

Local Authorities Loans Amendment Act 1986

Public Act 1986 No 22
Date of assent 17 June 1986

Contents

		Page
	Title	2
1	Short Title	2
2	Interpretation	2
3	New sections relating to sanction of Board and consent of Minister substituted	2
	“12 No poll of electors to be taken or consent of electors to be obtained before Board’s sanction given	2
	“13 Result of poll or consent of electors to be notified to Minister for consent to raising of loan	3
	“14 Where consent of electors not required Board’s sanction to be notified to Minister for consent	3
4	Loan for benefit of part of district	4
5	Loan may be raised for several purposes	4
6	Raising of special loan pursuant to special order, with poll required in certain cases	4
7	When and how poll to be taken	5
8	Disputed polls	5
9	Special order and polls not necessary in certain cases	6
10	Raising special loan with written consent of electors	6
11	Consequential amendments to Local Government Act 1974	6
12	Consequential repeals	6
	Schedule	7
	Consequential Repeals in Acts Amending Local Authorities Loans Act 1956	

An Act to amend the Local Authorities Loans Act 1956 and other Acts in relation to polls

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 Local Authorities Loans Amendment Act 1986, and shall be read together with and deemed part of the Local Authorities Loans Act 1956 (hereinafter referred to as the principal Act).

2 Interpretation

- (1) Section 2 of the principal Act is hereby amended by inserting, after the definition of the term “Chairman”, the following definition:

“‘Elector’, in relation to any local authority or any district or part of a district of a local authority means a person who at the material time is qualified as an elector of that authority or that district or part of a district under any enactment relating to the local authority:”

- (2) Section 2 of the principal Act is hereby amended by repealing the definition of the term “ratepayer”.

3 New sections relating to sanction of Board and consent of Minister substituted

The principal Act is hereby amended by repealing sections 12, 13, and 14, and substituting the following sections:

“12 No poll of electors to be taken or consent of electors to be obtained before Board’s sanction given

- “(1) In any case where the authority of a local authority to borrow money is dependent upon a proposal to borrow being carried at a poll of electors or upon the consent of the electors to the raising of a loan being obtained under section 43 of this Act, the poll shall not be taken or, as the case may be, the consent of the electors shall not be obtained, unless and until the Board notifies the local authority of its sanction.

- “(2) The Board may require the local authority to give public notice in the prescribed manner of such of the Board’s statements with respect to the proposal as it thinks fit, and also to print any such statements on the face of the ballot paper to be used at the poll or, as the case may be, on the form of consent.

Compare: 1956, No. 63, s. 12

“13 Result of poll or consent of electors to be notified to Minister for consent to raising of loan

- “(1) Where the local authority, having obtained the sanction of the Board to the proposal, takes a poll of electors on a proposal to borrow money, the local authority shall notify the Board of the result of the poll.
- “(2) If the proposal is carried, the Board, on receipt of a notification in the form prescribed by regulations and signed by the Chairman or the principal administrative officer of the local authority to that effect, shall forthwith notify the result of the poll to the Minister and request the Minister’s consent to the raising of the loan.
- “(3) Except where pursuant to any enactment the loan may be raised without the prior consent of the electors, the Board shall, in any case where the consent of the electors is not required or demanded or resolved to be obtained in accordance with section 34(2) of this Act, on receipt of a notification in the prescribed form signed by the Chairman or the principal administrative officer of the local authority and stating that the special order to raise the loan has been duly made, forthwith notify the Minister accordingly and request the Minister’s consent to the raising of the loan.
- “(4) In the event of the consent of the electors being obtained under section 43 of this Act, the Board, on receipt of a notification to that effect in the prescribed form made by the Chairman or the principal administrative officer of the local authority, shall forthwith notify the Minister accordingly and request the Minister’s consent to the raising of the loan.
- “(5) If the Chairman or the principal administrative officer knowingly inserts, or causes or allows to be inserted,—
- “(a) In any notification under subsection (2) of this section, any false statement as to the number of votes recorded for and against the proposal to which the notification relates; or
- “(b) In any notification under subsection (3) of this section, any false statement as to any matter specified in that subsection; or
- “(c) In any notification under subsection (4) of this section, any false statement as to the number of the electors of the district or of the part of the district affected, or as to the proportion of those electors who have consented to the raising of the loan,—

the Chairman or principal administrative officer commits an offence and is liable on summary conviction to a fine not exceeding \$1,000.

Compare: 1956, No. 63, s. 13; 1959, No. 17, s. 2; 1967, No. 20, s. 3(3)(a); 1976, No. 29, s. 3

“14 Where consent of electors not required Board’s sanction to be notified to Minister for consent

In every case where the Board has given its sanction to the loan application of a local authority that is not required to obtain the consent of the electors of its

district or any part of the district to the borrowing of the money, the Board shall notify the Minister of its sanction and seek the Minister's consent to the raising of the loan."

Compare: 1956, No. 63, s. 14; 1967, No. 20, s. 3(3)(b)

4 Loan for benefit of part of district

Section 27 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsections:

"(2) Subject, in the case of a loan raised by a Catchment Board, to the use of a classification list in accordance with section 102 of the Soil Conservation and Rivers Control Act 1941, where the part of a district affected is not a legal subdivision of the district, a special roll shall be prepared of electors in that part of the district together with the legal descriptions and rateable values of the lands included in that part of the district.

"(2a) Nothing in subsection (2) of this section shall apply where a Catchment Board is authorised pursuant to section 101(3) of the Soil Conservation and Rivers Control Act 1941 to levy a special rate in accordance with the consent of the electors instead of in accordance with a graduated scale based on a classification of lands."

5 Loan may be raised for several purposes

Section 26 of the principal Act is hereby amended by omitting the word "ratepayers", and substituting the word "electors".

6 Raising of special loan pursuant to special order, with poll required in certain cases

The principal Act is hereby amended by repealing section 34, and substituting the following section:

"34

"(1) Subject to this section, a special loan may be raised pursuant to a special order made by the local authority.

"(2) In any case where the local authority will, upon being authorised to raise the loan, have power to appropriate and pledge a special rate in respect of the loan, the prior consent of the electors concerned shall be obtained to the raising of the loan where—

"(a) The Local Authorities Loans Board requires that consent to be obtained; or

"(b) Not less than 15 percent of the electors of the district or part of the district, as the case may be, demand in the manner specified in subsection (7) of this section that a poll be taken on the proposal; or

"(c) The local authority so resolves; or

- “(d) The consent of the electors is required to be obtained by any other enactment.
- “(3) Notwithstanding the requirements of subsection (1) of this section that a special order is required in order to raise a special loan, a special loan may be raised pursuant to an ordinary resolution of the local authority where the prior consent of the electors is to be obtained pursuant to paragraph (a), paragraph (c), or paragraph (d) of subsection (2) of this section.
- “(4) Every public notice required by any enactment to be given of a resolution to make a special order pursuant to subsection (1) of this section shall, in addition to any other required particulars, include a statement to the effect that a poll of electors of the district or part of the district, as the case may be, is required to be taken if not less than 15 percent of the electors so demand in the manner specified in subsection (7) of this section and setting out the manner in which the poll may be demanded.
- “(5) In any case where the prior consent of the electors is to be obtained pursuant to paragraph (a), paragraph (c), or paragraph (d) of subsection (2) of this section, the local authority shall, unless it resolves not to raise the loan, take the steps prescribed by sections 35 to 38 of this Act.
- “(6) In any case where a sufficient number of demands for a poll, which purport to be made pursuant to subsection (2)(b) of this section, is received, the local authority shall, unless it resolves not to raise the loan, confirm the resolution to raise the loan and proceed to take the steps prescribed by sections 35 to 38 of this Act unless it is established, whether before or after the confirmation of the resolution, that a poll has not been demanded in accordance with subsection (2)(b) of this section.
- “(7) Where a demand for a poll of electors may be made under this section, every person who signs the demand shall state against the signature the person’s name and address with sufficient particularity to enable the person to be identified as an elector, and to enable the territorial authority district of which the person is an elector to be identified.
- “(8) No demand under this section for a poll of electors shall be of any effect unless it is delivered or sent by post to the local authority and received at the principal office of the local authority not later than 9 a.m. on the day fixed for the confirmation of the resolution to raise the special loan.”

7 When and how poll to be taken

Section 36(2) of the principal Act is hereby amended by omitting the word “ratepayer”, and substituting the word “elector”.

8 Disputed polls

The principal Act is hereby amended by repealing section 39, and substituting the following section:

“39

- “(1) If the result of any poll is disputed, any 6 electors may, in the manner and within the time prescribed by the Local Elections and Polls Act 1976, require an inquiry to be held, and the matter in dispute shall be determined in the manner prescribed by that Act in the case of disputed polls.
- “(2) Notwithstanding subsection (1) of this section, where the number of electors on the roll of any district or any special roll does not exceed 20, the inquiry may be required by not less than 25 percent of the electors on the roll.
- “(3) For the purposes of this section the period of 21 days after the declaration of the result of a poll prescribed by section 99 of the Local Elections and Polls Act 1976 shall be deemed to be the period of 21 days after the date of the *Gazette* in which is published the notice of the result of the poll.”

9 Special order and polls not necessary in certain cases

- (1) Section 42(1) of the principal Act (as substituted by section 9 of the Local Authorities Loans Amendment Act 1971) is hereby amended by omitting the word “ratepayers”, and substituting the word “electors”.
- (2) Section 42(2) of the principal Act (as added by section 7(3) of the Local Government Amendment Act (No. 3) 1977) is hereby amended by omitting from paragraph (a) and from paragraph (b) the word “ratepayers”, and substituting in each case the word “electors”.

10 Raising special loan with written consent of electors

Section 43 of the principal Act is hereby amended by omitting from paragraph (a) and paragraph (b) the word “ratepayers”, and substituting in each case the word “electors”.

11 Consequential amendments to Local Government Act 1974

- (1) Section 596(7) of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby amended by omitting the word “ratepayers”, and substituting the word “electors”.
- (2) Section 601(7) of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby amended by omitting the word “ratepayers”, and substituting the word “electors”.

12 Consequential repeals

The enactments specified in the Schedule to this Act are hereby consequentially repealed.

Schedule
Consequential Repeals in Acts Amending Local Authorities Loans
Act 1956

Section 12

1959, No. 17—The Local Authorities Loans Amendment Act 1959: Sections 2 and 4. (Reprinted 1974, Vol. 3, p. 2392)

1967, No. 20—The Local Authorities Loans Amendment Act 1967: Section 3(3)(a) and (b). (Reprinted 1974, Vol. 3, p. 2394)

1971, No. 27—The Local Authorities Loans Amendment Act 1971: Section 8. (Reprinted 1974, Vol. 3, p. 2395)

1976, No. 29—The Local Authorities Loans Amendment Act 1976: Sections 3 and 4.

1977, No. 5—The Local Elections and Polls Amendment Act 1977: Section 5. (R.S. Vol. 13, p. 395)

1982, No. 121—The Local Authorities Loans Amendment Act 1982: Sections 2, 4, and 7(2).

This Act is administered in the Treasury.