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Local Legislation Act 1938

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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 confer certain powers on certain public bodies and to validate certain transactions

1 Short Title

This Act may be cited as the Local Legislation Act 1938.

County Councils

2 Provision with respect to purchase of diesel engine and generating plant by Kaikoura County Council

- (1) The payment by the Kaikoura County Council during the financial year ended on 31 March 1936 from the proceeds of the Kaikoura County Peninsula Riding Electrical Loan of 1,370 pounds of the sum of 500 pounds as a payment on account of the purchase price of a diesel engine and generating plant is hereby validated and declared to have been lawfully made.
- (2) The action of the Council in accepting, on 20 September 1934, a tender from John Burns, Limited, for the supply of a diesel engine and generating plant for the sum of 1,405 pounds 12 shillings, payable by instalments, which sum included the sum of 85 pounds 12 shillings, being interest on unpaid purchase money, is hereby validated and declared to have been lawful.

3 Authorising remission of certain drainage rates by Hutt County Council

Whereas certain drainage rates amounting in all to 16 pounds and 8 pence (hereinafter referred to as the **said rates**) were levied by the Hutt County Council (hereinafter called the **Council**) for the financial year ended on 31 March 1938 on lands situated in the Wainui-o-mata Drainage District, and classified as non-rateable by the Council on 17 September 1937:

And whereas the Council desires authority to remit or to refund the said rates:

Be it therefore enacted as follows:

The Council is hereby authorised and empowered to remit or to refund, as the case may be, to the ratepayers concerned, in respect of the lands so classified as non-rateable, rates amounting in all to the sum of 16 pounds and 8 pence.

4 Provision respecting overdraft of Buller County Council

Whereas on account of exceptional conditions in the County of Buller arising out of earthquake, flood damage, and other causes, the Buller County Council (hereinafter called the

Council) has from time to time been authorised to borrow and to owe moneys in excess of the limits prescribed by section 3 of the Local Bodies' Finance Act 1921–22 (hereinafter referred to as the **said section**):

And whereas during the financial year ended on 31 March 1938, the Council borrowed from and owed to its bankers moneys in excess of the limits prescribed by the said section and in addition had drawn certain cheques that had not been presented before that date and also owed certain amounts to sundry creditors:

And whereas the amount owing by the Council on 31 March 1938, in excess of the said limits together with the amount owing in respect of unpresented cheques and to sundry creditors as aforesaid amounted in all to a sum of 10,841 pounds 15 shillings and 5 pence:

And whereas the amount owing by the Council on 31 March 1938, pursuant to the special funding arrangements authorised by section 5 of the Local Legislation Act 1936, was 2,638 pounds 11 shillings and 1 penny:

And whereas the said sums of 10,841 pounds 15 shillings and 5 pence and 2,638 pounds 11 shillings and 1 penny are hereinafter together referred to as the **said outstanding liabilities of the Council**:

And whereas it is desirable to make provision in manner hereinafter appearing:

Be it therefore enacted as follows:

- (1) All moneys borrowed and owing by the Council at any time during the year ended on 31 March 1938, in excess of the limits prescribed by the said section and all other moneys owing by the Council and included in the aforesaid sum of 10,841 pounds 15 shillings and 5 pence shall for all purposes be deemed to have been lawfully borrowed and owing by the Council.
- (2) The said outstanding liabilities of the Council shall be repaid by the Council by 10 equal payments out of the moneys credited to the General Account of the County Fund, one such payment to be made in each year during the period of 10 years commencing on 1 April 1938:

provided that the Council may in any year repay an amount greater than such tenth part.

- (3) The amount owing by the Council on 31 March 1938, in excess of the limits prescribed by the said section shall not at any time heretofore be deemed to have been taken into account nor shall any amount at any time lawfully owing under this section hereafter be taken into account in determining the amount that may be borrowed or that may be owed by the Council pursuant to the said section.
- (4) Notwithstanding anything hereinbefore contained, the Council may in manner prescribed by the Local Bodies' Loans Act 1926, by special order and without taking the steps prescribed by sections 9 to 13 of that Act, raise a special loan for any amount not exceeding the amount of the said outstanding liabilities that may at the time of the raising of the said loan be owing for the purpose of providing funds for the repayment to its bankers of the amount owing to them.
- (5) *Amendment(s) incorporated in the Act(s).*

5 Validating expenditure by Takaka County Council on the acquisition of a site for the Takaka Aerodrome

The expenditure by the Takaka County Council out of its General Account of the sum of 200 pounds in connection with the acquisition of a site for the Takaka Aerodrome is hereby validated and declared to have been lawfully incurred.

6 Authorising Hobson County Council to raise a special loan of £3,250 for drainage works

Whereas the Minister of Public Works has agreed to undertake certain drainage works in the drainage area, hereinafter described, in the County of Hobson (hereinafter referred to as the **said drainage area**) at an estimated cost of 20,000 pounds, provided the ratepayers within the said drainage area contribute the sum of 3,250 pounds towards the cost of the proposed drainage works:

And whereas the Hobson County Council (hereinafter called the **Council**) instead of obtaining such contribution proposes to raise a loan of 3,250 pounds:

And whereas the Council proposes to offer as security for the proposed loan a special rate over all the rateable property in the said county:

And whereas the Council proposes to strike the special rate aforesaid over all the rateable property in the said county, but is desirous of collecting the amount required to meet the annual charges on the said loan from those ratepayers whose rateable property is within the said drainage area as being the only ratepayers within the County of Hobson whose properties will benefit from the carrying out of the said drainage works:

Be it therefore enacted as follows:

- (1) The Council is hereby authorised and empowered to raise a special loan, not exceeding a sum of 3,250 pounds, upon the security of a special rate over all the rateable property in the said county for the purpose of contributing the sum hereinbefore mentioned towards the cost of the said drainage works: provided that at the poll taken in respect of the loan only the ratepayers owning rateable property within the said drainage area shall be entitled to vote.
- (2) Notwithstanding anything contained in the foregoing provisions of this section, the Council may, in lieu of collecting the aforesaid special rate, by resolution determine to levy and collect the amount required to meet the annual charges on the said loan from those ratepayers whose rateable property is situated within the said drainage area and that amount shall for all purposes be deemed to be a special rate duly made and levied over the rateable property comprised in the said drainage area. The Council may determine that the amount to be levied and collected as aforesaid shall be an annually recurring charge on the said rateable property.
- (3) The said drainage area is described as follows:

All that area of land situated within the County of Hobson, bounded as follows: starting from the Dargaville Borough Boundary at its intersection of the Dargaville–Opanake Settlement Road; thence in a northerly direction by the said road until it intersects the eastern boundary of Section 2 of Block VII, Kaihu Survey District; thence by the eastern and north-eastern boundaries of the said Section 2; thence by the north-

eastern boundary of Section 1 of Block VII, Kaihu Survey District; thence by the north-eastern boundaries of Opanake 2M 2, Opanake 2M 3, Opanake 2M 4, Opanake 2M H, to the Kaihu Stream; thence by the said Kaihu Stream until it intersects the original southern boundary of Opanake 2F (now part of Section 1, Maropiu Subdivision); thence to the north-eastern corner of Section 14, Maropiu Subdivision, in Block II, Kaihu Survey District; thence by the northern boundary of Sections 14 and 6, Maropiu Subdivision; thence by the western boundaries of the said Section 6 and Section 7 of the said Maropiu Subdivision; thence by the western boundaries of Sections 82, 81, 80, 79, 78, 77, 76, 64, 36, 25 of Taharoa Subdivision of Blocks VI, X, XI, XIV, Kaihu Survey District; thence by and across a road to the north-western boundary of Section 5 of the said Taharoa Subdivision; thence by the western boundaries of the said Section 5 and Section 2 to Baylys Coast Road; thence by the said road to the Dargaville Borough Boundary; thence by the said Dargaville Borough Boundary to the starting point.

7 Authorising Hauraki Plains County Council to acquire a water main for water-supply district and making special provision in connection therewith

Whereas the Hauraki Plains County Council (hereinafter called the **Council**) in 1926 constituted an area of the Hauraki Plains County a water-supply district under the provisions of the Water-supply Act 1908, called the Pekapeka Road Water-supply District and instituted in that water-supply district a water-pumping system and reticulation for the supply of water from the Waihou River to the ratepayers in the district:

And whereas for the purpose of such water-supply system a loan of 2,000 pounds, called the Pekapeka Road Water-supply Loan, maturing on 1 September 1946, was raised and secured by a special rate of 1 penny and 3 farthings in the pound on the unimproved value of all the property in such water-supply district which was constituted a special-rating area:

And whereas a sinking fund for such loan was established by annual contributions of 40 pounds, and the Public Trustee is the Sinking Fund Commissioner thereof:

And whereas the Council is now instituting a major water-supply system for the supply of water from the Thames mountain range to the eastern part of the Hauraki Plains County, and for that purpose has constituted a water-supply district under the said Act called the Hauraki Plains East Water-supply District, and also a special-rating area called the Hauraki Plains East Water-supply Special-rating Area:

And whereas such last-mentioned water-supply district and special-rating area include both the Pekapeka Road Water-supply District and the Pekapeka Road Water-supply Special-rating Area:

And whereas the major system is designed to supply good pure water at gravitational pressure, and it is desirable that the Pekapeka Road water-supply system be converted to the major system aforesaid to afford to the ratepayers therein the benefits of the purer water and greater pressure which the major system is designed to supply:

And whereas to effect such conversion it is necessary that the Hauraki Plains East Water-supply District and Special-rating Area shall take over the existing water main in the Pekapeka Road Water-supply District at the valuation thereof of 500 pounds, and that the Council be authorised to apply the loan moneys and other funds of the Hauraki Plains East Water-supply Special-rating Area in payment of 500 pounds as the purchase price for such main into the sinking fund for the Pekapeka water-supply loan and in payment of the capital of such loan at the maturity thereof to the extent to which the accumulated sinking fund therefor shall or may be insufficient, and also to apply the revenue of such last-mentioned special-rating area in payment of interest and sinking fund instalments on such loan as and when the same shall become due:

Be it therefore enacted as follows:

- (1) The Council is hereby authorised to acquire for the Hauraki Plains East Water-supply District and Special-rating Area the existing water main in the Pekapeka Road Water-supply District at the valuation thereof—namely, the sum of 500 pounds, and to convert such water main to the Hauraki Plains East water-supply system.

- (2) The Council is hereby authorised to apply the funds of the Hauraki Plains East Water-supply District and the Hauraki Plains East Water-supply Special-rating Area in the manner following:
- (a) out of loan or other moneys, to pay to the Public Trustee as Sinking Fund Commissioner for the sinking fund of the Pekapeka Road Water-supply Loan above recited the sum of 500 pounds in respect of the acquisition of the said water main of the Pekapeka Road water-supply system:
 - (b) in payment and out of revenue moneys only of the interest and the sinking fund instalments of the said Pekapeka Road Water-supply Loan of 2,000 pounds as from 31 March 1938:
 - (c) out of loan or other moneys, to pay at the maturity of the said Pekapeka Road Water-supply Loan the capital thereof to the extent to which the accumulated sinking fund therefor shall or may be insufficient to liquidate such loan.
- (3) The Pekapeka Road Water-supply District is hereby abolished as from the date of the passing of this Act, but the Pekapeka Water-supply Special-rating Area and the special rate or rates constituting the security for the said loan shall remain in full force and effect until such loan shall have been fully redeemed.

8 Validating expenditure by Piako County Council in connection with jubilee celebrations

The expenditure by the Piako County Council out of its County Fund Account of the sum of 43 pounds 8 shillings and 11 pence, being part of the costs incurred in celebrating the diamond jubilee of the Piako County, is hereby validated and declared to have been lawfully made.

9 Provision with respect to certain liabilities of the Waipa County Council

Whereas by an award dated 15 August 1934, made under section 87 of the Land Drainage Act 1908, the debts, liabilities, and engagements of the Tuatuamoana Drainage Board (hereinafter called the **Board**) lately abolished became debts, liabil-

ities, and engagements of the Waipa County Council (hereinafter called the **Council**):

And whereas such liabilities include a liability to the State Advances Corporation of New Zealand in respect of a loan to the Board together with arrears of interest and sinking fund on the loan, and also a liability to the Lower Mangapiko Drainage Board pursuant to section 77 of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1924, to pay that Board seven-fortieths of the annual instalments of interest and sinking fund on a loan raised by the said Lower Mangapiko Drainage Board for the purpose of executing certain works on the Mangapiko Stream and now owing to the State Advances Corporation:

And whereas the Council is desirous, in pursuance of the Local Authorities Interest Reduction and Loans Conversion Act 1932–33, of issuing new securities in conversion of the existing securities issued by the Board in respect of the said loan owing to the State Advances Corporation of New Zealand, and of compounding the arrears of interest now owing in respect of the said existing securities and including such arrears of interest in the principal sum secured by such new securities and also of assuming liability direct to the State Advances Corporation of New Zealand instead of to the Lower Mangapiko Drainage Board for seven-fortieths of the principal and interest due on the said loan raised by the said Lower Mangapiko Drainage Board and now owing to the State Advances Corporation of New Zealand:

Be it therefore enacted as follows:

- (1) The Council may, in issuing new securities in conversion of the existing securities above referred to, with the consent of the holder of such securities compound the arrears of interest owing in respect of such existing securities and include such arrears in the principal sum secured by such new securities.
- (2) The Council may, with the consent of the Lower Mangapiko Drainage Board and the State Advances Corporation of New Zealand, assume seven-fortieths of the said liability of the Lower Mangapiko Drainage Board to the said Corporation in respect of the loan raised by that Board and may include in the new securities to be issued, as set out in the last preceding sub-

section, the share of the principal and interest owing in respect of that loan by the Council.

- (3) The Council may in each year during the currency of the new securities to be issued under this section pay out of the General Fund of the county not more than one-half of the annual instalments of interest and principal payable in respect of the new securities.
- (4) Notwithstanding anything to the contrary in the Land Drainage Act 1908, the Counties Act 1920, or in any other Act, the Council may make and levy the special conversion rate pledged in respect of the new securities mentioned in subsection (1) on a uniform scale on all rateable property within the area comprised in the Tuatuaamoana Drainage District immediately prior to the abolition of that district.

City and Borough Councils

10 Validating the terms of certain agreements made between the Corporation of the Borough of Cambridge and certain property owners

Whereas the Corporation of the Borough of Cambridge (hereinafter called the **Corporation**), in exercise of the powers conferred by the Public Works Act 1928 and the Municipal Corporations Act 1933, for the purpose of obtaining water for a water supply for the borough, constructed certain works on the several pieces of land hereinafter described:

And whereas, owing to the operations of the said works interfering with the water supply previously existing on the said lands, the respective owners thereof made certain claims for compensation against the Corporation:

And whereas such claims were settled between the respective owners and the Corporation and the terms of the settlements were embodied in 3 agreements now recorded in the Department of Internal Affairs at Wellington under Number IA 105/23:

And whereas it is provided in each of the agreements—

- (a) that, subject to conditions therein prescribed, the Corporation will supply in perpetuity such water as may be

needed for domestic and farming purposes to the land to which the agreement relates; and

- (b) that the owner of the land will withdraw any claim for compensation that he may have in respect of injurious affection caused or likely to be caused to his land by the operation of the said works:

And whereas 2 of the said agreements provide for payments being made to the owners of the land to which the respective agreements relate:

And whereas there is no legal authority for the Corporation to grant to the respective owners the perpetual rights of water supply hereinbefore referred to:

Be it therefore enacted as follows:

- (1) The Corporation shall be deemed to have been duly empowered to agree in and by the said agreements to grant in perpetuity to the respective owners of the said lands and their successors or assigns a sufficient supply of water for domestic and farming purposes, subject to the terms and conditions set out in the said agreements which shall have effect and be binding according to the tenor thereof.
- (2) All payments heretofore made or hereafter to be made by the Corporation in pursuance of any of the said agreements are hereby declared to be valid and within the powers of the Corporation.
- (3) The lands to which this section relates are particularly described as follows:
- (a) all those pieces of land containing altogether 649 acres and 38 perches and four-tenths of a perch, being parts of Lot 2 on Deposited Plan Number 8716, parts of Lot 2 on Deposited Plan Number 8717, parts of Lot 2 on Deposited Plan Number 8718, and Lot 2 on Deposited Plan Number 2035, all deposited in the Lands Registry Office at Auckland, the land being situated in the Maungatautari Survey District, and being parts of Blocks II and III, called Maungatautari No 1, No 1A, North No 1A, South No 1, South No 1A, South No 2, being the lands comprised in certificates of title, Volume 636, folio 140, Volume 320, folio 206, Volume 324, folio

124, Volume 259, folio 246, and Volume 109, folio 20, all in the Auckland Registry, all the said pieces of land being vested in Joseph Albert Wallace for an estate in fee simple:

- (b) all that piece of land containing 93 acres 1 rood, being Lot 1 of the subdivision of Lot 2 on Deposited Plan Number 23054, Auckland Registry, situated in the Cambridge Survey District, called Maungatautari, being all the land comprised in certificate of title, Volume 620, folio 183, Auckland Registry, which land is vested in Percy McCann for an estate in fee simple:
- (c) all that piece of land containing 257 acres and 13 perches, being part Lot A on Deposited Plan Number 2614, Auckland Registry, part of the block situated in Blocks II and III of the Maungatautari Survey District called Maungatautari Number 1, Section 1, being all the land comprised in certificate of title, Volume 636, folio 139, Auckland Registry, which land is vested in Brian Richard Churchill Townend for an estate in fee simple.

11 Provision with respect to repayment of advances made to its Abattoir Account by Auckland City Council

Whereas the Auckland City Council (hereinafter called the **Council**) has made separate advances of 7,500 pounds and 5,500 pounds, respectively, from its General Account to its Abattoir Account:

And whereas, pursuant to the provisions of the Auckland City Abattoir Act 1936 (hereinafter called the **said Act**), such advances bear interest at the rate of 4% per annum:

And whereas the advance of 7,500 pounds is repayable by the establishment of a sinking fund and the advance of 5,500 pounds is repayable by instalments:

And whereas it is expedient that the terms of repayment of the said advances should be modified:

Be it therefore enacted as follows:

- (1) The amount of the sinking fund set apart in accordance with subsection (1) of section 7 of the said Act in respect of the said

advance of 7,500 pounds accumulated up to 31 March 1938 shall forthwith be paid to the General Account of the Council and credited in reduction of the advance.

- (2) The aggregate amount of the balances of the said 2 advances remaining owing to the General Account by the Abattoir Account on 31 March 1938, less the amount credited in accordance with the last preceding subsection shall, together with interest on the amount for the time being unpaid at the rate of 4% per annum calculated from 1 April 1938, be repaid by the Council from its Abattoir Account to its General Account by 14 equal annual instalments, the first of such instalments to be repaid on 31 March 1939.
- (3) The annual amount payable under the last preceding subsection shall be deemed to be part of the annual cost of the Auckland City Abattoir.
- (4) *[Repealed]*
- (5) *[Repealed]*

Section 11(3): amended, on 1 April 1940, by section 73(1) of the Meat Act 1939 (1939 No 19).

Section 11(4): repealed, on 1 April 1940, by section 73(1) of the Meat Act 1939 (1939 No 19).

Section 11(5): repealed, on 1 April 1940, by section 73(1) of the Meat Act 1939 (1939 No 19).

12 Authorising Dunedin City Council to lease certain land to the Crown

Whereas the land described in subsection (2) is vested in the Corporation of the City of Dunedin (hereinafter called the **Corporation**):

And whereas it is desired that the Corporation should grant to His Majesty the King for the purposes of the Housing Act 1919 a lease of the said land upon the terms hereinafter set out:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act, the Corporation is hereby empowered, without complying with the provisions of section 159 of the Municipal Corporations Act 1933, to grant to His Majesty the King a lease of the land described in subsection (3) for the term of 21 years, upon and subject to such covenants, conditions, powers, and provisions

as may be agreed on by the Corporation and His Majesty the King.

- (2) Without limiting the powers conferred by the last preceding subsection, it is hereby declared that the lease therein referred to may include a provision for its perpetual renewal and a provision that no rent shall be payable for such period as may be prescribed therein.
- (3) The land hereinbefore referred to is more particularly described as follows:

All that parcel of land containing 32 perches, be the same a little more or less, being that part of Allotment 9 on a plan deposited in the Land Registry Office at Dunedin as Number 265, and being all the land comprised in certificate of title, Volume 223, folio 245, Dunedin Registry.

13 Authorising the variation by the Dunedin City Council of the application of the unexpended balance of certain loan moneys

Whereas the Dunedin City Council (hereinafter called the **Council**) was, by a poll of ratepayers taken on 14 May 1924, duly authorised to raise a loan of 100,000 pounds for the purposes of—firstly, as to the sum of 18,000 pounds, establishing services for the conveyance of passengers and goods in areas not served or not adequately served by any existing tramway, and, secondly, as to the sum of 82,000 pounds, extending the existing tramway systems under the control of the Council:

And whereas of the sum of 100,000 pounds so authorised the sum of 83,000 pounds was duly raised by way of loan and the sum of 18,000 pounds has been expended on the purposes firstly above mentioned and the sum of 65,000 pounds on the purposes secondly above mentioned:

And whereas the Council is now desirous of applying the balance of the loan moneys so authorised in the purchase of additional motor-buses for the conveyance of passengers and goods, or in or towards the establishment of a cable-tramway service for the like purpose, or otherwise for purposes incidental to the tramway services carried on by the Council:

And whereas it is desired to authorise the Council so to apply the said unexpended balance:

Be it therefore enacted as follows:

Notwithstanding anything to the contrary contained in the Local Government Loans Board Act 1926, or in any other Act, or in the voting paper used at the said poll, the Council is hereby authorised, subject to the approval of the Local Government Loans Board being obtained, to apply the unexpended balance of 17,000 pounds of the Tramway Extension Loan, 1925, of 100,000 pounds, when raised, in the purchase of additional motor-buses for the conveyance of passengers and goods, or in or towards the acquisition, by purchase or otherwise, of land, buildings, plant, machinery, and equipment suitable for the carrying on by the Council of a cable-tramway service in the City of Dunedin, or otherwise for purposes incidental to the tramway services carried on by the Council.

14 **Authorising sale of certain land by Manurewa Borough Council**

Whereas the Manurewa Town Board (hereinafter called the **Board**) is registered as proprietor—firstly, of all that parcel of land containing 4 acres 1 rood and 28 perches, more or less, being Lot 4 on a plan deposited in the Land Registry Office at Auckland as Number 12046, and being part of Takaanini's Grant, situated in Block XIV of the Otahuhu Survey District, and being all the land comprised in certificate of title, Volume 631, folio 145, Auckland Registry, and, secondly, of all that parcel of land containing 5 acres 3 roods and 17 perches, more or less, being Lot 5 on a plan deposited in the Land Registry Office at Auckland as Number 12046, and being part of Takaanini's Grant, situated in Block XIV of the Otahuhu Survey District, and being all the land comprised in certificate of title, Volume 631, folio 146, Auckland Registry:

And whereas the said land is vested in the Board for the purposes of a cemetery but has not been dedicated for nor used as a cemetery:

And whereas the former Manurewa Town District has now been constituted a Borough:

And whereas the Corporation of the Borough of Manurewa (hereinafter called the **Corporation**), by virtue of paragraph (a) of subsection (5) of section 135 of the Municipal Corporations Act 1933, has succeeded to all the rights of the Board in respect of the said land:

And whereas the said land is unsuitable for the purposes of a cemetery, and the Borough of Manurewa is now sufficiently served by other cemeteries at convenient distances from the borough:

Be it therefore enacted as follows:

The Manurewa Borough Council is hereby empowered to sell the said land or any part thereof, and to apply the purchase money received therefrom firstly, in payment of all costs and expenses properly incurred in effecting the sale or incidental thereto, and, secondly, in or towards payment of the purchase price of any other land acquired by the Council for borough purposes, or for the improvement of any other land vested in the Corporation, or in or towards the repayment of any loan raised by the Board for the purpose of acquiring the land above described.

15 Authorising Whangarei Borough Council to contribute towards the funds of the North Auckland Protestant Orphanage Trustees

The Whangarei Borough Council is hereby empowered to expend out of its General Account an amount not exceeding the sum of 50 pounds by way of contribution towards the funds of the North Auckland Protestant Orphanage Trustees.

16 Authorising diversion of certain loan moneys by Rotorua Borough Council

Whereas the Local Government Loans Board on 20 November 1935 sanctioned the borrowing in New Zealand by the Rotorua Borough Council (hereinafter called the **Council**) of the sum of 11,500 pounds, by a loan to be known as the Rotorua Borough Sealing and other Improvements Loan, 1935, £11,500, for the purpose of widening and bitumen-sealing borough sections of the Rotorua–Cambridge Main Highway, bitumen-sealing the borough section of the Rotorua–Napier

Main Highway, bitumen-sealing the borough section of the Rotorua–Whakatane Main Highway, bitumen-sealing borough streets, bitumen-surfacing footpaths in the borough, concreting footpaths in the borough, erecting a refuse destructor, erecting a public convenience in Hinemoa Street and a convenience and shelters at Whakarewarewa, and permanent formation of Rangiuru Street and Lake frontage, including the purchase of necessary plant:

And whereas the Council allocated the sum of 560 pounds out of the said loan moneys for the erection of a refuse destructor:

And whereas since the raising of the said loan the Council has abandoned its intention of proceeding with the erection of a refuse destructor, and now desires to apply the said sum of 560 pounds towards 1 or more of the other purposes of the said loan:

Be it therefore enacted as follows:

The sum of 560 pounds allocated by the Council, out of the Rotorua Borough Sealing and other Improvements Loan, 1935, £11,500, for the purpose of the erection of a refuse destructor may be used by the Council for any 1 or more of the other purposes for which the said loan was raised.

17 Authorising Green Island Borough Council to levy a special rate for drainage purposes

Whereas the Green Island Borough Council (hereinafter called the **Council**) has raised under the Local Bodies' Loans Act 1926, a loan of 32,000 pounds (hereinafter called the **said loan**) for the purpose of carrying out drainage and sewerage works within the Borough of Green Island:

And whereas pursuant to a resolution of the Council passed on 2 July 1935, the Council made and levied a special rate of 1 shilling in the pound upon the rateable value of all rateable property of the Borough of Green Island for the purpose of providing interest and other charges on the said loan:

And whereas by an Order in Council under the Municipal Corporations Act 1933, dated 28 May 1937, and published in the *Gazette* on 3 June 1937, it was declared that as on and from 1 June 1937 the parcel of land containing by admeasurement

13 acres 3 roods and 33 perches, and being all the land comprised in Land Transfer Plans 2403 and 4458, deposited in the office of the District Land Registrar at Dunedin, should be excluded from the County of Taieri and included in the Borough of Green Island:

And whereas the Council intends to provide drainage and sewerage works within the area of land so added to the borough and desires to make and levy rates on the land in respect of such works:

Be it therefore enacted as follows:

The Council is hereby empowered to make and levy the aforesaid rate of 1 shilling in the pound over the whole of the area of the Borough of Green Island as it exists on the passing of this Act during the currency of the said loan or until such time as the said loan is fully repaid.

18 Suspension of annual appropriation of Renewal Fund in respect of tramway and power supply undertaking of Wellington City Council

It shall not be necessary for the Wellington City Council in respect of all or any of the financial years within the period commencing on 1 April 1938 and ending on 31 March 1940 to charge the annual appropriation in respect of the tramway and power supply undertaking of the Council prescribed by section 3 of the Wellington City Trading Departments' Reserve and Renewal Funds Act 1917, as amended by section 3 of the Wellington City Empowering and Amendment Act 1922.

19 Authorising Auckland City Council to raise a special loan of £16,000 for unemployment-relief works

Whereas by a poll of ratepayers taken on 23 January 1935, the Auckland City Council (hereinafter called the **Council**) was authorised to raise a loan to be known as the Unemployment Relief Loan, 1934, of £68,000 (hereinafter referred to as the **said loan**) for the purpose of carrying out certain works for the relief of unemployment:

And whereas by an Order in Council made on 1 April 1935, consent was given to the raising by the Council of the said loan:

And whereas the Council in pursuance of such authority raised the total amount of the said loan by the issue of debentures secured by an appropriate special rate in terms of the Local Bodies' Loans Act 1926:

And whereas all the works in respect of which the said loan was raised have now been completed, but the actual cost of the same has exceeded the proceeds of the said loan by 15,940 pounds 4 shillings and 11 pence, and such excess has in the meantime been advanced from the District Fund of the Council:

And whereas the Council desires to raise a further loan of 16,000 pounds for the purpose of reimbursing its District Fund in respect of such excess expenditure without taking a poll of ratepayers:

Be it therefore enacted as follows:

- (1) The Council is hereby authorised to raise a special loan not exceeding 16,000 pounds by special order and without taking the steps prescribed by sections 9 to 13 of the Local Bodies' Loans Act 1926, and out of the proceeds of the loan to refund to its District Fund all moneys which have been advanced therefrom on account of the cost of the development, improvement, and completion of the works at the Stone Jug Reserve, the Gillies Avenue Reserve, and the Waikumete Cemetery, and to apply the balance of the loan or such part thereof as may be requisite for or towards any charges or expenses incurred in connection with the raising of the loan.
- (2) The authority hereby conferred is in lieu of that granted to the Council by section 23 of the Local Legislation Act 1936, and that section is hereby accordingly repealed.

20 Validating issue of certain debentures by Timaru Borough Council

Whereas the Timaru Borough Council (hereinafter called the **Council**) has issued debentures pursuant to 4 loans duly au-

thorised by the ratepayers of the Borough of Timaru, called respectively—

Timaru Borough Omnibus Loan, 1936, 10,000 pounds;

Timaru Borough Airport Loan, 1936, 15,000 pounds;

Timaru Kerbing and Channelling Loan, 1938, 12,000 pounds; and

Timaru Water-supply Loan, 1938, 72,300 pounds:

And whereas the signatures of the persons authorised to sign the coupons attached to the said debentures are lithographed on the coupons:

And whereas the persons who signed certain of the said debentures are different from the persons whose lithographed signatures appear on the said coupons:

And whereas doubts have been raised as to the validity of the said debentures and it is desired to validate the same:

Be it therefore enacted as follows:

All debentures heretofore or hereafter issued by the Council pursuant to the said loans are declared to be valid for all purposes notwithstanding any difference between the signatures appearing on the debentures and those appearing on the coupons attached thereto.

21 Authorising Auckland City Council to make concessions to owners of workers' dwellings mortgaged to the Corporation

Whereas the Corporation of the City of Auckland (hereinafter called the **Corporation**) is the mortgagee of certain workers' dwellings in the City of Auckland:

And whereas the mortgagor under one of the mortgages of such properties applied under the Mortgagors and Lessees Rehabilitation Act 1936 for an adjustment of his liabilities, and certain relief in respect of the mortgage was granted to him:

And whereas other mortgagors did not so apply within the time limited by the said Act, and it is deemed equitable that the Corporation should be authorised to make adjustments of the liabilities of the mortgagors in respect of certain properties of which it is the mortgagee:

Be it therefore enacted as follows:

The Corporation may at any time within 1 year from the passing of this Act make such reductions, allowances, and concessions as it may think fit to owners of workers' dwellings in the City of Auckland that are mortgaged to the Corporation.

22 Provision with respect to disqualification of member of Pukekohe Borough Council

Notwithstanding anything contained in the Local Authorities (Members' Contracts) Act 1934, or in any other Act, John Routly, who at the time of his nomination as a candidate for the office of Mayor of the Borough of Pukekohe and subsequently at the time of his election as Mayor of the borough was a party to a contract with the Pukekohe Borough Council for his services as an architect in connection with the erection of a Maori restroom by the Council, shall not be deemed to have been disqualified for election as Mayor of the Borough of Pukekohe nor to be disqualified for continuing in such office as Mayor by reason of his being concerned or interested in the said contract nor shall he be deemed to have committed an offence by reason of having done any act as Mayor of the Borough of Pukekohe while concerned or interested in such contract.

Section 22: amended, on 27 November 1947, pursuant to section 2 of the Maori Purposes Act 1947 (1947 No 59).

23 Wellington City Council authorised to use portions of Section 33, Karori District, for cemetery purposes

- (1) Notwithstanding anything contained in the Cemeteries Act 1908, or in any other Act, the Wellington City Council is hereby authorised and empowered to use for cemetery purposes the lands described in subsection (2).
- (2) The lands to which this section relates are particularly described as follows:
 - (a) all that piece of land situate in the Land District of Wellington, containing 8 acres 24 perches and ninety-four one-hundredths of a perch, be the same a little more or less, being part Section 33, Karori District, and part of the land comprised in certificate of title, Volume 404,

folio 268, the said piece of land being delineated on a plan deposited in the office of the Chief Surveyor at Wellington, Number 332/111, being thereon coloured blue; and

- (b) all that piece or parcel of land situated in the Land District of Wellington, containing 1 acre 35 perches and forty-nine one-hundredths of a perch, be the same a little more or less, being part of Section 33, Karori District, City of Wellington, being also Lots 37 to 44 inclusive on a plan deposited in the office of the District Land Registrar at Wellington as Number 9848, and being part of the land comprised and described in certificate of title, Volume 435, folio 54.

24 Fixing date for commencement of farmland roll for Borough of Marton

Notwithstanding anything in the Urban Farm Land Rating Act 1932, the farmland roll made under that Act for the Borough of Marton, as signed by 2 members of the Marton Borough Council on 27 July 1938, shall, for all purposes, be deemed to have come into force on 1 April 1938.

25 Provision with respect to overdraft of Takapuna Borough Council

Whereas the Takapuna Borough Council (hereinafter called the **Council**) during each of the 4 financial years ended on the dates hereinafter mentioned borrowed moneys from its bankers in excess of the limits allowed by paragraph (c) of subsection (2) of section 3 of the Local Bodies' Finance Act 1921–22 (hereinafter referred to as the **said Act**):

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the said Act, or in any other Act, the liability of the Council to its bankers by way of overdraft at 31 March 1935, at 31 March 1936, at 31 March 1937, and at 31 March 1938, in excess of the limit allowed by the said Act is hereby declared to have been lawfully incurred.
- (2) A sum (hereinafter referred to as the **said sum**) equal to the amount in excess of the limit fixed by paragraph (c) of subsection (2) of section 3 of the said Act owing on 31 March 1938

by the Council to its bankers in respect of the said overdraft shall be repaid by the Council out of the moneys credited to its General Account, and such repayment shall be made by equal annual payments of a sum amounting to not less than one-tenth of the said sum in each year during the period of 10 years commencing on 1 April 1938:

provided that the Council may in any year repay an amount greater than such tenth part.

- (3) The said sum shall not at any time heretofore be deemed to have been taken into account, nor shall any amount at any time lawfully owing under this section hereafter be taken into account, in determining the amount that may be borrowed or that may be owed by the Council pursuant to section 3 of the said Act.

26 Validating certain expenditure by Palmerston North City Council

Whereas the Palmerston North City Council (hereinafter called the **Council**) incurred certain liabilities in connection with the celebrations held in November 1937 to commemorate the constitution of the Borough of Palmerston North:

And whereas the Council received certain moneys from public subscriptions towards the cost of the celebrations, but such moneys were not sufficient to satisfy the whole of the said liabilities:

And whereas the Council has expended from its District Fund certain sums towards the cost of the celebrations:

And whereas it is desirable to authorise the Council to pay out of its General Account the amount required in excess of the amount of the public subscriptions, and to validate the action of the Council in incurring such liabilities and in paying part of the cost of the celebrations out of its District Fund:

Be it therefore enacted as follows:

- (1) The action of the Council in incurring the said liabilities is hereby validated.
- (2) The Council is hereby authorised to apply the said public subscriptions and also to pay out of its General Account a sum not

exceeding 785 pounds for the purpose of satisfying the liabilities incurred as aforesaid.

- (3) Any expenditure made by the Council out of the District Fund to meet the said liabilities is hereby validated.

27 Authorising Newmarket Borough Council to contract with Auckland City Council for the supply of water

- (1) Notwithstanding anything to the contrary in section 256 of the Municipal Corporations Act 1933, the Newmarket Borough Council may contract with the Auckland City Council for such supply of water as the Borough Council may require for all purposes for a period not exceeding 21 years, and without the period of such contract being previously approved by a poll of electors.
- (2) While any such contract is in force the provisions of subsection (3) of section 253 of the said Act shall not apply with respect to the supply of water in terms of such contract.

28 Validating sale of certain land by Patea Borough Council

Notwithstanding anything to the contrary in any Act, it shall be deemed to have been lawful for the Patea Borough Council to sell all that land being Section 12, Block XXXVI, Borough of Patea, being part of the land contained in Crown grant, Volume 1, folio 257, in the Taranaki Registry, and to dispose of the proceeds of such sale in the manner provided in subsection (2) of section 4 of the Patea Borough Council Empowering Act 1930.

29 Wellington City Council authorised to utilise for extension of electrical services certain moneys in the Renewal Fund of its electrical undertaking

Notwithstanding anything contained in section 8 of the Wellington City Trading Departments' Reserve and Renewal Funds Act 1917, or in any other Act, the Wellington City Council may, subject to the provisions of the said Act relating to applications to the Wellington City Renewal Fund Commissioners for payments of money, for a period of 2 years commencing on 1 March 1939, lawfully demand and receive from the said Commissioners and use for the purpose of

extensions of the electric-light and power-supply undertaking referred to in the said Act all moneys in excess of the sum of 100,000 pounds from time to time held in investments or cash in respect of the renewal fund for the electric-light and power-supply undertaking under the said Act, and known as the Electricity Renewal Fund.

30 Authorising Napier Borough Council to take over certain private ways as streets

- (1) Notwithstanding anything in the Municipal Corporations Act 1933 (hereinafter called the **said Act**), or in any other Act, it shall be lawful for the Napier Borough Council, subject to compliance with section 193 of the said Act, to lay out and dedicate or accept dedication as streets within the meaning of section 174 of the said Act, and to take under the Public Works Act 1928 or otherwise acquire as and for the purposes of streets, the private ways or pieces of land mentioned and described in subsection (2).
- (2) This section refers to the following private ways or pieces of land, namely:
 - (a) all that private way or piece of land known as Lawrence Lane, containing by admeasurement 36 perches and nine-tenths of a perch, more or less, being parts of Suburban Section 10, Napier, and being Lot 1 on a plan deposited in the Land Transfer Office at Napier under Number 6663:
 - (b) all that private way or piece of land being an extension of the street known as Park Road, containing by admeasurement 28 perches and one-tenth of a perch, more or less, being part of Suburban Section 5, Napier, and being Lot 1 on a plan deposited in the Land Transfer Office at Napier under Number 6662.

31 Authorising diversion of moneys received from sale of endowment lands by Devonport Borough Council

Whereas by Proclamation published in the *Gazette* on 4 November 1937, all those pieces or parcels of land situate in the Borough of Devonport, containing 1 acre 1 rood 10 perches and thirty-six hundredths of a perch, being Lots 1, 2,

3, 12, 17, 25, and 55, DP 19255, and being part Allotment 1, Section 1, Takapuna Parish (coloured blue), 1 acre 14 perches and two-hundredths of a perch, being Lots 14, 24, 27, 53, and 56, DP 19255, and being part Allotment 1, Section 1, Takapuna Parish (coloured red), 3 acres 2 roods 7 perches and six-hundredths of a perch, being Lots 11, 15, 23, 26, 29, 30, 31, 37, 38, 39, 41, 42, 44, 45, 46, 47, 48, and 58, DP 19255, and being part Allotment 1, Section 1, Takapuna Parish (coloured yellow), and 1 acre 36 perches and six-hundredths of a perch being Lots 60, 67, 68, 69, and 70, DP 19255, and being part Allotment 1, Section 1, Takapuna Parish, and part reclaimed land (coloured red), all situated in Block VI, Rangitoto Survey District (Auckland RD), Borough of Devonport (SO 29185), in the North Auckland Land District; as the same are more particularly delineated on the plan marked PWD 97059, deposited in the office of the Minister of Public Works at Wellington, and thereon coloured as above mentioned, were pursuant to the powers conferred by the Public Works Act 1928, and section 32 of the Statutes Amendment Act 1936, taken by the Crown for housing purposes as from and after 8 November 1937:

And whereas at that date the said lands formed part of the lands mentioned in section 2 of the Borough of Devonport Empowering and Endowment Act 1890 (hereinafter referred to as the **said Act**), and were vested in the Mayor, Councillors, and Burgesses of the Borough of Devonport (hereinafter called the **Corporation**) for an estate in fee simple upon trust for municipal purposes:

And whereas by section 156 of the Municipal Corporations Act 1933, it is provided that where land is vested in a Municipal Corporation in trust for any particular purpose or purposes, whether pursuant to an Act or any deed of trust or otherwise howsoever, all moneys paid on the sale of such land and received as purchase money thereof must be applied in or towards the purchase of other lands to be held for the same purposes as affected the land taken or sold:

And whereas the Corporation is desirous of expending the sum of 5,100 pounds paid to it in respect of the taking of the lands

above described in or towards the erection or purchase of municipal buildings:

Be it therefore enacted as follows:

- (1) The Corporation may expend the whole or any part of the moneys received in respect of the taking of such land in or towards the erection or purchase of municipal buildings.
- (2) The Corporation shall establish a sinking fund to be administered by the Public Trustee by paying to the Public Trustee an annual sum of 38 pounds 18 shillings and 8 pence on 1 September in each year commencing on 1 September 1939, for a period of 50 years, and the fund so created shall upon the expiration of the said period be held and applied in accordance with the provisions of the said Act.
- (3) Any surplus moneys remaining in the hands of the Corporation after the erection or purchase of such buildings shall be used and applied in accordance with the provisions of the said Act.

32 Validating agreement between Hamilton Borough Council and His Majesty the King

Whereas Allotments 83, 84, 85, 408, and 409 of the Town of Hamilton East (hereinafter referred to as the **said land**) are vested in the Mayor, Councillors, and Burgesses of the Borough of Hamilton (hereinafter called the **Corporation**) as endowments in aid of the funds of the Borough of Hamilton:

And whereas by agreement, dated 9 September 1938, made between the Corporation and the State Advances Corporation of New Zealand acting for and on behalf of His Majesty the King, it was agreed that the said land should be vested in His Majesty the King for the purposes of Part 1 of the Housing Act 1919, and that Whitaker Street and the street known as Graham's Landing intersecting the said land should be closed and vested as above, and that the Hamilton Borough Council should carry out on all the land above described and on Wellington and MacFarlane Streets and also on other land in the Borough of Hamilton certain work for the consideration mentioned in the said agreement:

And whereas the said Wellington and MacFarlane Streets are dedicated streets:

And whereas there is no power to expend money out of the Housing Account on dedicated streets:

Be it therefore enacted as follows:

- (1) The said Whitaker Street and the street known as Graham's Landing are hereby closed, and shall vest together with the said land in the name of His Majesty the King for the purposes of Part 1 of the Housing Act 1919.
- (2) The said agreement is hereby declared to be valid and binding on the parties thereto and in so far as the consideration mentioned therein is to be expended on dedicated streets, such expenditure is hereby authorised.

Harbour Boards

33 Making provision with respect to expenditure by Auckland Harbour Board for certain purposes

- (1) The expenditure by the Auckland Harbour Board (hereinafter called the **Board**) during the financial year ending on 30 September 1938 of—
 - (a) the sum of 200 pounds in the reception and entertainment of the complement of the Imperial Airways Flying Boat "Centaurus"; and
 - (b) the sum of 250 pounds as a contribution to the Memorial Fund to the late Captain Edwin C Musick and crew of the Pan-American Airways Flying Boat "Samoan Clipper",—is hereby validated and declared to have been lawfully incurred.
- (2) The Board is hereby empowered to expend out of its Harbour Fund the sum of 500 pounds towards the cost of the erection of a beacon as a memorial to the late Captain Edwin C Musick and crew of the Pan-American Airways Flying Boat "Samoan Clipper".

34 Authorising Auckland Harbour Board to contribute towards the cost of regrading Nelson Street in the City of Auckland

The Auckland Harbour Board is hereby empowered to expend out of its Harbour Fund the sum of 500 pounds as a contribu-

tion to the Auckland City Council towards the cost of the work of regrading Nelson Street in the City of Auckland.

Electric Power Boards

35 Validating action of Tararua Electric-power Board with respect to loan of £40,000

Whereas the Tararua Electric-power Board when carrying out the procedure incidental to the raising of a loan of 40,000 pounds, known as the Akitio County Reticulation Loan, 1938, took a poll of the ratepayers concerned prior to obtaining the sanction of the Local Government Loans Board contrary to the statutory provisions relating to such loans:

And whereas the Local Government Loans Board has sanctioned the raising of the loan subject to such irregularity being validated:

Be it therefore enacted as follows:

Notwithstanding anything to the contrary in any Act, the action of the Board in taking the said poll prior to the sanction of the Local Government Loans Board being obtained is hereby validated and declared to have been lawful.

River and Drainage Boards

36 Constituting a special-rating area over which the Ellesmere Lands Drainage Board is authorised to raise a special loan as its contribution to cost of permanent outlet of Lake Ellesmere

Whereas by section 30 of the Finance Act (No 2) 1936, the Minister of Public Works was authorised to construct certain works for the drainage and control of Lake Ellesmere in the Canterbury Land District (which works are known as and are hereinafter referred to as the **permanent outlet**) and the Ellesmere Lands Drainage Board (hereinafter called the **Board**) was authorised to contribute towards the cost of construction of such permanent outlet, and for that purpose to raise a special loan in the manner prescribed by and subject to the provisions of the Local Bodies' Loans Act 1926:

And whereas the construction of the permanent outlet will benefit the lands to which this section relates including certain lands outside the district of the Board:

Be it therefore enacted as follows:

- (1) It is hereby declared that the amount that the Board may raise by way of special loan under the authority of section 30 of the Finance Act (No 2) 1936 shall not exceed the sum of 15,000 pounds.
- (2) Notwithstanding that certain of the lands to which this section relates are outside the district of the Board, the whole of such lands shall be deemed to be a defined part of the district within the meaning of the Local Bodies' Loans Act 1926.
- (3) The Board is hereby empowered to classify the lands to which this section relates as provided by section 33 of the Land Drainage Act 1908, and, for the purpose of securing the repayment of any special loan raised under the authority of the said section 30 and interest thereon, to make, levy, collect, appropriate, and pledge as security a special rate over the whole of the said lands notwithstanding that certain of the said lands are outside the district of the Board.
- (4) The special-rating area to which this section relates is particularly described as follows:
 - (a) all that land, being part of the land described in Schedule 1 of the Ellesmere Land Drainage Act 1905, situated in the Halswell, Ellesmere, Southbridge, and Leeston Survey Districts, and being that part of the district of the Board known as the Lake Subdivision, excluding therefrom Reserve No 3048 and Reserve No 4349; and
 - (b) all that land situated in the Southbridge and Leeston Survey Districts, and described in subsection (2) of section 88 of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1917.

**37 Validating payment of Chairman's honorarium by
Wairau River Board**

The payment by the Wairau River Board out of its General Fund of the sum of 25 pounds during each of the financial years ended on 31 March 1937 and 31 March 1938, respectively, as

an honorarium to the Chairman of the Board is hereby validated and declared to have been lawfully made.

38 Validating variation of terms of drain-cleaning contract by Raupo Drainage Board

Whereas the Raupo Drainage Board (hereinafter called the **Board**) entered into a contract on 14 September 1936 for the cleaning and maintenance of drains and canals in the Board's area for a period of 2 years:

And whereas the Board found it necessary, in order to retain the services of the contractors, to vary the contract and grant an increase in the contract price:

And whereas there was no authority for such action:

Be it therefore enacted as follows:

The action of the Board in varying the said contract by granting an increase in the contract price is hereby validated.

39 Provision with respect to vesting of certain land in Hawke's Bay Rivers Board

Whereas the Hawke's Bay Rivers Board, a body corporate now deemed to be constituted under the Hawke's Bay Rivers Act 1919 (hereinafter called the **Board**), has been in exclusive occupation of the pieces of land hereinafter described since the original constitution of the Board by the Hawke's Bay Rivers Act 1910:

And whereas all the records of the Land Registry Office at Napier were destroyed by or in consequence of the earthquake and fire which occurred on 3 February 1931:

And whereas the titles to the said pieces of land (if any such were issued) would have been recorded in the Land Registry Office at Napier on the said date:

And whereas the Board owns land adjoining the said pieces of land, and the said pieces of land are wholly or in part river accretion:

And whereas from inquiries made it appears that the said pieces of land were on the said 3 February 1931 vested in the Board in fee simple, but the Board holds no title deeds to the said pieces of land:

And whereas it is desirable to authorise the issue to the Board of a certificate of title in respect of the said pieces of land:

Be it therefore enacted as follows:

- (1) The District Land Registrar for the Land Registration District of Hawke's Bay is hereby empowered and directed to issue to and in the name of the Hawke's Bay Rivers Board, without payment of any fees, a certificate of title for the said pieces of land.

- (2) The pieces of land to which this section relates are particularly described as follows:

All those areas in the Hawke's Bay Land District containing together 11 acres 1 rood 12 perches, more or less, situated in the Taradale Town District, being parts Block I, Puketapu Crown Grant District, parts Suburban Sections 50 and 51, Meeanee, and being Lots numbered 1, 2, and 3 on a plan deposited in the Land Registry Office at Napier under Number 4127.

40 Authorising Auckland and Suburban Drainage Board to raise a special loan of £5,000 for the purpose of completing certain works

[Repealed]

Section 40: repealed, on 1 February 1945, by section 77(1) of the Auckland Metropolitan Drainage Act 1944 (1944 No 8 (L)).

41 Empowering the Dunedin Drainage and Sewerage Board to pay certain moneys to the widow of a deceased employee

The Dunedin Drainage and Sewerage Board is hereby authorised to pay to Alice Smith, widow of the late William Milner Smith, formerly an employee of the Board, a sum not exceeding 119 pounds 14 shillings, being the balance of retiring leave pay granted to the said William Milner Smith but not drawn by him at the date of his death.

42 Empowering the Dunedin Drainage and Sewerage Board to reissue certain debentures

Whereas on 31 March 1937 the Dunedin Drainage and Sewerage Board (hereinafter called the **Board**) purchased from the Dunedin City Renewal Fund Commissioners by way of investment of surplus moneys the debentures issued by the Board particularly described in subsection (2):

And whereas the Board had no legal authority so to purchase its own debentures and the legal effect of the Board's action was to redeem the said debentures before the due dates thereof:

And whereas it is desirable to confer authority upon the Board to reissue the said debentures:

Be it therefore enacted as follows:

- (1) Notwithstanding the purchase by the Board of the said debentures, the Board shall have and shall be deemed always to have had power to reissue the said debentures either by reissuing the same debentures or by issuing other debentures in their place; and upon such a reissue the person entitled to the debentures shall have and shall be deemed always to have had the same rights as if the debentures had never been redeemed.
- (2) The debentures to which this section relates are as follows:
Debentures numbered 1310 to 1329 inclusive, of 500 pounds each, dated 1 July 1934, being part of Renewal Loan (No 2) 1934 of £184,500, bearing interest at 3 pounds 15 shillings per centum per annum, and maturing on 1 July 1958.

43 Provision with respect to conversion of certain loans by Lower Mangapiko Drainage Board

Whereas the Lower Mangapiko Drainage Board (hereinafter called the **Board**) is indebted to the State Advances Corporation of New Zealand and to the Public Trustee of the Dominion of New Zealand in respect of the loans mentioned in section 52 of the Local Legislation Act 1936, and also for certain arrears of interest owing in respect of those loans:

And whereas the Board is desirous, in pursuance of the Local Authorities Interest Reduction and Loans Conversion Act 1932–33, of issuing new securities in conversion of the existing securities issued in respect of the said loans and of

compounding the arrears of interest now owing and including the arrears in the principal sum secured by the new securities, but no authority in law exists for compounding the arrears of interest:

And whereas doubts have arisen as to whether, if such new securities are issued, the Board has power to levy the rates appropriated and pledged in respect of those securities on the basis of the classification of the land in the Board's district made in 1917, as provided in section 52 of the Local Legislation Act 1936:

And whereas it is expedient to authorise the compounding of the said arrears of interest and to resolve the said doubts:

Be it therefore enacted as follows:

- (1) The Board may in issuing new securities in conversion of the existing securities above referred to, with the consent in each case of the holder of such securities, compound the arrears of interest owing in respect of the existing securities and include the arrears in the principal sum secured by the new securities.
- (2) Notwithstanding anything contained in the Land Drainage Act 1908, the Rating Amendment Act 1935, or any other Act, the Board shall, so long as any moneys remain owing on any of the said new securities, levy the rates appropriated and pledged in respect of these securities on the basis of the classification of the land in the Board's district made in 1917.

44 Authorising Waimakariri River Trust to raise a special loan for housing purposes

Whereas the Waimakariri River Trust (hereinafter called the **Trust**) is erecting a dwelling on certain land owned by the Trust, comprising approximately 10 acres of land, being part of Reserve 1360, Block III, Christchurch Survey District, for the use and occupation of the Resident Engineer or any worker for the time being employed by the Trust:

And whereas the Trust intends to erect on its land 2 dwellings for the use of its employees, one of which will be erected on an area of approximately 2 acres, being part of the said Reserve 1360, and the other on an area of approximately 3 acres

2 roods, being part of Rural Section 412 in Block III of the Christchurch Survey District:

And whereas the Trust has expended out of its General Fund certain moneys in the erection of the dwelling firstly above mentioned and in the improvement of the land appurtenant thereto, and intends to expend other moneys for the completion of the dwelling and the further improvement of the land appurtenant thereto, and for the erection of the 2 dwellings secondly above mentioned and in the improvement of the areas of the land appurtenant thereto:

Be it therefore enacted as follows:

- (1) In this section the term **worker** means and includes every person, male or female, who is employed in work of any kind by the Trust; and **worker's dwelling** includes the areas of land appurtenant to the 3 workers' dwellings respectively above referred to.
- (2) The Trust may complete the erection of the building firstly above referred to, and may erect 2 other buildings suitable for workers' dwellings on the respective areas secondly above referred to.
- (3) The Trust may let to a worker or lease to a worker for a term not exceeding 10 years any of the said workers' dwellings, and any such tenancy may be disposed of by private contract, public auction, or public tender.
- (4) The provisions of section 192 of the Counties Act 1920 shall, so far as they are consistent with this section, apply, with the necessary modifications, to the said dwellings.
- (5) If at any time any of the said workers' dwellings is not required for the use and occupation of a worker the Trust is hereby authorised and empowered to let the said dwelling by public auction, public tender, or private contract, for any term not exceeding 12 months, and to any person not employed by the Trust, at such rent and upon such terms and other conditions as the Trust in its discretion may think fit.
- (6) In the event of the Trust being of opinion that any of the said workers' dwellings is no longer required for the purposes of a dwelling or a dwelling for workers, the Trust may deal with

the land or any part thereof in all respects as if this section had not been passed:

provided that in the event of any such land being sold the Trust is hereby authorised and required to set aside the purchase money or so much thereof as may be necessary for the purpose of the repayment of any portion of any loan raised under this section and which may then remain owing.

- (7) The payment of all moneys already paid by the Trust in connection with the erection of the dwelling firstly above mentioned is hereby validated, and the Trust is hereby empowered, in its discretion, out of its General Fund, to pay further sums in the completion of the said dwellinghouse firstly above mentioned and the improvement of the area appurtenant thereto and in the erection of the 2 workers' dwellings and the improvement of the areas appurtenant thereto secondly above mentioned respectively:

provided that the total sum expended for the said purposes shall not exceed 4,000 pounds.

- (8) The Trust may by special order raise a special loan or special loans under the Local Bodies' Loans Act 1926, not exceeding in the aggregate the sum of 4,000 pounds for any of the purposes mentioned in this section without taking the steps prescribed by sections 9 to 13 of that Act, and may out of the proceeds of any such loan refund to its General Fund moneys paid out of that fund for any of the said purposes.

Hospital Boards

45 Validating payment of compassionate allowances by North Canterbury Hospital Board

The payments by the North Canterbury Hospital Board of the sum of 500 pounds to the widow of the late William Shakespeare Wharton, formerly Secretary to the Board, and of the sum of 235 pounds to the widow of the late William Henry Harrop, formerly Clerk of Works to the Board, as compassionate allowances are hereby validated and declared to have been lawfully made.

46 Validating payment of superannuation contributions by Wairoa Hospital Board

Whereas the Wairoa Hospital Board (hereinafter called the **Board**) has made the following payments to the National Provident Fund under the National Provident Fund Act 1926 in respect of the following employees of the Board, namely:

for the year ended on 31 March 1936, the sum of 23 pounds 14 shillings in respect of Isabel Banks and Linda May Grant;

for the year ended on 31 March 1937, the sum of 23 pounds 14 shillings in respect of the said Isabel Banks and Linda May Grant; and

for the year ended on 31 March 1938, the sum of 7 pounds 7 shillings in respect of the said Isabel Banks:

And whereas such payments were made without lawful authority and it is desirable to validate the payments so made:

Be it therefore enacted as follows:

The payments made by the Board of the aforesaid sums amounting in all to the sum of 54 pounds 15 shillings are hereby validated and declared to have been lawfully made.

Fire Board

47 Authorising variation of contract between Nelson Fire Board and Vigilant Automatic Fire Alarm Company, Limited

Whereas the Nelson Fire Board (hereinafter called the **Board**) entered into a contract with the Vigilant Automatic Fire Alarm Company, Limited (hereinafter called the **company**), on 29 September 1936, for the installation of a street fire-alarm system in the City of Nelson:

And whereas, owing to the cost of such installation having increased since the date of the contract, the Board has agreed to pay the company the sum of 57 pounds 10 shillings and 6 pence in addition to the contract price for the installation:

Be it therefore enacted as follows:

The Board is hereby empowered and authorised to pay to the company the said additional sum of 57 pounds 10 shillings and 6 pence.

Affecting 2 or more classes of public bodies

48 Authorising certain local authorities to contribute to Wellington Branch of the New Zealand Free Ambulance Transport Service, Incorporated

All local authorities mentioned hereunder are authorised and empowered to pay to the New Zealand Free Ambulance Transport Service (Wellington District), Incorporated, in the year ending on 31 March 1939, such sums as they think fit, not exceeding in any case, the respective amounts hereinafter specified, namely:

- the Wellington Hospital Board, 1,250 pounds;
- the Wellington Harbour Board, 300 pounds;
- the Hutt County Council, 150 pounds; and
- the Makara County Council, 86 pounds.

49 Authorising certain local authorities to expend further moneys in connection with erection of Fairfield Bridge over the Waikato River

- (1) The Waikato County Council is hereby authorised to pay a sum not exceeding 1,000 pounds as a grant to the Roose Shipping Company, Limited, in respect of the loss sustained by the said company in the erection of the bridge over the Waikato River known as the Fairfield Bridge.
- (2) The Hamilton Borough Council is hereby authorised to pay to the Waikato County Council a sum not exceeding 444 pounds 8 shillings and 11 pence as a contribution to such grant, and the Waipa County Council is hereby authorised to pay to the Waikato County Council a sum not exceeding 111 pounds 2 shillings and 2 pence as a contribution to such grant.
- (3) The grant heretofore mentioned shall be considered for all purposes as part of the cost of the erection of the said Fairfield Bridge and may be paid from loan moneys heretofore or hereafter raised for the purposes of such work.

50 Validating agreements made between the Manukau County Council and the Papatoetoe Town Board with respect to the supply of water

Whereas by agreement bearing date 19 October 1937, and made between the Chairman, Councillors, and Inhabitants of the County of Manukau (hereinafter called the **Council**), of the one part, and the Papatoetoe Town Board (hereinafter called the **Board**), of the other part, the Council agreed to extend its water mains and to install a water meter at a point in Grey Avenue:

And whereas the said agreement contains certain provisions relating to the control of the said meter and the supply of water through the meter:

And whereas by agreement bearing date 19 October 1937, and made between the same parties, the Council agreed to lay certain water mains in the special-rating area to which the Papatoetoe Water-supply Extension Loan, 1936, relates, for the purpose of completing the circuit with the Board's service mains at Cornwall Road and Great South Road and to provide supplies of water and firefighting facilities in the said area:

And whereas the said agreement contains certain provisions relating to the control and use of the new service mains and the supply of water through the mains:

And whereas doubts have arisen as to whether the said parties have power to enter into the said agreements:

Be it therefore enacted as follows:

Notwithstanding the provisions of the Counties Act 1920 or the Municipal Corporations Act 1933, the Council and the Board shall respectively be deemed to have had power to enter into the said agreements and the agreements are hereby declared to be valid and binding according to the tenor thereof.

Miscellaneous

51 Authorising payment of honorarium to President of the Municipal Association of New Zealand (Incorporated)

The Municipal Association of New Zealand (Incorporated) is hereby authorised to pay out of the funds of the Association to the President of the Association an honorarium amounting

to 100 pounds in respect of his services to the Association for the year ending on 30 November 1938.

52 Authorising Auckland Transport Board to refund to its Transport Fund Account all moneys advanced on account of purchase of certain debentures

Whereas by section 6 of the Auckland Transport Board Empowering Act 1934, the Auckland Transport Board (hereinafter called the **Board**) is empowered to raise a special loan by special order for the purpose of purchasing or completing the purchase of debentures originally issued by the Auckland City Council but in respect of which the said Council has been indemnified by the Board:

And whereas by Order in Council issued on 20 July 1938, consent was given to the Board for the raising of a special loan of 500,000 pounds for the purchase of the above-mentioned debentures and for other purposes:

And whereas before the issue of the said Order in Council and before the making of any special order by the Board the Board purchased certain of the said debentures and paid for the same out of the Transport Fund Account:

And whereas the Board now desires authority to reimburse the Transport Fund Account out of the proceeds of the said special loan for the moneys so paid:

Be it therefore enacted as follows:

The Board is hereby authorised and empowered out of the proceeds of the said loan to refund to its Transport Fund Account all moneys heretofore or hereafter advanced thereout on account of the purchase of the said debentures.

Contents

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Notes**1 General**

This is a reprint of the Local Legislation Act 1938. The reprint incorporates all the amendments to the Act as at 27 November 1947, 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)*

Maori Purposes Act 1947 (1947 No 59): section 2

Auckland Metropolitan Drainage Act 1944 (1944 No 8 (L)): section 77(1)

Meat Act 1939 (1939 No 19): section 73(1)
