

**Reprint
as at 20 June 2011**



**Auckland City Council
(Newmarket Land Vesting)
Act 1998**

Local Act 1998 No 1
Date of assent 19 May 1998
Commencement 19 May 1998

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An Act to release certain land in Newmarket vested in the Auckland City Council from certain statutory trusts, reservations, and restrictions

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

This Act may be cited as the Auckland City Council (Newmarket Land Vesting) Act 1998.

2 Vesting of land and removal of restrictions

- (1) The land described in Schedule 1 is vested in the Auckland City Council for an estate in fee simple subject to all leases, licences, easements, liens, and encumbrances existing in respect of the land immediately before the commencement of this Act, but freed and discharged from all express or implied trusts, reservations, and restrictions imposed by—
- (a) section 14 of the Reserves and Other Lands Disposal Act 1951; or
 - (b) section 4 of the Reserves and Other Lands Disposal Act 1926; or
 - (c) the Newmarket Borough Council (Car Park Development) Empowering Act 1981; or
 - (d) the Newmarket Reserve Act 1878 Amendment Act 1886—
- as the case may be, or expressed on any certificate of title to the said land.

- (2) Notwithstanding anything in this or in any other enactment, where all or part of the land described in Schedule 1 is sold, exchanged, or otherwise alienated by the Auckland Council, all money received from that sale, exchange, or alienation must as soon as practicable, be applied in or towards the purchase of land for community facilities or public open space and where appropriate, the development of that land or the development of other land held by the Council for community facilities or public open space.

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

3 Removal of restrictions and vesting of land as reserve

- (1) The land described in Schedule 2 is freed and discharged from all express or implied trusts, reservations, and restrictions imposed by—
- (a) section 14 of the Reserves and Other Lands Disposal Act 1951; or

- (b) the Newmarket Reserve Act 1878 Amendment Act 1886,—
as the case may be, or expressed on any certificate of title to the said land.
- (2) The land first and secondly described in Schedule 2 is vested in the Auckland City Council as a reserve within the meaning of the Reserves Act 1977, and is to be held by that Council as a recreation reserve under section 17 of that Act.
- (3) The stratum estate thirdly described in Schedule 2 vests in the Auckland City Council as a reserve within the meaning of the Reserves Act 1977 as if the stratum estate were land, and is to be held by that Council as a recreation reserve under section 17 of that Act, provided that the stratum estate vests as reserve subject to the lease and sublease described in Schedule 3, and the provisions of the Reserves Act 1977 apply subject to that lease and sublease.
- (4) The unit plan creating the stratum estate thirdly described in Schedule 2 may not be cancelled in accordance with the Unit Titles Act 2010 until the reserve has been revoked in accordance with the Reserves Act 1977.
- (5) If a new unit plan is substituted, in accordance with section 68 of the Unit Titles Act 2010, for the unit plan creating the stratum estate thirdly described in Schedule 2, the reserve created in accordance with this Act then applies to the stratum estate that, on the new unit plan, contains the Newmarket olympic swimming pool and the attached memorial.
- (6) The provisions of the Reserves Act 1977 apply to the land first and secondly described in Schedule 2 vested in the Auckland City Council under this section in the same manner as if that Council had, pursuant to section 14 of that Act, declared the land to be held as a recreation reserve under section 17 of that Act.

Section 3(4): amended, on 20 June 2011, by section 233(1) of the Unit Titles Act 2010 (2010 No 22).

Section 3(5): amended, on 20 June 2011, by section 233(1) of the Unit Titles Act 2010 (2010 No 22).

4 Powers of District Land Registrar

The District Land Registrar for the North Auckland Land Registration District is authorised and directed to make all such entries in that Registrar's register, and do all such other things, as may be necessary to give effect to the provisions of this Act.

Schedule 1

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- 1 All that piece of land containing 3821 m², more or less, being Lot 1 on Deposited Plan 166035, and being all the land comprised and described in certificate of title 100B/973 (North Auckland Registry), shown marked B on S.O. Plan 68333, lodged in the office of the Chief Surveyor at Auckland.
 - 2 All that piece of land containing 1859 m², more or less, being part Allotment 33 of Section 4, Suburbs of Auckland, and being part of the land comprised and described in certificate of title 897/105 (North Auckland Registry), shown marked D on S.O. Plan 68333, lodged in the office of the Chief Surveyor at Auckland.
 - 3 All that piece of land containing 595 m², more or less, being part Allotment 33 of Section 4, Suburbs of Auckland, and being part of the land comprised and described in certificate of title 51/163 (North Auckland Registry), shown marked E on S.O. Plan 68333, lodged in the office of the Chief Surveyor at Auckland.
 - 4 Principal Unit 1A on Unit Plan 173107 being all the unit described in certificate of title 106A/919 (North Auckland Registry), being part of the land shown marked B on S.O. Plan 68333, lodged in the office of the Chief Surveyor at Auckland.
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Schedule 2

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- 1 All that piece of land containing 1328 m², more or less, being Allotment 40 of Section 4, Suburbs of Auckland, and being the land comprised and described in certificate of title 1027/190 (North Auckland Registry), shown marked A on S.O. Plan 68333, lodged in the office of the Chief Surveyor at Auckland.
 - 2 All that piece of land containing 1098 m², more or less, being Allotment 33 of Section 4, Suburbs of Auckland, and being part of the land comprised and described in certificate of title 51/163 (North Auckland Registry), shown marked F on S.O. Plan 68333, lodged in the office of the Chief Surveyor at Auckland.
 - 3 Principal Unit A on Unit Plan 173107 being all the unit described in certificate of title 106A/918 (North Auckland Registry), being part of the land shown marked B on S.O. Plan 68333, lodged in the office of the Chief Surveyor at Auckland.
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Schedule 3

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- 1 Lease dated 28 November 1994 from Auckland City Council to Olympic Pool and Fitness Centre Limited or its successors.
 - 2 Sublease dated 30 June 1995 from Olympic Pool and Fitness Centre Limited to Manco Sports and Healthcare Limited or its successors.
 - 3 Sublease dated 7 March 1997 from Olympic Pool and Fitness Centre Limited to P J Finn, J K Johns and A M Moore, as assigned to Tadjoura Investments Limited or their successors.
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Notes**1 General**

This is a reprint of the Auckland City Council (Newmarket Land Vesting) Act 1998. The reprint incorporates all the amendments to the Act as at 20 June 2011, 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)

Unit Titles Act 2010 (2010 No 22): section 233(1)
