

**Reprint
as at 1 April 2008**



**Hawke's Bay Regional Council
(Surplus Funds Distribution)
Empowering Act 1999**

Local Act 1999 No 4
Date of assent 14 October 1999
Commencement see section 1(2)

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**An Act to authorise the Hawke's Bay Regional Council to
distribute surplus funds to its ratepayers and territorial
authorities within its region**

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

1 Short Title and commencement

- (1) This Act may be cited as the Hawke's Bay Regional Council (Surplus Funds Distribution) Empowering Act 1999.
- (2) This Act comes into force on the day after the date on which it receives the Royal assent.

2 Interpretation

- (1) In this Act, unless the context otherwise requires,—
actual payer means a person—
 - (a) who is not a ratepayer; and
 - (b) who, as determined by the Council, has paid rates made by the Council

Council means the Hawke's Bay Regional Council

ratepayer means a ratepayer as defined in section 11 of the Local Government (Rating) Act 2002

territorial authority means a territorial authority the district of which is wholly or partly in the Council's region.

- (2) Unless the context otherwise requires, terms used in this Act have the same meaning as in the Local Government Act 1974.

Section 2(1) **ratepayer**: substituted, on 1 July 2003, by section 137(1) of the Local Government (Rating) Act 2002 (2002 No 6).

3 Power to distribute surplus funds

- (1) The Council may, from time to time, resolve that funds of the Council are surplus funds and may be distributed under this Act.
- (2) A resolution under subsection (1) must identify the surplus funds.
- (3) Before distributing, under section 4, the surplus funds that the resolution relates to, the Council must comply with the special consultative procedure in section 716A of the Local Government Act 1974.
- (4) Subsection (3) is complied with if—
 - (a) the Council undertook consultation before this Act comes into force; and
 - (b) the consultation would have complied with subsection (3), had it been undertaken after this Act comes into force.

4 Manner of distribution

- (1) Some or all of the funds resolved to be surplus funds under section 3(1) may be distributed by the Council to the persons specified in 1 or more of the following paragraphs:
 - (a) all ratepayers:
 - (b) a group of ratepayers selected in such manner as the Council determines:
 - (c) 1 or more actual payers selected in such manner as the Council determines:
 - (d) 1 or more territorial authorities.
- (2) For the purposes of subsection (1), the Council may—
 - (a) determine the basis for allocating a distribution of surplus funds, including (without limitation) allocating surplus funds in proportion to the rateable value of properties:
 - (b) determine the manner of a distribution of surplus funds, including (without limitation) in satisfaction or part satisfaction of rates owing by ratepayers:
 - (c) determine, in relation to a rateable property with more than 1 ratepayer, which ratepayer or ratepayers are to receive the distribution of surplus funds in respect of the property:
 - (d) specify a date for determining the persons to whom a distribution of funds is to be made under this Act.
- (3) Funds must not be distributed under this Act to a territorial authority unless—
 - (a) the Council specifies the purposes to which the funds are to be applied; and
 - (b) the territorial authority agrees to apply the funds to those purposes.

5 Distribution not dutiable gift

- (1) A distribution of funds under this Act is not a dutiable gift for the purposes of the Estate and Gift Duties Act 1968.
- (2) Subsection (1) applies only to the extent that the distribution of funds does not exceed amounts received by the Council from dividends with imputation credits attached of the maximum amount that may be attached under sections OB 60 and 61 of the Income Tax Act 2007.

Section 5(2): amended, on 1 April 2008 (effective for 2008–09 income year and later), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Local Government (Rating) Act 2002

Public Act 2002 No 6
Date of assent 30 March 2002
Commencement see section 2

1 Title

This Act is the Local Government (Rating) Act 2002.

Part 1

Preliminary and key provisions

Subpart 1—Preliminary provisions

2 Commencement

- (1) Section 137(1), so far as it relates to the item relating to section 122ZAA of the Local Government Act 1974 in Schedule 5, comes into force on the day after the date on which this Act receives the Royal assent.
- (2) The following provisions come into force on the day after the date on which this Act receives the Royal assent, but only for the purpose of rating in a financial year that begins on or after 1 July 2003:
 - (a) section 11, so far as it relates to district valuation rolls; and
 - (b) section 137(1), so far as it relates to—
 - (i) Schedule 4; and
 - (ii) items relating to the Rating Valuations Regulations 1998 in Schedule 5.
- (3) The following provisions come into force on 30 April 2003:
 - (a) section 11, so far as it relates to rating information databases; and
 - (b) sections 27 to 36.
- (4) The rest of this Act comes into force on 1 July 2003.

Part 5
**Replacement of rates and miscellaneous
matters**

Subpart 2—Miscellaneous matters

*Amendments, savings, repeals of other
enactments, and transitional provisions*

137 Amendments to other enactments

- (1) The Acts and regulations specified in Schedules 4 and 5 are amended in the manner indicated in those schedules.
 - (2) However, those Acts and regulations continue in force as if they had not been amended to the extent necessary for the levying and collection of rates made or levied for the financial year ending on 30 June 2003 or a previous financial year.
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Notes

1 *General*

This is a reprint of the Hawke's Bay Regional Council (Surplus Funds Distribution) Empowering Act 1999. The reprint incorporates all the amendments to the Act as at 1 April 2008, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Income Tax Act 2007 (2007 No 97): section ZA 2(1)

Local Government (Rating) Act 2002 (2002 No 6): section 137(1)
