



ANALYSIS

Title
1. Short Title

2. Validation of water charges, lighting
and library rates and confirma-
tion of differential general rates

 1977, No. 2—*Local*

An Act to validate certain water charges, lighting and library rates, and to confirm certain differential general rates made and levied by the Takapuna City Council [9 June 1977]

WHEREAS by Order in Council dated 22 July 1974 issued under the authority of the Local Government Commission Act 1967, and which came into force on 1 August 1974, the boundaries of the districts of the County of Waitemata and of the City of Takapuna were altered by the inclusion within the district of the City of Takapuna of two areas formerly comprising the Glenfield and Albany ridings of the County of Waitemata: And whereas one of the results of this alteration was that the district of the City of Takapuna thereupon comprised (and still comprises) three wards known as the Takapuna Ward, the Glenfield Ward and the Albany Ward: And whereas the Order in Council provided that the district of the City of Takapuna should be divided into these wards for purposes of representation and finance for a period of 10 years but that for financial purposes the provisions of the Municipal Corporations Act 1954 should apply to the wards for the period stated, in the same manner as if the ward divisions had been duly made under section 23 of that Act: And whereas the alteration of boundaries occurred during the rating year beginning 1 April 1974 and before either Waitemata County or Takapuna City had struck all the rates for

that year in respect of these wards: And whereas Takapuna City Council decided that in that year its 3 wards should individually be levied a separate charge for water purposes, that the Takapuna ward should be levied a separate rate for lighting purposes, and that the Takapuna and Glenfield wards should individually be levied a separate rate for library purposes as well: And whereas sections 118, 124 and 126 of the Counties Act 1956 respectively authorise the making and levying of a charge for water and a lighting rate and a library rate in respect of defined portions of the district of a county and not necessarily in respect of the whole of the district: And whereas the corresponding sections 95, 101 and 104 of the Municipal Corporations Act 1954 authorise the making and levying of these charges and rates in respect of the district of a municipality as a whole, and not in respect of any defined portion thereof: And whereas by inadvertence the Takapuna City Council has made and levied separate water charges and lighting and library rates in the 3 rating years beginning 1 April 1974 on a ward basis which it could have done had it been able to rely on the said provisions of the Counties Act 1956, but which it has been unable to do under the corresponding provisions of the Municipal Corporations Act 1954: And whereas the charges and rates as so made and levied have not been in any case a greater amount in the dollar than the Takapuna City Council was empowered to levy: And whereas it was also provided in the said Order in Council that the Takapuna City Council could, if it so resolved, for a period not exceeding 10 years apply, with the necessary modifications the provisions of sections 111A to 111o of the Counties Act 1956 in respect of the Glenfield and Albany wards as if such areas were within a county: And whereas in reliance on that authorisation the Council has made and levied differential general rates for the Albany ward for each of the 3 rating years beginning 1 April 1974: And whereas doubts have subsequently arisen as to whether the said Order in Council could apply the provisions of the Counties Act to the district of the Takapuna City Council being a municipality:

BE IT THEREFORE 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 Takapuna City Council (Rates Validation) Act 1977.

2. Validation of water charges, lighting and library rates and confirmation of differential general rates—Notwithstanding anything to the contrary in any other Act, it is hereby declared that the separate water charges, and lighting and library rates made and levied by the Takapuna City Council in each of the 3 years beginning 1 April 1974 are hereby validated, and that the action of the said Council in making and levying a differential general rate in the Albany ward over the like period is hereby confirmed.
