

**Reprint
as at 1 October 2019**



Vincent County Empowering (Community Centres) Act 1970

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

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An Act to empower the Vincent County Council to establish and maintain community centres within the County of Vincent, to raise and expend loans for such purpose, and to strike a rate or levy to cover the costs incidental to such establishment and maintenance and to strike a rate or levy to enable the Vincent County Council to contribute towards the cost of establishing and maintaining community centres outside the County of Vincent from which residents of the County of Vincent are likely to derive benefit

Preamble

Whereas there are vested in the Vincent County Council certain community centres which have been provided for the social, cultural, recreational, and educational needs of residents of the county:

And whereas, to meet the requirements of other residents of the county, it may be necessary to provide additional facilities of the above nature:

And whereas it is expedient that the Vincent County Council should be empowered to take steps towards the maintenance of such existing facilities, and towards the provision and maintenance of any such additional facilities, as Council may think necessary to that end:

And whereas some residents of the County of Vincent are likely to derive benefit from community centres to be established by adjoining local authorities in the future:

And whereas it is expedient that the Vincent County Council should be empowered to contribute towards the cost of establishing and maintaining such community centres:

And whereas, under existing legislation, it is not possible for the Council to provide and maintain such facilities as aforesaid within the County of Vincent, or to contribute towards the cost of establishing and maintaining such facilities to be established by adjoining local authorities from which residents of the County of Vincent are likely to derive benefit, without disproportionate financial obligation being imposed on certain of the ratepayers in the county.

1 Short Title

This Act may be cited as the Vincent County Empowering (Community Centres) Act 1970.

2 Interpretation

In this Act, unless the context otherwise requires,—

community centre means any facility or group of facilities for social, recreational, cultural, or educational purposes, or for the physical or intellectual well-

being and enjoyment of the residents of the County of Vincent or of any group or section of them, whether alone or together with other persons

Council means the Vincent County Council; and includes the Corporation of the County of Vincent

district means a part of the County of Vincent declared by the Council pursuant to this Act to be a community centre district for the purposes of this Act

dwelling unit means any building or part of a building which is designed, built, rented, leased, let, or hired to be occupied, or which is occupied, as a residence for a single family (including 1 person, or 2 or more persons as an individual group) with or without a common right to the use of entrances, passages, stairways, or open spaces; and, where necessary, includes a combination of parts of a building or of 2 or more buildings or the parts thereof

voluntary organisation means a voluntary organisation within the meaning of the Physical Welfare and Recreation Act 1937; and also includes any body of persons, whether incorporated or not, whose objects or one of whose principal objects is to promote, encourage, or control interest and participation in any branch of social, cultural, recreational, or educational activities.

3 Council may provide for community centres within the County of Vincent and may contribute towards the establishment and maintenance of community centres outside county area

- (1) In addition to the powers conferred upon the Council by the Counties Act 1956 and by the Physical Welfare and Recreation Act 1937, the Council may make such provision for community centres within the County of Vincent as the Council may from time to time determine, and for that purpose may—
 - (a) purchase, take on lease, or otherwise acquire any land of any estate; and
 - (b) erect, purchase, hire, lease, or otherwise acquire or obtain the use of buildings; and
 - (c) provide, install, and maintain equipment, apparatus, and facilities; and
 - (d) maintain, operate, improve, enlarge, or develop any community centre or any such building, land, equipment, apparatus, or facilities.
- (2) Where, in the opinion of the Council, residents of the County of Vincent are using or deriving benefit from or are likely to use or derive benefit from a community centre established or to be established outside the County of Vincent by an adjoining local authority then and in such case, and in addition to the powers conferred upon it by the Counties Act 1956 and the Physical Welfare and Recreation Act 1937, the Council may make such contribution or contributions as it may from time to time determine towards the cost of the exercise by that local authority in respect of that community centre of any of the powers mentioned in paragraphs (a) to (d) of subsection (1).

4 Community centre districts

- (1) The Council may, by special order made pursuant to section 87 of the Counties Act 1956, declare any part of the County of Vincent to be a district for the purposes of this Act.
- (2) Such special order shall state with reasonable particularity the boundaries of a district by reference to survey lines or descriptions, roads or streets, or by such other method as the Council may deem adequate, and shall refer to a plan of the district, which shall be exhibited in the offices of the Council for the period between the special meeting called to pass the special order and the meeting called to confirm the same. A copy of the plan shall also be exhibited for the same period in an office or other suitable place situated in the proposed district and open to the public for a reasonable time on each day on which the offices of the Council are open to the public.
- (3) The Council may at any time and from time to time, by special order, abolish any district so created, or extend, reduce, alter, amend, or modify the boundaries of any district, or amalgamate 2 or more districts, and the provisions of subsections (1) and (2) shall apply with the necessary modifications.

5 Committees

- (1) The Council may in its discretion place the control and management of any community centre in a committee.
- (2) Any such committee shall be comprised of the councillor for the riding of the county in which the community centre is situated, together with not more than 6 members who may or may not be councillors:
provided that the Council may in its discretion, in lieu of appointing a committee as above, appoint a county town committee to have control and management of a community centre in or adjacent to the county town.
- (3) The Council, and any committee with the approval of the Council, may form a district committee for each community centre for the purpose of assisting in an advisory and supervisory capacity in the conduct and administration of the community centre. Any such district committee shall have no power to bind the committee or the Council in respect of the control and administration of the community centre, but shall be subject in all things to the jurisdiction and direction of the committee or the Council.
- (4) Members of a district committee, and members of committees other than councillors, shall, if they live in the County of Vincent, be residents of the community centre district in which the committee or district committee is involved, and any person including a member of the Council may be a member of a committee and of a district committee.
- (5) Prior to appointing members other than councillors to a committee, or forming a district committee, the Council or a committee may, but shall not be bound to, request nominations from a public meeting or from voluntary organisations

within the district or by advertisement or otherwise, as the Council may direct, and shall not be bound to make appointments or form committees solely from any such nominations.

- (6) The provisions of sections 71 to 75 of the Counties Act 1956 shall, with the necessary modifications, apply to any committee or district committee appointed or formed under this section.
- (7) The provisions of this section shall apply only in respect of community centres established or to be established within the County of Vincent.

6 Management of community centres outside the County of Vincent

- (1) It shall not be lawful for the Council to contribute towards the establishment and maintenance of a community centre outside the County of Vincent in pursuance of the provisions of subsection (2) of section 3 unless the Council is represented by not less than 1 Council member or nominee on any body set up either by the relevant adjoining local authority or otherwise to control and manage that community centre.
- (2) Any such nominee shall be a resident of the County of Vincent who uses or derives benefit from, or is likely to use or derive benefit from, the community centre.

7 General powers of Council in relation to community centres

- (1) The powers conferred upon the Council by sections 12 and 13 of the Physical Welfare and Recreation Act 1937 shall extend to and include, and be deemed to extend to and include, the expenditure of money upon and the raising of loans for the construction, maintenance, repair, development, control, and administration of a community centre and the provision of facilities and equipment for the same.
- (2) Section 319 of the Counties Act 1956, shall, with the necessary modifications, apply to a community centre established under this Act.
- (3) The provision of a community centre, including the acquisition of land of any estate for such purpose, shall be deemed a public work within the meaning of the Public Works Act 1981.

Section 7(3): amended, on 1 February 1982, pursuant to section 248(1) of the Public Works Act 1981 (1981 No 35).

8 Finance

The Council may from time to time, out of its ordinary funds, make such contributions for the provision, conduct, or maintenance of community centres as it may think fit.

9 Annual fee payable by occupier

- (1) For the purpose of providing the whole or part of the costs (including loan charges) of the construction, maintenance, equipment, and administration of

any community centre established or to be established under this Act or otherwise where, in the opinion of the Council, residents of the County of Vincent are deriving or are likely to derive benefit, the Council may, by special order, subject to the provisions of this section, make and levy a uniform annual fee to be paid by the occupier, as defined by the Counties Act 1956, of each dwelling unit situated within the district, but in no case shall the amount of the fee exceed in any year the sum of \$6 in respect of any dwelling unit.

- (2) The amount of such annual fee as aforesaid shall be recoverable as a debt due to the Council by the occupier.
- (3) The power conferred by this section to make and levy a uniform annual fee may be exercised by the Council upon a petition signed by a majority of the occupiers, as defined by the Counties Act 1956, of the dwelling units in the district in which the annual fee is to be levied, or, in the discretion of the Council, may be exercised without any such petition:

provided that, where the Council proposes to exercise that power without any petition, a poll of occupiers, as defined by the Counties Act 1956, of the dwelling units in the district shall be taken on the proposal to make and levy the annual fee where—

- (a) not less than 5% of the said occupiers 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 make and levy the annual fee, demand that a poll of the aforesaid occupiers of the district be taken on the proposal; or
- (b) the Council so resolves—

and the annual fee shall not be made and levied unless a majority of the valid votes recorded at the poll are in favour of the proposal. Every such poll shall be held and taken by the Council in the manner provided by the Local Elections and Polls Act 1976, and the provisions of that Act, shall, as far as they are applicable, apply in respect of every such poll.

- (4) Notice of the right to demand a poll pursuant to paragraph (a) of the proviso to subsection (3) shall be included in the public notice required to be given by paragraph (c) of section 87 of the Counties Act 1956.

Section 9(3) proviso: amended, on 1 April 1977, pursuant to section 124(1) of the Local Elections and Polls Act 1976 (1976 No 144).

10 Annual charge on certain rateable property

Notwithstanding anything in section 9, in any case where a uniform annual fee may be levied pursuant to that section to be paid by the occupier, as defined by the Counties Act 1956, of any dwelling unit erected on land which is rateable property, the Council may, instead of levying that uniform annual fee, levy upon such rateable property an annual charge which shall consist of a uniform annual charge in respect of each dwelling unit situated on that rateable property, and which shall for all purposes be deemed to be a separate rate:

provided that nothing in this section shall permit in any year of the uniform annual charge assessed in respect of each dwelling unit situated on any rateable property exceeding the uniform annual fee which is or may be levied in that year on any dwelling unit pursuant to the said section 9.

11 Payment of annual fee or annual charge in respect of dwelling units owned by Her Majesty the Queen

- (1) In the case of any dwelling unit owned by Her Majesty the Queen for the purposes of the Housing Act 1955 or for any other purpose, Kāinga Ora–Homes and Communities or any other Crown agency may pay to the Council the amount of the annual fee in respect of that dwelling unit or the amount of any annual charge that would be payable under section 10 in respect of that dwelling unit if it were erected on land which is rateable property.
- (2) In any such case as aforesaid Kāinga Ora–Homes and Communities or the other agency may, notwithstanding anything contained in the Residential Tenancies Act 1986, from time to time, on giving not less than 14 days' notice in writing to the tenant, increase the rent payable in respect of the dwelling unit by an amount equal to the annual fee or annual charge so payable, and on the expiry of the period of the notice the contract or agreement for the tenancy of the premises shall be deemed to be varied accordingly.

Section 11(1): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 11(2): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 11(2): amended, on 1 February 1987, pursuant to section 144(1) of the Residential Tenancies Act 1986 (1986 No 120).

12 Bylaws

In addition to the powers conferred upon the Council by section 401 of the Counties Act 1956, the Council may make such bylaws as it thinks fit for all or any of the following purposes in respect of a community centre:

- (a) regulating any of the subject matters of this Act:
- (b) protecting from damage, injury, or misappropriation any property, whether real or personal, belonging to the Council or any voluntary organisation participating in the conduct of a community centre:
- (c) regulating the use of community centres and the charges to be made in respect thereof:
- (d) the more effectual carrying out of the objects of this Act.

13 Community centre district deemed to be a defined part of the County

A district shall, for the purposes of the Local Authorities Loans Act 1956, be deemed to be a defined part of the County of Vincent.

Reprints notes

1 *General*

This is a reprint of the Vincent County Empowering (Community Centres) Act 1970 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Kāinga Ora—Homes and Communities Act 2019 (2019 No 50): section 33

Residential Tenancies Act 1986 (1986 No 120): section 144(1)

Public Works Act 1981 (1981 No 35): section 248(1)

Local Elections and Polls Act 1976 (1976 No 144): section 124(1)