

Attachment B: Relevant legislation for bylaw review

Local Government Act 2002

160 Procedure for and nature of review

- (1) A local authority must review a bylaw to which section 158 or 159 applies by making the determinations required by section 155.
- (2) For the purposes of subsection (1), section 155 applies with all necessary modifications.
- (3) If, after the review, the local authority considers that the bylaw—
 - (a) should be amended, revoked, or revoked and replaced, it must act under section 156:
 - (b) should continue without amendment, it must—
 - (i) consult on the proposal using the special consultative procedure if —
 - (A) the bylaw concerns a matter identified in the local authority's policy under section 76AA as being of significant interest to the public; or
 - (B) the local authority considers that there is, or is likely to be, a significant impact on the public due to the proposed continuation of the bylaw; and
 - (ii) in any other case, consult on the proposed continuation of the bylaw in a manner that gives effect to the requirements of section 82.
- (4) For the purpose of the consultation required under subsection (3)(b), the local authority must make available—
 - (a) a copy of the bylaw to be continued; and
 - (b) the reasons for the proposal; and
 - (c) a report of any relevant determinations by the local authority under section 155.
- (5) This section does not apply to any bylaw to which section 10AA of the Dog Control Act 1996 applies.

155 Determination whether bylaw made under this Act is appropriate

- (1AA) This section applies to a bylaw only if it is made under this Act or the Maritime Transport Act 1994.
- (1) A local authority must, before commencing the process for making a bylaw, determine whether a bylaw is the most appropriate way of addressing the perceived problem.
- (2) If a local authority has determined that a bylaw is the most appropriate way of addressing the perceived problem, it must, before making the bylaw, determine whether the proposed bylaw—
 - (a) is the most appropriate form of bylaw; and
 - (b) gives rise to any implications under the New Zealand Bill of Rights Act 1990.
- (3) No bylaw may be made which is inconsistent with the New Zealand Bill of Rights Act 1990, notwithstanding section 4 of that Act.