

**Reprint  
as at 1 November 2010**



**Auckland City Empowering Act  
1932–33**

Local Act    1932 No 8  
Date of assent    4 March 1933  
Commencement    4 March 1933

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**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.

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**An Act to authorise the Auckland City Council to raise a special loan in connection with roading access to the old railway station site at Auckland; to authorise the said Council to declare certain streets in the Avondale District to be public streets and to exercise certain powers in relation thereto; to facilitate the exercise by the said Council of its powers as a Domain Board; to authorise the said Council to adopt the system of voting at elections by the marking of a cross; to enable the said Council to grant a lease to the Auckland Education Board of certain lands; and to authorise the said Council to purchase tramcar or omnibus passes for the free use by the Mayor and Councillors**

### **Preamble**

Whereas the Auckland City Council (hereinafter referred to as the **Council**) has agreed with the Minister of Railways (hereinafter referred to as the **Minister**) to acquire certain land for the purpose of making and forming a new street or streets in connection with the subdivision of certain railway land of the Crown at Auckland known as the old railway station site: And whereas for the purpose of carrying out such works the Council desires to raise a sum not exceeding 25,000 pounds by way of special loan:

And whereas the piece of land known as Block 76, Avondale South, was subdivided in 1858 into lots, and certain private streets were laid out therein but such streets have never been formed or dedicated, and it is not now possible to ascertain the correct position of the boundaries of the said lots and private streets, and it is desirable to redefine such boundaries and to give the Council power to take over the said streets and to exercise certain powers in relation thereto:

And whereas the Council has been at different times appointed the Domain Board of various public domains in or near the City of Auckland, and it is desirable to authorise the Council to transact the business and affairs of such domains as a Council

and without convening and holding special meetings as such respective Domain Boards:

And whereas it is desirable to authorise the Council to adopt for elections and polls in the City of Auckland the system of voting by marking a cross instead of by striking out names or words:

And whereas the Council desires to grant to the Education Board of the District of Auckland a lease of certain land in the City of Auckland at a nominal rent for the purpose of assisting technical education and it is desirable to enable it to do so:

And whereas the Council is desirous of purchasing tramway and omnibus passes or tickets for the free use by the Mayor and Councillors of the City of Auckland.

**1 Short Title**

This Act may be cited as the Auckland City Empowering Act 1932–33.

**2 Authorising Auckland City Council to raise £25,000 by special order**

*[Repealed]*

Section 2: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

**3 Power to declare certain private streets and ways public streets, and to raise a special loan**

(1) It shall be lawful for the Auckland Council from time to time, by special order, to exercise all or any of the following powers in relation to the land described in Schedule 1:

(a) to declare all or any of the private streets and ways laid out in or through the said land, and shown coloured pink on the plan mentioned in the said Schedule 1, to be public streets, whereupon the same shall vest in the Auckland Council:

(b) to recognise and adopt the widths and locations of the streets referred to in paragraph (a) to be as shown on the plan mentioned in Schedule 1, the said widths and locations being more particularly delineated on standard survey plans, approved by the Surveyor-General and

lodged at the Auckland Survey Office under numbers standard plans 357, 358, 360, 361, and 362.

(c) *[Repealed]*

- (2) The provisions of sections 180 and 187 of the Municipal Corporations Act 1920 shall not apply to the said streets.
- (3) The District Land Registrar at Auckland shall make all necessary amendments to any titles heretofore issued for the whole, or portions of the said lands to make the same correspond with the official plans mentioned in paragraph (b) of subsection (1).
- (4) No building or part of a building shall at any time be erected on the land fronting the said streets within a distance of 33 feet from the centre lines of the said streets. The District Land Registrar at Auckland shall endorse on the titles of all land affected a memorandum that such land is subject to the above building line condition.

Section 3(1): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 3(1)(a): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 3(1)(c): repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

#### **4 Power to exercise functions, etc, of a Domain Board without calling special meetings, and bylaws of the Auckland Council to apply to domains**

Notwithstanding anything contained in the Public Reserves, Domains, and National Parks Act 1928 or in any other Act, if and when the Council has been or may be hereafter appointed as a Domain Board, or is otherwise the controlling authority of any domain, it shall be and shall be deemed to have been lawful for the Council to exercise and carry out all the functions, rights, and powers which as such Domain Board or authority it is or was entitled to exercise or carry out in the name of the Auckland City Council and by resolutions and proceedings of the Council without being called together or sitting as a Domain Board or other controlling authority, and the bylaws made by the Council, whether before or after the passing of this Act, shall, unless a contrary intention appears in any such

bylaw, extend and apply to any domain of which the Council is the Domain Board or controlling authority:

provided that such bylaws shall have no force or effect in respect of any such domain unless and until they have been approved by the Minister of Lands and published in accordance with the requirements of section 56 of the Public Reserves, Domains, and National Parks Act 1928:

provided further that the Council shall keep separate accounts for each such domain as aforesaid and expend the moneys accruing therefrom as required by law.

Section 4 heading: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

**5 Voting by cross may be used at local elections in Auckland**  
*[Repealed]*

Section 5: repealed, on 28 March 1941, by section 6 of the Local Elections and Polls Amendment Act 1941 (1941 No 2).

**6 Power to grant new leases to the Education Board**

It shall be lawful for the Auckland Council, without putting the same up to public auction or public tender, from time to time to grant to the Education Board of the District of Auckland a lease or leases of the whole or any portion of the land described in Schedule 2 at such rentals and upon such terms as may be agreed on between the Auckland Council and the said Board:

provided that the term of any such lease shall not exceed 42 years, and shall continue only for so long as the land comprised therein is actually occupied and used for the purposes of buildings, playgrounds, or any other purpose connected with the functions of a technical school or college or other educational institution conducted by the Board or some other public body approved by the Auckland Council.

Section 6: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 6 proviso: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

**7 Power to purchase tramway and omnibus passes**

It shall be lawful for the Auckland Council from time to time to purchase and pay for passes or tickets entitling the Mayor and Councillors of Auckland, for so long as they shall respectively hold office as such, to travel free on any tramcar, operated by the Auckland Transport Board or its successor, and on any omnibus service running between Auckland and the suburb or locality where the Mayor or such Councillor resides.

Section 7: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 7 proviso: repealed (with effect on 1 April 1955), on 26 October 1955, by section 8(1) of the Local Legislation Act 1955 (1955 No 86).

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### **Schedule 1**

All that area of land in the North Auckland Land District, comprising 76 acres 3 roods 22 perches, more or less, situated in Blocks III and IV, Titirangi Survey District, and being Allotment 76 of the Parish of Titirangi: as the same is shown edged green on a plan deposited in the office of the Chief Surveyor, Auckland, numbered 27059 (blue).

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### **Schedule 2**

All that area of land in the North Auckland Land District, comprising 3 roods 26 perches, more or less, situated in Block VIII, Rangitoto Survey District, being Lots 23 to 31 and 33 to 37 (all inclusive) of Allotment 5 of Section 13 of the City of Auckland, as shown coloured pink on a plan deposited in the office of the Chief Surveyor, at Auckland, numbered 27105 (blue).

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## Notes

### 1 *General*

This is a reprint of the Auckland City Empowering Act 1932–33. The reprint incorporates all the amendments to the Act as at 1 November 2010, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

### 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)*

Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37):  
section 113(1)

Local Legislation Act 1955 (1955 No 86): section 8(1)

Local Elections and Polls Amendment Act 1941 (1941 No 2): section 6

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