

**Reprint
as at 21 December 1933**



Napier Harbour Board and Napier Borough Enabling Act 1933

Local Act 1933 No 8
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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.

An Act to enable the Napier Harbour Board and the Corporation of the Borough of Napier to enter into an arrangement for the development and subdivision of certain lands belonging to the said Board and to include within the said Borough so much thereof as lies outside the Borough

Preamble

Whereas the Napier Harbour Board is the owner of the lands described in Schedules 1, 2, and 3:

And whereas the lands described in Schedule 1 are within the Borough of Napier and the lands described in Schedules 2 and 3 lie outside the said borough, but are adjacent thereto:

And whereas the lands described in the said Schedules 1 and 2 are not developed and prepared for occupation, but the lands described in the said Schedule 3 have already been leased by the said Board:

And whereas, in order to provide for the expansion of the said borough, it is desirable that so much of the said lands as is not within the said borough shall be included therein, and that the lands described in the said Schedules 1 and 2 shall be developed and subdivided:

And whereas the said Board and the Council of the said borough propose to enter into an arrangement whereby, inter alia, so much of the said lands as is not within the said borough shall be included therein, and the said Council on behalf of the said Corporation shall carry out the work of development and subdivision of the lands described in the said Schedules 1 and 2, and provision shall be made for parks, reserves, plantations, and streets, and it is intended that such arrangement shall be evidenced by a lease from the said Board to the said Corporation of the lands described in the said Schedules 1 and 2 and by a supplementary agreement containing the particulars of the said arrangement.

1 Short Title

This Act may be cited as the Napier Harbour Board and Napier Borough Enabling Act 1933.

2 To be deemed special Act

This Act shall be deemed to be a special Act within the meaning of the Harbours Act 1923.

3 Interpretation

In this Act, if the context so admits,—

Board means the Napier Harbour Board

Borough means the Borough of Napier

Corporation means the Corporation of the Borough of Napier

Council means the Napier Borough Council

the said lands means the lands described in Schedules 1, 2, and 3.

4 Powers of Napier Harbour Board and Napier Borough Corporation to enter into lease and agreement

The Board and the Corporation are hereby authorised and empowered as follows:

- (1) The Board may lease to the Corporation and the Corporation may take a lease of the said lands (except the lands described in Schedule 3) at such rent for such term, with or without rights of renewal, and upon such conditions as the Board and the Council may agree upon, and including a provision for payment of damages on default. And, further, the Board and the Council may enter into and carry out an agreement (supplemental to the said lease) containing a comprehensive scheme to provide for all or any of the following purposes, that is to say: The development, subdivision, and roading of the said lands by the Council; the dedication of portions of the said lands for streets; the transferring to the Corporation of other portions of the said lands for reserves and parks; the establishment of plantations on other portions of the said lands either permanently or for a period; and generally all such matters as the Board and the Council may think fit for the development, improvement, and beautifying of the said lands or any portions thereof and the making of the same or any portions thereof suitable for occupation.
- (2) Without prejudice to the generality of the foregoing powers, the Board and the Council may in and by the said lease and agreement make provision for and agree upon all or any of the following acts, matters, and things:
 - (a) that the Board shall dedicate to the Corporation and the Corporation shall accept dedication of such portions of the said lands for streets as the Board and the Council may agree upon, and that each such dedication shall be made and accepted although the land included therein may not be formed as provided in subsection (5) of section 125 of the Public Works Act 1928; and this Act shall be sufficient authority for the District Land Registrar to register such dedication:
 - (b) that the Board shall transfer to the Corporation such portions of the said lands as the Board and the Council shall agree upon for parks and reserves:
 - (c) that the Council shall plant with trees such portion or portions of the said lands as the Board and the Council shall agree upon, and shall maintain the same as a plantation or plantations for such period and upon such terms as they shall agree upon, including, inter alia, provision for sharing the proceeds from the sale of the trees or wood from such plantation or plantations, and that the Board shall sell to the Corporation and the Corporation purchase any such lands intended for plantations at such price

and upon such terms as to payment as the parties shall in the said agreement agree upon:

- (d) that the Board as owner and the Council on behalf of the Corporation as lessee shall, so long as the said lease or any renewal thereof may be subsisting, jointly lease the whole or any portion or portions of the said lands not reserved for roads, parks, reserves, and plantations at such rents for such terms and upon such conditions as the Board and the Council shall decide:
- (e) that the rents derived from such leases shall be applied in or towards reimbursement to the Council of the whole or so much as the parties shall agree upon of the cost of the complete or partial performance by the Council of all or any of the obligations of the Corporation contained in the said proposed lease and agreement and of interest thereon:
- (f) that the Council shall rebate or postpone the payment of any rates or portion of the rates payable by the Board to the Council in respect of the whole or any part or parts of the said lands, and shall pay and indemnify the Board against payment of the rates or portion of the rates which shall be levied by the Council or any other rating authority in respect of the said lands or any part or parts thereof for such period as the Council and the Board may in the said agreement agree upon; and that the Council may charge the whole or any part or parts of any rates so rebated or paid by the Council to the cost of the works to be undertaken by the Council pursuant to the said lease and agreement:
- (g) that the Board may transfer to the Corporation and the Corporation may accept a transfer of any portion or portions of the said lands which the Board has authority to sell at a price determined in manner provided by the said agreement, the purchase price to be applied in or towards reimbursement to the Council of the whole or so much as the parties shall agree upon of the cost of the said works and interest thereon:
- (h) that the Council shall, if called upon to do so by the Board, construct a bridge across the Tutaekuri River or the bed thereof upon such terms as to sharing the cost thereof as the Council and the Board shall in the said agreement agree upon.

5 Power to carry out obligations

The Board and the Council may do and perform and carry out all works, matters, obligations, and things which in and by the said lease and agreement they respectively undertake to do, perform, and carry out, and also all works, matters, acts, and things ancillary to or which by them respectively may be deemed advisable or necessary for the purposes contained in the said lease and agreement.

6 Loan

The Council may raise a loan or loans to provide moneys for all or any of the purposes to be mentioned or contained in the said lease and agreement or the obligations of the Council thereunder, or to reimburse the Council any moneys expended out of its General Account upon such purposes or obligations, any such loan to be raised under the Local Bodies' Loans Act 1926, and for the purpose of raising such loan or loans the Council may create any portion or portions of the said lands, whether continuous or not, a special-rating area.

7 Lands to be included in borough

As from the date of the commencement of the term of the said lease so much of the said lands as is not within the borough shall by virtue of this Act, without any further authority or procedure, be and become *ipso facto* included in the borough, and the boundaries of the borough as altered by this Act shall be forthwith defined by notice in the *Gazette* under the hand of the Minister of Internal Affairs pursuant to section 141 of the Municipal Corporations Act 1920.

8 Authority to District Land Registrar

This Act shall be sufficient authority for the District Land Registrar to register the said lease from the Board to the Corporation with the said agreement annexed thereto.

Schedule 1

Firstly, all that parcel of land situated in the Borough of Napier, in the Hawke's Bay Land District, comprising portions of the Napier Harbour Board's Te Whare-o-Maraenui and Ahuriri Lagoon Reserves, containing 28 acres, more or less, and being the lot numbered 1 on a plan deposited in the Land Transfer Office at Napier under No 6187, and being part of the land comprised and described in certificate of title registered at HB Volume 56, folio 97.

Schedule 2

Firstly, all that parcel of land situated in Block IV, Heretaunga Survey District, in the Hawke's Bay Land District, comprising portions of the Napier Harbour Board's Te Whare-o-Maraenui and Ahuriri Lagoon Reserves, containing 91 acres 2 roods 35 perches, more or less, and being the lot numbered 2 on the said deposited plan No 6187, and being other part of the land comprised and described in certificate of title registered at HB Volume 56, folio 97.

Secondly, all that parcel of land, situated in Blocks IV and VIII, Heretaunga Survey District, in the Hawke's Bay Land District, comprising portions of the Napier Harbour Board's Te Whare-o-Maraenui and Ahuriri Lagoon Reserves, containing 312 acres 3 roods 30 perches, more or less, being the lot numbered 3 on the said deposited plan No 6187, and being other part of the land comprised and described in the said certificate of title HB Volume 56, folio 97, and part of the land in certificate of title HB Volume 56, folio 148.

Thirdly, all those parcels of land situated in Blocks IV and VIII, Heretaunga Survey District, in the Hawke's Bay Land District, comprising portions of the Napier Harbour Board's Te Whare-o-Maraenui and Ahuriri Lagoon Reserves, containing 42 acres 1 rood 14 perches, more or less, being the lots numbered 5 to 9 (inclusive) on the said deposited plan No 6187, and being part of the land comprised and described in the said certificates of title HB Volume 56, folio 97, and HB Volume 56, folio 148.

Schedule 3

All that parcel of land, situated in the Provincial District of Hawke's Bay, comprising portion of the Napier Harbour Board's Te Whare-o-Maraenui Block, containing 1 rood 5.8 perches, more or less, being the lot numbered 4 on the aforesaid deposited plan No 6187, and being part of the land comprised and described in certificate of title HB Volume 56, folio 97.

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Notes**1 General**

This is a reprint of the Napier Harbour Board and Napier Borough Enabling Act 1933. The reprint incorporates all the amendments to the Act as at 21 December 1933, 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)*