the owner failing to comply with the Council’s requirements.”

“(2) Every bond under this section shall be deemed to create an interest in land for the purposes of section 137 of the Land Transfer Act 1952, and shall be deemed to be a covenant running with the land and shall bind subsequent owners accordingly.”

23. Council may purchase and develop land for commercial or industrial purposes—(1) Section 365A of the principal Act (as inserted by section 31 of the Municipal Corporations Amendment Act 1964) is hereby amended by repealing the proviso to subsection (2).

(2) Section 365A of the principal Act (as so inserted) is hereby further amended by repealing subsection (7A) (as inserted by section 35 of the Municipal Corporations Amendment Act 1968), and substituting the following subsection:

“(7A) The provisions of subsections (3) to (7) of this section shall apply with respect to any land owned for the time being by the Corporation for the general purposes of the district and not for any particular purpose, as if the land had been purchased under the provisions of subsection (2) of this section.”

(3) Section 35 of the Municipal Corporations Amendment Act 1968 is hereby consequentially repealed.

24. Metric conversions of bylaws—(1) Notwithstanding anything in section 392 of the principal Act or in any other Act, the Council may, by resolution, amend any bylaw made by the Council under the principal Act or any other Act by converting into its metric equivalent or near metric equivalent any Imperial weight or measure specified in the bylaw;

5 Provided that where under this subsection any Imperial weight or measure is converted into its near metric equivalent, no person shall be subject to any liability which is greater than that to which he would have been subject if the weight or measure had been converted into its metric equivalent.

(2) For the purposes of this section—

10 (a) The metric equivalent of any Imperial weight or measure shall be that shown in respect of that weight or measure in New Zealand Standard Specification NZS 6502 : 1972:

15 (b) Any metric weight or measure shall be deemed to be a near equivalent of an Imperial weight or measure if it does not differ by more than 10 percent from the metric equivalent of that Imperial weight or measure.

(3) Notwithstanding anything in subsection (1) of this section, anything done before the coming into force of any amendment made to any bylaw pursuant to that subsection 20 which was valid when it was done shall not be invalidated by reason of that amendment.

(4) Notwithstanding anything in the principal Act or any other Act, where under any provision of the principal Act or of any other Act any bylaw made by the Council does not 25 have effect unless it is consented to or approved by any Minister, any amendment of that bylaw duly made pursuant to subsection (1) of this section shall have effect according to its tenor, and the consent or approval of that Minister to the amendment shall not be necessary.

30 (5) Where under any provision of the principal Act or of any other Act any bylaw made by the Council does not have effect unless it is consented to or approved by any Minister, any bylaw amending that bylaw by converting any Imperial weight or measure into a metric weight or measure shall have 35 effect, according to its tenor, without the consent or approval of that Minister, if the conversion is made in accordance with a scale of conversion recommended in any publication of the Standards Association of New Zealand that has been approved, so far as it relates to the recommended scale of 40 conversion of that Imperial weight or measure, by that Minister by notice in the *Gazette*.

SCHEDULE

AMENDMENTS OF PRINCIPAL ACT

Section 7 (1)

Section or Part Amended	Amendment
Section 45	By omitting from subsection (1) (as substituted by section 2 (1) of the Municipal Corporations Amendment Act 1970) the words "out of the district fund".
Section 48	By omitting from subsection (1) the words "out of the District Fund".
Part VIII	By omitting the heading to this Part, and substituting the following heading: "GENERAL REVENUES".
Section 86	By repealing subsection (3), and substituting the following subsection: "(3) Except as provided in the Local Authorities Loans Act 1956 in respect of money raised by way of special loan and <u>except in the case of special funds established under section 143 of this Act</u> , all money comprising general revenues of the district shall be paid into an account at the bank to be called 'the General Bank Account'."
Section 120c (as inserted by section 8 of the Municipal Corporations Amendment Act 1968)	By omitting from subsection (1) the words "separate bank account", and substituting the words "special fund account". By omitting from subsection (3) the words "District Fund Account of the Council to the credit of the General Account", and substituting the words "General Bank Account to the credit of the General and Separate Rates and General Appropriations Account".
Section 121	By omitting from paragraph (b) of subsection (1) the words "District Fund", and substituting the words "general revenues of the district".
Section 123	By omitting from the second proviso the words "General Account", and substituting the words "General and Separate Rates and General Appropriations Account".
Section 140	By omitting from subsection (5) the words "Profit and Loss Account", and substituting the words "Operations Account".
Section 142	By repealing this section. <i>Struck Out</i>
Section 143 (as substituted by section 3 of the Municipal Corporations Amendment Act 1972)	By omitting from subsection (5) the words "General Account", and substituting the words "General and Separate Rates and General Appropriations Account".

SCHEDULE—*continued*

AMENDMENTS OF PRINCIPAL ACT—*continued*

Section or Part Amended	Amendment
Section 177B (as inserted by section 5 of the Municipal Corporations Amendment Act 1959)	By omitting from subsection (3) and also from subsection (4) the words "General Account", and substituting in each case the words "general revenues of the district".
Section 178c (as inserted by section 19 of the Municipal Corporations Amendment Act 1971)	By omitting from subsection (5) and also from subsection (6) the words "General Account", and substituting in each case the words "general revenues of the district".
Section 294	By omitting the words "District Fund", and substituting the words "general revenues of the district".
Section 339	By omitting from subsection (3) the words "General Account", and substituting the words "general revenues of the district". By omitting from subsection (4) the words "to the General Account any money paid thereout", and substituting the words "general revenues expended by the Council".
Section 351c (as substituted by section 26 (1) of the Municipal Corporations Amendment Act 1964)	By omitting from subsection (4) the words "paid into a separate account", and substituting the words "credited to a special fund account".