

**Reprint  
as at 30 June 1995**



**Local Legislation Act 1939**

Public Act    1939 No 25  
Date of assent    6 October 1939  
Commencement    6 October 1939

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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.

**This Act is administered by the Department of Internal Affairs.**

*City and Borough Councils*

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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 1939.

*County Councils*

**2 Validating expenditure by Coromandel County Council in connection with jubilee celebrations**

The expenditure by the Coromandel County Council out of its County Fund Account of the sum of 16 pounds 19 shillings and 11 pence, being part of the costs incurred in celebrating the diamond jubilee of the Coromandel County, is hereby validated and declared to have been lawfully made.

**3 Provision respecting overdraft of Matakaoa County Council**

The Matakaoa County Commissioner may, in the name and on behalf of the Matakaoa County Council, 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 in the aggregate 2,700 pounds, and may apply the proceeds of such loan for the repayment of moneys owing by the said Council to its bankers by way of overdraft.

**4 Westland County Council authorised to grant a lease of certain land**

Whereas certain lands, including the land described in subsection (4), are vested in the Corporation of the County of Westland (hereinafter called the **Corporation**) for a Road Reserve: And whereas the Westland County Council (hereinafter called the **Council**) is desirous of leasing the said land, but finds that it has no power to do so:

And whereas the leasing of the said land will not in any manner interrupt the traffic on the road adjoining the said land:

And whereas it is expedient to give the Council power to lease the said land:

Be it therefore enacted as follows:

- (1) It shall be lawful for the Council to lease the land described in subsection (4) for such term or terms not exceeding 21 years,

with or without a right of renewal for such further term or terms as the Council may think fit.

- (2) The rents received under any lease granted under this section shall be paid into and form part of the County Fund.
- (3) No riparian rights shall be deemed to vest in any lessee or his executors, administrators, successors, or assigns by virtue of any such lease.
- (4) The land to which this section relates is particularly described as follows:

All that parcel of land situate in Block XI, Kanieri Survey District, Land District of Westland, containing 3 roods and 13 perches, be the same a little more or less, bounded by a line commencing at a point bearing  $69^{\circ}21'$ , a distance of 102.2 links, from the south-eastern corner of Lot 2 of Section 1699, Block XI, Kanieri Survey District, and proceeding generally in a northerly direction by lines bearing  $345^{\circ}40'$  for 192.5 links,  $352^{\circ}44'$  for 478 links,  $341^{\circ}10'$  for 572.1 links to the southernmost corner of part Reserve 913; thence in a north-easterly direction by the south-eastern boundary of the said part Reserve 913 for 70 links to the left bank of the Kanieri River; thence generally in a southerly direction by the said left bank of the Kanieri River for approximately 1 200 links; thence by a line bearing  $270^{\circ}$  for 40 links, to the commencing point aforesaid.

## **5 Abolishing Buller County Superannuation Fund**

Whereas the Buller County Council (hereinafter in this section called the **Council**) has established a superannuation fund under the provisions of the Local Authorities Superannuation Act 1908:

And whereas the Council and the contributors to the fund and the persons who are receiving retiring allowances out of the fund desire that the fund be abolished and the moneys belonging thereto disposed of in the manner hereinafter appearing:

Be it therefore enacted as follows:

- (1) The Public Trustee shall disburse all moneys belonging to the fund and for the time being held by him in the manner following,—

- (a) in paying to the Government Insurance Commissioner such sum as the Minister of Finance (hereinafter in this section called the **Minister**) directs:
  - (b) in refunding to such of the contributors of the fund as the Minister directs the respective amounts contributed by them to the fund, but without interest:
  - (c) in paying the balance of the moneys to the Council,—  
and when the moneys have been disbursed as aforesaid the said fund shall be deemed to be abolished.
- (2) The sum paid to the Government Insurance Commissioner shall be such sum as shall be necessary to purchase from the Commissioner the annuities hereinafter referred to. The Commissioner shall on receiving the sum hereinbefore referred to grant annuities to such of the contributors to the fund and persons receiving retiring allowances from the fund as the Minister determines. The annuities shall be of such amounts as the Minister determines, and shall be granted upon or subject to such terms and conditions as the Minister approves.
- (3) Any person who is granted an annuity under the last preceding subsection or who has his contributions refunded to him shall accept the annuity or those contributions, as the case may be, in full satisfaction of his claims against the fund.
- (4) No person other than the person to whom an annuity is granted under this section may acquire any interest in the annuity, and the annuity shall not be surrendered, assigned, or charged or pass to any other person by operation of law or otherwise.
- (5) The moneys paid to the Council under this section shall be applied by the Council as follows:
  - (a) such amount as may be necessary shall be applied in reducing the balance of the amount owing by the Council under section 4 of the Local Legislation Act 1938 to the sum of 9,887 pounds 6 shillings and 3 pence, but if at the time the moneys are paid to the Council the amount owing under the said section 4 has been reduced by 9,887 pounds 6 shillings and 3 pence, such amount as may be necessary shall be applied in repaying the whole of the amount owing under that section; and
  - (b) the balance of the moneys paid to the Council under this section shall be applied by the Council in reduction of

any moneys owing by it by way of overdraft under the authority of section 3 of the Local Bodies' Finance Act 1921–22.

**6 Authorising Ashburton County Council to raise a special loan for river protection works**

Whereas the Ashburton County Council (hereinafter called the **Council**), acting in pursuance of the Ashburton Rivers Act 1936, is executing and has executed certain works for the purposes of the improvement and control of the Ashburton River and for the protection of certain lands contiguous thereto:

And whereas prior to authority being obtained to raise a special loan for the purpose of meeting the cost of the aforesaid works the Council, on 28 April 1939, expended out of its General Account a sum of 2,500 pounds in payment of a sum which became due on 1 April 1939 in respect of works so executed:

And whereas the Council desires authority to raise a loan of 5,500 pounds for the purpose of meeting the cost of the said work and to reimburse the said General Account out of the proceeds of such special loan:

Be it therefore enacted as follows:

- (1) Notwithstanding the payment by the Council of the sum of 2,500 pounds out of its general account for works executed in pursuance of the Ashburton Rivers Act 1936 for the improvement and control of the Ashburton River and for the protection of certain lands contiguous thereto the Council is hereby authorised to borrow the aforesaid sum of 5,500 pounds in all respects as though the said works had not been commenced.
- (2) The Council may out of the proceeds of the said loan refund to its General Account the said sum of 2,500 pounds so paid.

**7 Authorising Great Barrier Island County Council to expend certain moneys for wharf construction**

Whereas the Great Barrier Island County Council (hereinafter called the **Council**) has in its Wharf Account accumulated revenues received on account of the various wharves in the county owned and controlled by the Council, and such revenues are

set aside to defray the costs of maintenance of the said wharves and of their renewal when found necessary:

And whereas the Council finds it necessary to construct a new wharf at Okupu, Blind Bay, in the said county and desires authority to use an amount of 200 pounds of the funds in the Wharf Account to assist in defraying the cost of construction of such wharf:

And whereas it is expedient that such authority be granted:

Be it therefore enacted as follows:

The Council is hereby authorised and empowered to expend a sum not exceeding 200 pounds from the said Wharf Account towards the cost of construction of the wharf at Okupu, Blind Bay, in the Great Barrier Island County.

**8 Providing for the acquisition of certain land by the Hutt County Council and the Crown**

Whereas the Hutt County Council (hereinafter called the **Council**) has agreed to join with the Crown in the acquisition of the land hereinafter described, portion of which is to be set aside under the provisions of the Scenery Preservation Act 1908 and the remainder vested in the Council:

And whereas out of the total purchase price of 2,000 pounds the Council has agreed to contribute the sum of 1,250 pounds provided payment of that amount may be made by annual instalments:

And whereas the vendors of the said land have agreed that the Council's share of the purchase price may be paid by equal annual instalments without interest over a period of 12 years:

And whereas it is desirable that the Council should be authorised to pay the said sum of 1,250 pounds by annual instalments as aforesaid:

And whereas it is also desirable that provision should be made as hereinafter appearing for the vesting of portion of the said land in the Council:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act or rule of law, the Council is hereby authorised to pay out of the funds of the Wainuiomata Riding the sum of 1,250 pounds as a con-

tribution towards the acquisition by the Crown of the land hereinafter described, and to make such payment by equal annual instalments without interest over a period not exceeding 12 years.

- (2) On the transfer of the said land to His Majesty the King the Governor-General may, if he is satisfied that suitable arrangements have been made between the Council and the vendors with respect to the payment by annual instalments of its contribution as aforesaid, by Order in Council vest such portion or portions of the said land as he may think fit in the Council, and all land so vested may be administered and dealt with by the Council in all respects as if it had been acquired by the Council under the provisions of the Counties Act 1920.
- (3) The land to which this section relates is described as follows:  
All those parcels of land in the Wellington Land District containing an area of approximately 265 acres, being parts of Sections 20, 21, 22, and 23, Harbour District, and being part of the land comprised in certificates of title, Volume 435, folio 232, and Volume 439, folio 129, Wellington Registry.

#### *City and Borough Councils*

### **9 Authorising Huntly Borough Council to acquire certain land for cemetery purposes**

Whereas the Huntly Borough Council has the control and management of the Huntly Cemetery, containing 5 acres 3 roods and 1 perch, more or less, situated within the Borough of Huntly (hereinafter referred to as the **borough**), and being Allotment 14A and part of Allotment 14B of the Parish of Taupiri:

And whereas the Council is desirous of extending the said cemetery by the acquisition of a certain piece of land in the borough, containing 5 acres, more or less, being part of the said Allotment 14B of the said parish adjoining the northern boundary of the cemetery:

And whereas it is expedient to authorise the Council to make the aforesaid extension to the said cemetery:

Be it therefore enacted as follows:

The said Council may for the purpose of extending the existing Huntly Cemetery acquire the said piece of land and use it for cemetery purposes.

**10 Authorising Otahuhu Borough Council to raise a special loan for payment of compensation**

Whereas pursuant to the provisions of section 128 of the Public Works Act 1928 Mary Ann Trenwith, wife of Alfred Trenwith, of Auckland, boot manufacturer, dedicated as a public road and vested in the Mayor, Councillors, and Burgesses of the Borough of Otahuhu (hereinafter called the **Corporation**) certain lands for the purpose of widening Mason Avenue in the said borough, the said lands being all the land comprised in memorandum of transfer registered in the Land Registry Office at Auckland under Number 296419:

And whereas the said Mary Ann Trenwith claimed compensation from the Corporation in respect of the lands so dedicated:

And whereas on behalf of the Corporation the Otahuhu Borough Council (hereinafter called the **Council**) agreed with the said Mary Ann Trenwith to settle her claim for compensation by a cash payment of 960 pounds:

And whereas the Council, being unable to provide for the payment of the said compensation out of its ordinary revenue, proposed to raise a special loan for the purpose in pursuance of the powers conferred on it by section 133 of the Public Works Act 1928:

And whereas application was duly made to the Local Government Loans Board for its sanction to the raising of the said loan, but before such application could be considered by that Board the Council was compelled to pay the amount of the said compensation out of its District Fund Account:

And whereas doubts have arisen as to whether the Council can now lawfully borrow the said moneys by way of special loan pursuant to the provisions of the said section 133:

Be it therefore enacted as follows:

The Council may by special order, and without taking the steps prescribed by sections 9 to 13 of the Local Bodies' Loans Act 1926, raise a special loan not exceeding a sum of 960 pounds

for the purpose of repaying to its District Fund Account the amount paid thereout to the said Mary Ann Trenwith as aforesaid.

**11 Authorising Petone Borough Council to declare portions of Lochy and Nevis Streets to be public street**

Notwithstanding anything contained in the Petone Borough Council Empowering Act 1926, or in any other Act, the Petone Borough Council may, by special order, declare to be a public street any portion of the public highways within the Borough of Petone, known respectively as Nevis and Lochy Streets, that has been increased in width to 50 feet; and on confirmation of the special order the said portion shall be deemed to be a street within the meaning of the Municipal Corporations Act 1933.

**12 Validating expenditure by Kaitangata Borough Council on jubilee celebrations**

The expenditure by the Kaitangata Borough Council out of its District Fund Account of the sum of 13 pounds 4 shillings and 2 pence in connection with the expenses of the celebrations commemorating the 50th anniversary of the constitution of the Borough of Kaitangata is hereby validated and declared to have been lawfully made.

**13 Authorising the Oamaru Borough Council to correct errors in valuation roll and rate book**

Whereas in the compilation of the valuation roll for the Borough of Oamaru for the year ended on 31 March 1939 certain clerical errors were made, and as a result of the errors the annual values of certain lands are wrongly stated in such roll:

And whereas it is desired to rectify such errors:

Be it therefore enacted as follows:

- (1) The Oamaru Borough Council is hereby authorised to correct its valuation roll by altering the entries in respect of the lands hereinafter mentioned so that the annual value of those lands shall in each case appear in the roll as follows:
  - (a) Lots 1 and 2, Deposited Plan Number 63; annual value, 8 pounds:

- (b) Lots 3 and 4, Deposited Plan Number 63; annual value, 10 pounds:
  - (c) Lot 5, Deposited Plan Number 63; annual value, 7 pounds.
- (2) The said Council is hereby authorised to alter its rate book so that the rates on the said pieces of land shall be assessed in accordance with the valuations set out in the last preceding subsection.
- (3) The said Council is authorised to make such remission or refund of rates as may be necessary to give effect to this section.

**14 Validating remission of rates by Palmerston North City Council**

The remission of the sum of 45 pounds 9 shillings and 6 pence, being rates payable to the Palmerston North City Council by the Palmerston North Young Men's Christian Association in respect of the year ended on 31 March 1938, is hereby validated.

**15 Making provision with respect to overdraft incurred by Eastbourne Borough Council**

Whereas the Eastbourne Borough Council (hereinafter called the **Council**) has, under the powers conferred upon it under sections 217 and 218 of the Municipal Corporations Act 1933, established a steamer ferry service and a motor omnibus passenger service:

And whereas in order to carry on the steamer ferry service the Council has borrowed from time to time by way of overdraft from the Union Bank of Australia, Limited (hereinafter called the **bank**), certain sums of money, and by reason of losses in connection with the said steamer ferry service there was on 31 March 1939 owing to the bank the sum of 5,879 pounds 5 shillings and 5 pence:

And whereas the said sum of 5,879 pounds 5 shillings and 5 pence exceeds the amount which under section 3 of the Local Bodies' Finance Act 1921–22 the Council could lawfully have owed on overdraft on 31 March 1939:

And whereas it is expedient to validate the action of the Council in incurring the said overdraft and to make provision for the repayment thereof in the manner hereinafter appearing:

Be it therefore enacted as follows:

- (1) Notwithstanding anything contained in the Local Bodies' Finance Act 1921–22, or in any other Act, the overdraft which was incurred as aforesaid by the Council at the bank in connection with its steamer ferry service and under which there was owing by the Council to the bank on 31 March 1939 the total sum of 5,879 pounds 5 shillings and 5 pence shall be deemed to have been lawfully incurred, and the action of the Council in incurring the said overdraft is hereby validated.
- (2) The Council shall cause to be kept a separate account at the bank in which the said overdraft, and all interest and other charges payable in respect thereof, and all payments made in reduction of the said overdraft, shall be recorded.
- (3) The Council shall repay the said overdraft of 5,879 pounds 5 shillings and 5 pence by 7 equal payments out of its revenue received from any 1 or more of the following sources of revenue, namely:
  - (a) the steamer ferry service:
  - (b) the motor omnibus passenger service:
  - (c) the levying of rates as hereinafter provided.
- (4) The first of such payments shall be made on 1 September 1940 and subsequent payments shall be made on or before 1 September in each year thereafter until the overdraft is completely repaid:

provided that the Council may in any year out of its said revenues pay in reduction or extinction of the said overdraft a sum greater than such one-seventh part.
- (5) The said overdraft, until completely repaid or as reduced in accordance with the provisions of this section, shall be in addition to the amount which the Council is authorised by section 3 of the Local Bodies' Finance Act 1921–22 to borrow and to owe at any time during any year and at the end of the year.
- (6) The Council shall out of its said revenues in each year pay all interest and charges in respect of the said overdraft of

5,879 pounds 5 shillings and 5 pence or of the reduced amount thereof.

- (7) The Council may by resolution make and levy in any year a separate rate or separate rates for the purpose of providing the whole or any part of any annual instalment or instalments payable under this section in reduction or extinction of the said overdraft. Each such separate rate shall be a uniform rate over all rateable property in the Borough of Eastbourne.
- (8) In the event of the realisation by the Council of any of its steamers or any of its other permanent ferry assets before the said overdraft of 5,879 pounds 5 shillings and 5 pence shall have been completely repaid, the net proceeds of every such realisation shall be applied by the Council in reduction or extinction of the said overdraft, as the case may be.
- (9) Nothing in this section shall be construed prejudicially to affect the right of the bank to be repaid out of the funds of the Corporation of the Borough of Eastbourne the said sum of 5,879 pounds 5 shillings and 5 pence.

**16 Validating certain payments by the Palmerston North City Council by way of sick pay to employees**

The expenditure by the Palmerston North City Council out of its General Account of the sum of 779 pounds 5 shillings and 1 penny, between 1 April 1938 and 31 March 1939, and of the sum of 190 pounds 19 shillings and 7 pence between 1 April 1939, and 15 June 1939, by way of sick pay to employees of the said Council incapacitated through illness or accident during such periods is hereby validated and declared to have been lawfully made.

**17 Authorising the Sumner Borough Council to raise a special loan for the completion of drainage works in the Sumner Special Drainage Area**

Whereas the Sumner Borough Council (hereinafter called the **Council**) was authorised by Order in Council dated 29 September 1937 to borrow the sum of 2,100 pounds for the purpose of carrying out certain drainage works in the Sumner Special Drainage Area:

And whereas that sum was not sufficient for the purpose for which the loan was raised and a further sum of 1,000 pounds is required by the Council for the purpose of completing the said drainage works:

Be it therefore enacted as follows:

- (1) The Council may for the purpose of meeting the cost of completing the said drainage works borrow an amount not exceeding in the aggregate a sum of 1,000 pounds by way of special loan under the Local Bodies' Loans Act 1926 by special order and without taking the steps prescribed by sections 9 to 13 of that Act.
- (2) The Council may out of the proceeds of such loan refund to its General Account all moneys advanced thereout, whether before or after the passing of this Act, on account of the cost of the said drainage works.

**18 Extending period during which interest and sinking fund on Thames Borough loans reduced by one-third**

*[Repealed]*

Section 18: repealed, on 30 August 1940, by section 16(2) of the Thames Borough Commissioner Amendment Act 1940 (1940 No 12).

**19 Validating a special rate made and levied by Arrowtown Borough Council**

Whereas the Arrowtown Borough Council (hereinafter called the **Council**) was duly authorised to raise a special loan of 1,500 pounds for the purpose of improving the borough water supply:

And whereas the special rate made and levied by the Council as security for the said loan was made and levied subject to a condition that a maximum annual amount of 25 shillings would be payable in any case where the sum which would be produced by means of the said special rate exceeded that sum, and a minimum annual amount of 10 shillings would be payable in any case where the sum which would be produced by means of the said special rate would be less than that sum:

And whereas the said loan moneys have been raised and expended by the Council, and the said rates have been paid on the basis aforesaid by the ratepayers of the borough:

And whereas it is desirable to validate the said rate and to authorise the Council to levy and collect the said rate in terms of a resolution passed by the Council:

Be it therefore enacted as follows:

The said special rate shall for all purposes be deemed to have been lawfully made and levied by the Council.

**20 Validating proceedings in connection with portion of loan of £377,000 raised by Auckland City Council**

Whereas the Auckland City Council (hereinafter called the **Council**) was authorised by Order in Council dated 14 July 1936, made pursuant to section 11 of the Local Government Loans Board Act 1926 as set out in section 29 of the Finance Act 1932 (No 2), to raise a Works Loan of 377,000 pounds for a term of 24 years and upon certain terms and conditions, 1 of such conditions being that no moneys should be borrowed under such authority after the expiration of 2 years from the date thereof:

And whereas the Council duly raised a sum of 200,000 pounds of the said loan in 1936, but no steps to raise the balance of 177,000 pounds of such loan were taken until 1938:

And whereas by Order in Council dated 11 January 1938 authority was given to the Council to raise the said balance for a term of 10 years in lieu of the term of 24 years aforesaid, but such Order in Council did not contain any provision extending the period during which such balance might be raised as specified in the Order in Council first above-mentioned:

And whereas a sum of 116,500 pounds of the said balance was raised by the Council, of which the sum of 37,000 pounds was raised after the expiry of the period of 2 years specified in the said Order in Council first above-mentioned, and it is desirable that the raising of such amount of 37,000 pounds by the Council as aforesaid should be validated:

Be it therefore enacted as follows:

The action of the Council in raising a sum of 37,000 pounds of the said Works Loan after the expiry of the period prescribed in the said Order in Council dated 14 July 1936 is hereby validated, and the said moneys shall be deemed to have been lawfully borrowed and the securities given in respect thereof to have been lawfully issued.

**21 Provision with respect to agreements made by Hastings Borough Council as to sewerage**

Whereas the Corporation of the Borough of Hastings has, with the consent of the Hawke's Bay County Council, under the authority of section 228 of the Municipal Corporations Act 1933, extended its drainage system into an area within the Hawke's Bay County by laying a sewer extending from the Borough of Hastings to the sea and has entered into agreements with the Hawke's Bay Farmers' Meat Company, Limited, and with Nelsons (N.Z.), Limited, respectively, 2 companies each carrying on the business of slaughterers and meat-freezers upon premises in the said area, to connect such respective premises (hereinafter referred to as the **said works**) with such drainage system as so extended, and to continue such connection for the term of 40 years (hereinafter referred to as the **said term**) upon the terms and conditions contained in such agreements:

And whereas it is expedient that the Hastings Borough Council should not be at liberty to disconnect either of the said works during the said term except in accordance with the express provisions of the said respective agreements:

Be it therefore enacted as follows:

Notwithstanding the provisions of subsection (2) of section 228 of the Municipal Corporations Act 1933, the Hastings Borough Council shall have no power to disconnect either of the said works from the drainage system as so extended except in accordance with the terms and conditions set out in the agreements hereinbefore referred to relating to those works.

**22 Wellington City Housing Act 1938 amended**

*[Repealed]*

Section 22: repealed, on 26 November 1948, by section 22(1) of the Municipal Corporations Amendment Act 1948 (1948 No 60).

**23 Eastbourne Borough Council authorised to carry on motor and ferry transport services for purposes of New Zealand Centennial Exhibition**

- (1) Subject to the provisions of sections 217 and 218 of the Municipal Corporations Act 1933, and the Transport Licensing Act 1931, the Eastbourne Borough Council is hereby authorised to extend its existing ferry service to provide a ferry service between any of the wharves under the jurisdiction of the Wellington Harbour Board and to extend its existing omnibus service to ply between the Borough of Eastbourne and the site of the New Zealand Centennial Exhibition at Miramar in the City of Wellington, or between any intermediate points and the said Exhibition site, and between the wharves at Miramar and the said Exhibition site, and the wharf at Seatoun and the said Exhibition site during such time as the New Zealand Centennial Exhibition may be open for public exhibition or the transaction of exhibition business.
- (2) All the provisions of the said sections 217 and 218 of the Municipal Corporations Act 1933 shall extend and apply to such extended transport services as if such extended services were established under the said sections and as if any and every local authority within or through whose district such omnibus service shall be maintained were a neighbouring local authority within the meaning of section 217 of that Act.
- (3) Nothing in this section shall be deemed to authorise the Council to permit any motor omnibus owned by it to travel over any wharf under the jurisdiction of the Wellington Harbour Board without the consent in writing of that Board.

**24 Authorising Motueka Borough Council to raise additional loan to complete residence**

Whereas in 1938 the Motueka Borough Council (hereinafter in this section called the **Council**) raised by way of special loan

the sum of 1,250 pounds for the purpose of erecting a residence for the Town Clerk in the Borough of Motueka:

And whereas such money was insufficient to pay for the cost of the erection of the said residence:

And whereas the Council has partly paid for the completion of the erection of the said residence out of moneys belonging to its District Fund Account:

And whereas in order to reimburse to the Council's District Fund Account the amount expended on the erection of the said residence and to pay for the cost of the completion of the said residence it is expedient that the Council be empowered to raise by way of loan a sum equivalent to 10 per centum of the said loan:

Be it therefore enacted as follows:

- (1) The Council may for the purpose of meeting the cost of completing the said residence borrow an amount not exceeding in the aggregate one-tenth of the amount of the loan raised as aforesaid, by way of special loan under the Local Bodies' Loans Act 1926 by special order, and without taking the steps prescribed by sections 9 to 13 of that Act.
- (2) The Council may out of the proceeds of such loan refund to its District Fund Account all moneys advanced thereout, whether before or after the passing of this Act, on account of the cost of the said residence.

**25 Authorising the variation by the Takapuna Borough Council of the application of the unexpended balance of certain loan moneys**

Whereas the Takapuna Borough Council (hereinafter called the **Council**) was, by a poll of ratepayers taken on 29 April 1925, duly authorised to raise a loan of 119,000 pounds for the purposes of—firstly, as to the sum of 113,000 pounds, the provision, construction, and laying of sewers, storage culverts, outfalls, and drainage works constituting sewage systems within the Borough of Takapuna, including the acquisition of land necessary for the purposes of the said works, the payment of compensation for land purchased or taken, and for land injuriously affected, and the purchase of plant, and, sec-

ondly, as to the sum of 6,000 pounds, the provision of funds for advances to ratepayers for connections to the said system:

And whereas since the raising of the said loan the Council has abandoned its intention of expending the said sum of 6,000 pounds or any part thereof on the purposes secondly above-described and is now desirous of applying the whole of the said sum towards 1 or more of the other purposes of the said loan:

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

Be it therefore enacted as follows:

Notwithstanding anything to the contrary contained in any Act, or in any Order in Council relating to the said loan, or in the voting paper used at the said poll the Council is hereby authorised, subject to the prior approval of the Local Government Loans Board, to apply the whole of the said sum of 6,000 pounds, being that part of the said loan raised for the purposes secondly above-described, towards 1 or more of the purposes firstly above-described for which the said loan was raised.

**26 Authorising diversion of certain loan moneys by Taumarunui Borough Council**

Whereas the Taumarunui Borough Council (hereinafter called the **Council**), pursuant to a poll of the ratepayers of the Borough of Taumarunui taken on 17 November 1937, was duly authorised to raise a loan of 14,000 pounds for the purposes—firstly, as to the sum of 5,000 pounds, of meeting the cost of internal reorganisation consequent on the linking up of the Council's electrical system with the Government's electricity supply, and, secondly, as to the sum of 9,000 pounds, of meeting the cost of extending the Council's electricity supply to areas outside the limits of the Borough of Taumarunui:

And whereas the said sum of 9,000 pounds may not now be required to be expended by the Council for the purpose of the extension of its electricity supply as aforesaid:

And whereas it has been found that the said sum of 5,000 pounds is insufficient to cover the cost of such internal

reorganisation, and a further sum of 2,000 pounds is required for that purpose:

And whereas the Council is desirous of diverting and applying part, amounting to 2,000 pounds, of the said sum of 9,000 pounds so authorised to be borrowed in and towards the additional cost of such internal reorganisation:

And whereas it is desired to authorise the Council so to divert and apply the said sum of 2,000 pounds:

Be it therefore enacted as follows:

Notwithstanding anything to the contrary contained in the Local Bodies' Loans 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 prior approval of the Local Government Loans Board, to divert and apply the sum of 2,000 pounds of the said loan money authorised to be raised for the purpose of extending the Council's electricity supply to areas outside the borough, in and towards the cost of the internal reorganisation consequent on the linking up of the Council's electrical system with the Government's electricity supply.

**27 Altering reservation of certain land vested in Corporation of City of Palmerston North**

*[Repealed]*

Section 27: repealed, on 30 June 1995, by section 5(1)(c) of the Palmerston North City Council Empowering Act 1995 (1995 No 3 (L)).

*Road Boards*

**28 Extending section 35, Local Legislation Act 1929 (as to constitution of road districts in Sounds County)**

*[Repealed]*

Section 28: repealed, on 1 April 1957, by section 453(1) of the Counties Act 1956 (1956 No 64).

**29 Validating certain expenditure incurred by Mount Roskill Road Board**

The expenditure by the Mount Roskill Road Board of, firstly, the sum of 10 pounds, being membership subscription to the

Municipal Association of New Zealand, Incorporated, in respect of the financial year ended on 31 March 1938; secondly, the sum of 17 pounds and 6 pence on account of the expenses of the representatives of the Board in attending the annual conference of such Association in March 1938; thirdly, the sum of 20 pounds as a compassionate allowance to an ex-employee of the Board; and, fourthly, the sum of 4 pounds 2 shillings and 7 pence to an employee of the Board in recognition of services rendered to the Board is hereby validated and declared to have been lawfully made.

*Harbour Boards*

**30 Authorising Patea Harbour Board to grant a lease to the West Coast Refrigerating Company, Limited**

- (1) Notwithstanding anything in the Patea Harbour Board Fore-shore Act 1903 or in the Harbours Amendment Act 1925, the Patea Harbour Board is hereby authorised and empowered to grant to the West Coast Refrigerating Company, Limited, a duly incorporated company having its registered office at Patea, a lease of the lands described in subsection (2) for a term of 21 years from 1 October 1938 at the annual rental of 12 pounds 4 shillings per annum, and upon such terms and conditions as the Patea Harbour Board may elect, including a provision giving the lessee a perpetual right of renewal in accordance with paragraph (e) of section 5 of the Public Bodies' Lease Act 1908.
- (2) The lands to which this section relates are particularly described as follows:
  - (a) all that parcel of land containing 16 perches, more or less, being part Subdivision G, part Patea Harbour Board Endowment Block VII, Carlyle Survey District, and being delineated and described on a plan deposited in the Land Registry Office at New Plymouth as Number 2739 and upon a plan attached to memorandum of lease Registered Number 11372 in the Land Registry Office at New Plymouth:
  - (b) all that parcel of land containing 13 and one-fourth perches, more or less, being Lot 1, part Patea Harbour Board Endowment Block VII, Carlyle Survey

District, as delineated on a plan deposited in the said Land Registry Office as Number 5774,—  
the said parcels of land being parts of the land comprised in certificate of title, Volume 67, folio 26, in the said Land Registry Office.

**31 Validating payment of compassionate allowance by Whakatane Harbour Board**

The payment made by the Whakatane Harbour Board of the sum of 100 pounds to the widow of the late Albert Edward Parkinson, formerly wharfinger to the Board, as a compassionate allowance is hereby validated and declared to have been lawfully made.

**32 Validating expenditure incurred by Auckland Harbour Board**

The expenditure incurred by the Auckland Harbour Board during the financial year ending on 30 September 1939 of the sum of 151 pounds, being portion of an amount paid by way of compassionate allowances to William Thomas Gwyer (104 pounds), Eva Holland (52 pounds), and Allison Stanners (50 pounds) is hereby validated and declared to have been lawfully incurred.

**33 Extending period during which interest on Thames Harbour loans reduced**

*[Repealed]*

Section 33: repealed, on 30 August 1940, by section 17(2) of the Thames Borough Commissioner Amendment Act 1940 (1940 No 12).

**34 Authorising Napier Harbour Board to expend moneys to be received and held in trust for endowment purposes**

Whereas by Proclamation published in the *Gazette* on 19 August 1937 all those pieces or parcels of land situate in the Borough of Napier containing 69 acres and 30 perches, more or less, comprising portions of Lots 2 and 3, Deposited Plan 6187, being portions of Te Whare-o-Maraenui Block and portion of Section 13R (closed road), situate in Block IV, Heretaunga Survey District (Borough of Napier), (Hawke's

Bay Registry), (SO 1166, green), in the Hawke's Bay Land District: as the same is more particularly delineated on the plan marked PWD 96180, deposited in the office of the Minister of Public Works, at Wellington, and thereon edged red, 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 on and after 23 August 1937:

And whereas at that date the said lands formed part of the lands mentioned in section 2 of the Napier Harbour Board Act 1874 and were by that Act vested in the Napier Harbour Board (hereinafter called the **Board**) and reserved and set aside in trust for the use, benefit, and endowment of the Board:

And whereas by section 92 of the Public Works Act 1928 (hereinafter referred to as the **said Act**), it is provided that any compensation moneys arising from a sale or other disposition of lands held upon such trusts as aforesaid shall be paid into the Public Trust Office and applied in manner therein provided:

And whereas the amount of the compensation payable by the Crown for the lands so taken as aforesaid has not yet been ascertained:

And whereas the Board is desirous of expending out of such compensation moneys a sum not exceeding 11,000 pounds in or towards the erection upon other lands of the Board of administrative and office buildings for the use of the Board:

Be it therefore enacted as follows:

- (1) Notwithstanding anything contained in section 92 of the said Act, out of the compensation moneys payable in respect of lands taken by the Crown as aforesaid there shall be paid to the Board a sum not exceeding 11,000 pounds for the purposes hereinafter provided.
- (2) The Board may expend the sum so paid to it in or towards the cost of the erection of administrative and office buildings as aforesaid.
- (3) The Board shall establish a sinking fund to be administered by the Public Trustee by paying to the Public Trustee such annual sum as, together with compounded interest thereon calculated at 4 pounds per centum per annum, will amount, at the

expiration of a period of 40 years commencing from the date hereinafter referred to, to the sum actually expended for the purposes aforesaid, and the sinking fund so created shall upon the expiration of the said period be held and applied by the Public Trustee in accordance with the provisions of the said Act.

- (4) The date referred to in the last preceding subsection shall be the date on which the Board receives payment of the said sum of 11,000 pounds or the first date on which the Board receives payment of any part of that sum.
- (5) Any part of the moneys paid to the Board under this section and remaining in the hands of the Board after meeting the cost of the erection of such buildings shall be used and applied in accordance with the provisions of the said Act.

**35 Authorising Wairoa Harbour Board to raise a special loan for aerodrome purposes**

Whereas the Wairoa Harbour Board (hereinafter called the **Board**), pursuant to the powers contained in section 5 of the Local Authorities Empowering (Aviation Encouragement) Act 1929 proposes to establish an aerodrome for the Wairoa District:

And whereas the Board desires to raise a loan without taking a poll of ratepayers for the purpose of acquiring land for the establishment of the said aerodrome and to meet the preliminary expenses in connection therewith:

Be it therefore enacted as follows:

- (1) The Board may raise a special loan for an amount not exceeding 10,000 pounds, subject to the provisions of the Harbours Act 1923 and the Local Bodies' Loans Act 1926 but without taking the steps prescribed by sections 9 to 13 of the last-mentioned Act.
- (2) Any moneys borrowed pursuant to the authority contained in the last preceding subsection shall be applied in payment of the cost of acquiring land for the establishment of an aerodrome and the preliminary expenses in connection with such establishment.

- (3) It shall be lawful for the Board, out of the proceeds of any special rate heretofore made and levied by the Board, to pay the annual sum required to meet interest and sinking fund, or interest and instalments of principal, as the case may be, in respect of any loan raised under the authority of this section.
- (4) This section shall be deemed to be a special Act within the meaning of the Harbours Act 1923.

*Electric-power Boards*

**36 Validating certain expenditure of portion of loan raised by Bay of Islands Electric-power Board**

All payments, not exceeding in all the sum of 4,900 pounds, made by the Bay of Islands Electric-power Board from its Special Loan (1938) Account in acquiring land and erecting dwellings for workers and other persons employed in the service of the Board are hereby validated and declared to have been lawfully made.

**37 Validating payment of interest by South Canterbury Electric-power Board**

Whereas the South Canterbury Electric-power Board (hereinafter called the **Board**) borrowed the sum of 8,000 pounds (hereinafter referred to as the **said sum**), being portion of a loan known as the Electricity Development Loan, 1937, of 15,000 pounds:

And whereas it was agreed between the Board and the lender that interest at the rate of 3 and one-half per centum per annum in respect of the said sum should commence and be paid as from 30 June 1938:

And whereas the Board did not receive from the lender the said sum of 8,000 pounds until 19 August 1938:

And whereas the Board paid to the lender the sum of 38 pounds 7 shillings and 3 pence as interest on the said sum in respect of the period between 30 June 1938 and 19 August 1938:

And whereas the Board had no legal authority to expend its funds for the payment of interest between the dates aforesaid:

Be it therefore enacted as follows:

The payment by the Board of the sum of 38 pounds 7 shillings and 3 pence as interest on the said sum is hereby validated and declared to have been lawfully made.

**38 Validating provisions of agreement between Teviot and Otago Central Electric-power Boards**

*[Repealed]*

Section 38: repealed, on 15 October 1959, by section 19 of the Otago Central Electric Power Board Empowering Act 1959 (1959 No 15 (L)).

**39 Provision with respect to amalgamation of Otago Central and Lake Wakatipu Electric-power Districts**

*[Repealed]*

Section 39: repealed, on 15 October 1959, by section 19 of the Otago Central Electric Power Board Empowering Act 1959 (1959 No 15 (L)).

*River and Drainage Boards*

**40 Waioeka River District abolished**

The Waioeka River District constituted under the River Boards Act 1908 is hereby abolished and the River Board of the said district is hereby dissolved.

**41 Section 50 of the Local Legislation Act 1936 extended**

Whereas it is enacted by section 50 of the Local Legislation Act 1936, as extended by section 42 of the Local Legislation Act 1937, that the Mangapu Drainage Board (hereinafter called the **Board**) is authorised to make and levy for certain years, set out in those sections, a general rate, not exceeding 3 pence in the pound on the land classified, in accordance with section 33 of the Land Drainage Act 1908 as “A” lands; a general rate, not exceeding 2 pence in the pound on lands so classified as “B” lands; and a general rate, not exceeding 1 penny in the pound, on lands so classified as “C” lands:

And whereas it is expedient that the Board should be empowered to continue to rate on that basis for a further period:

Be it therefore enacted as follows:

The provisions of section 50 of the Local Legislation Act 1936, as extended by section 42 of the Local Legislation Act 1937,

shall be deemed to be further extended to authorise and to have authorised the Board to make and levy the general rates as set out in subsection (2) of section 50 of the Local Legislation Act 1936 for the years ending respectively on 31 March 1940, on 31 March 1941, and on 31 March 1942.

**42 Validating the raising of the Halswell River Diversion Loan by Ellesmere Lands Drainage Board**

Whereas the Ellesmere Lands Drainage Board (hereinafter called the **Board**) obtained the consent of the Local Government Loans Board to the raising of a loan of 850 pounds, to be known as Halswell River Diversion Loan, 1937 (hereinafter referred to as the **said loan**), subject to certain terms and conditions:

And whereas by Order in Council bearing date 22 September 1937 the Governor-General in Council, in pursuance and in exercise of the powers and authorities conferred on him by section 11 of the Local Government Loans Board Act 1926, as set out in section 29 of the Finance Act 1932 (No 2), consented to the Board raising the said loan subject to the determinations as set out in the consenting Order in Council:

And whereas 1 of the said determinations provided that the Board before raising the said loan should make provision for the repayment thereof by establishing a sinking fund under the Local Bodies' Loans Act 1926 or under such other statutory enactment as may be applicable:

And whereas, instead of making provision for the repayment thereof by establishing a sinking fund as aforesaid, the Board has issued debentures providing for repayment of the said loan by payments of principal and interest each half-year over the term as specified in the said Order in Council:

And whereas the raising of the said loan in manner aforesaid without having previously obtained a variation of the said determinations was unlawful, and it is desirable that the said loan and the debentures thereunder be validated:

Be it therefore enacted as follows:

- (1) The said loan is hereby validated and declared to have been lawfully raised and the said debentures securing the repayment

of the said loan and interest thereon are hereby validated and declared to have been lawfully issued.

- (2) Nothing heretofore done by the Board shall in any way prejudicially affect the security of the lenders of the said loan moneys.

**43 Auckland and Suburban Drainage Board authorised to raise a loan of £5,000**

*[Repealed]*

Section 43: repealed, on 1 February 1945, by section 77(1) of the Auckland Metropolitan Drainage Act 1944 (1944 No 8 (L)).

**44 Provision with respect to union of Mangapu Drainage District and Orahiri Drainage District**

Whereas the Mangapu Drainage District and the Orahiri Drainage District are duly constituted districts under the provisions of the Land Drainage Act 1908:

And whereas the boundaries of the 2 said drainage districts are contiguous:

And whereas it is desirable to make provision as hereinafter appearing to take effect upon the abolition of the Orahiri Drainage District and the inclusion of the said district in the Mangapu Drainage District:

Be it therefore enacted as follows:

Notwithstanding the provisions of the Land Drainage Act 1908, if the Orahiri Drainage District is abolished under section 3 of that Act and the area comprised in that district is subsequently, pursuant to an Order in Council made under that section, included in the Mangapu Drainage District, the following special provisions shall apply as from the date when the said Order in Council comes into force:

- (a) all property both real and personal belonging to the Orahiri Drainage Board shall be forthwith vested in the Mangapu Drainage Board:
- (b) all rates and other moneys payable to the Orahiri Drainage Board shall be payable to the Mangapu Drainage Board:

- (c) all actions, suits, and proceedings (if any) pending by or against the Orahiri Drainage Board may be carried on by or against the Mangapu Drainage Board:
- (d) all the liabilities, contracts, and engagements of the Orahiri Drainage Board shall become the liabilities, contracts, and engagements of the Mangapu Drainage Board:
- (e) the Mangapu Drainage Board may raise a special loan without taking the steps prescribed by sections 9 to 13 of the Local Bodies' Loans Act 1926 for the purpose of repaying any loan liability of the Orahiri Drainage Board:
- (f) such special loan shall be secured by a special rate made and levied on all rateable property in the area then comprised in the former Orahiri Drainage District included as aforesaid in the Mangapu Drainage District.

**45 Validating exchange of lands by Waimakariri River Trust**

Whereas the Waimakariri River Trust (hereinafter called the **Trust**) agreed to acquire by way of exchange from the Corporation of the County of Waimairi certain lands containing, inter alia, 8 acres 1 rood and 22 perches, part of Reserve 2363, being the land coloured pink on Plan 2268 deposited in the office of the Chief Surveyor at Christchurch:

And whereas the Trust agreed with one Robert McCleave to transfer the said land to the said Robert McCleave by way of exchange for the areas of land totalling 30 acres and 31 perches, being the lands comprising respectively 7 acres and 5 perches (coloured blue), 13 acres 3 roods and 33 perches (coloured pink), and 9 acres and 33 perches (coloured pink) on Plan 2251 deposited in the office of the Chief Surveyor at Christchurch and being Rural Section 22149 and parts of Rural Section 14181:

And whereas the said lands being acquired by way of exchange by the Trust from the said Robert McCleave are of the value of 425 pounds 13 shillings, and the lands being acquired by the said Robert McCleave from the Trust under the said exchange are of the value of 100 pounds 13 shillings, and the amount

paid to the said Robert McCleave by way of equality of exchange was the sum of 325 pounds:

And whereas the lands acquired by the Trust from Robert McCleave were more suitable for its purposes and were urgently required for river protection purposes:

And whereas possession of the lands affected by the said exchange has been given and taken by the Trust and the said Robert McCleave respectively, and the said Robert McCleave has been paid the said sum of 325 pounds:

And whereas by section 4 of the Waimakariri River Improvement Amendment Act 1930 the Trust was authorised to exchange lands vested in it for other lands and to pay by way of equality of exchange a sum not exceeding 25 per centum of the value of the land exchanged:

And whereas it is desired to validate the transactions hereinbefore referred to:

Be it therefore enacted as follows:

- (1) Notwithstanding anything contained in section 4 of the Waimakariri River Improvement Amendment Act 1930, the said exchange between the Trust and the said Robert McCleave and the payment of the said sum of 325 pounds by the Trust are hereby validated.
- (2) The Trust is hereby empowered to execute all documents and take all steps necessary for vesting the said lands containing 8 acres 1 rood and 22 perches in the said Robert McCleave in fee simple freed of any reservation or trust heretofore affecting the same.
- (3) The Trust is also hereby empowered to execute all documents and take all steps necessary for vesting the said lands comprising 30 acres and 31 perches in the Trust in fee simple upon trust for the improvement and protection of the banks of the Waimakariri River.

#### *Fire Board*

#### **46 Validating payment of compassionate allowance by New Plymouth Fire Board**

The payment by the New Plymouth Fire Board out of its ordinary funds during the financial year ended on 31 March 1939

of a sum of 45 pounds to Mary Doughty, the widow of Fred Mamby Doughty, formerly employed by the said Board as caretaker of its fire station, as a compassionate allowance is hereby validated and declared to have been lawfully made.

### *Hospital Boards*

**47 Validating expenditure by Nelson Hospital Board towards making good losses sustained by nurses by fire**

The expenditure by the Nelson Hospital Board (hereinafter called the **Board**) of sums totalling 1,000 pounds as compensation to nurses employed by the Board in respect of losses of clothing and personal effects sustained by such nurses when the nurses' home annexe of the Board was destroyed by fire is hereby validated and declared to have been lawfully made.

**48 Authorising diversion of loan moneys by Wellington Hospital Board**

Whereas the Wellington Hospital Board (hereinafter called the **Board**) has raised a loan of 465,000 pounds for the purpose of erecting buildings and making additions to existing buildings in connection with the Wellington Hospital, such loan being known as the Wellington Hospital Centenary Block Loan, 1937–40 (hereinafter referred to as the **said loan**):

And whereas the moneys so raised are not required immediately for the purposes for which the said loan was authorised and the Board is desirous of diverting and utilising such moneys or part thereof for other purposes:

And whereas it is intended that all moneys so diverted and utilised shall be repaid by other moneys now or hereafter authorised to be borrowed for any of the purposes hereinafter mentioned:

Be it therefore enacted as follows:

- (1) Subject to the provisions of subsection (3) of section 75 of the Hospitals and Charitable Institutions Act 1926, the Board may divert and utilise the moneys representing the said loan, or so much thereof as may be required, for all or any of the following purposes:

- (a) in making additions and alterations to the boiler house at the Wellington Hospital and in the purchase of necessary equipment for such boiler house:
- (b) the provision, erection, and equipping of an emergency ward at the said hospital:
- (c) in making alterations and additions to the buildings at the Wellington Hospital known as the children's theatre block, and in the purchase of necessary equipment therefor:
- (d) the provision, erection, and equipping of bulk stores, dining room, and staff quarters at the said hospital, and the acquisition of any land or interest in land required therefor or incidental thereto:
- (e) the acquisition of land in the Hutt Valley as a site for a hospital, the alteration of or addition to existing buildings on such site, and the erection of new buildings thereon:
- (f) the acquisition for hospital purposes of the fee simple of or any lesser estate or interest in land adjoining the present site and grounds of the Wellington Hospital or adjacent thereto:
- (g) in making alterations and additions to the laundry at the Wellington Hospital, and in the purchase of necessary equipment therefor:
- (h) in payment of architectural, engineering, legal, and other fees and expenses incurred or to be incurred in connection with all or any of the purposes aforesaid:
- (i) in making additions and extensions to the eye ward at the Wellington Hospital:
- (j) the acquisition of land in or near Paekakariki as a site for a Tuberculosis Hospital, the erection of buildings thereon, and the purchase of necessary equipment for such hospital:
- (k) the provision, erection, and equipping of emergency buildings on the Board's property at Lower Hutt, and the provision of necessary services in connection therewith for the purposes of providing additional bed accommodation:

- (1) the provision, erection, and equipping of a mortuary at the Wellington Hospital.
- (2) All payments made by the Board before the passing of this Act out of the said loan for all or any of the purposes aforesaid are hereby validated.
- (3) Nothing herein contained shall be deemed to affect the right of the Board to raise any loan heretofore authorised, or any loan which may hereafter be authorised, for the purpose of meeting the cost of any of the works mentioned in subsection (1).
- (4) *[Repealed]*

Section 48(1): amended, on 26 October 1942, by section 34(b) of the Local Legislation Act 1942 (1942 No 17).

Section 48(1)(i): inserted, on 13 October 1941, by section 35 of the Local Legislation Act 1941 (1941 No 23).

Section 48(1)(j): inserted, on 13 October 1941, by section 35 of the Local Legislation Act 1941 (1941 No 23).

Section 48(1)(k): inserted, on 13 October 1941, by section 35 of the Local Legislation Act 1941 (1941 No 23).

Section 48(1)(l): inserted, on 26 October 1942, by section 34(a) of the Local Legislation Act 1942 (1942 No 17).

Section 48(4): repealed, on 26 October 1942, by section 34(c) of the Local Legislation Act 1942 (1942 No 17).

*Affecting 2 or more classes of public bodies*

**49 Section 6 of Local Legislation Act 1933 extended**

- (1) Notwithstanding anything contained in subsection (4) of section 6 of the Local Legislation Act 1933, the provisions of that section shall, for all purposes, be deemed to have been continued in force as from 31 March 1939 and shall have full force and effect until 31 March 1949.
- (2) *Amendment(s) incorporated in the Act(s).*

**50 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 1940, such sums as they think fit, not ex-

ceeding 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.

**51 Provision with respect to payments by Wairoa County Council to Wairoa Borough Council**

Whereas by agreement dated 26 November 1936 and made between the Corporation of the Borough of Wairoa, of the one part, and the Corporation of the County of Wairoa, of the other part, the Wairoa County Council agreed to pay to the Wairoa Borough Council the annual sum of 50 pounds for a term of 25 years as from 1 July 1936 as its contribution towards the cost of a building erected within the Borough of Wairoa by the Wairoa Borough Council for the purposes of a ladies' rest room and room for the Plunket Nurse:

And whereas the Wairoa County Council has made payments in accordance with such agreement:

And whereas there is no statutory authority for payments heretofore made and hereafter to be made in accordance with the said agreement:

Be it therefore enacted as follows:

All payments made before the passing of this Act by the Wairoa County Council to the Wairoa Borough Council under the aforesaid agreement out of its General Fund are hereby validated, and the Wairoa County Council is hereby authorised to make all such future payments out of its General Fund.

**52 Authorising Buller County Council and Westport Borough Council to contribute towards experiments by Cawthron Institute on pakihi lands**

- (1) The Buller County Council and the Westport Borough Council are hereby authorised each to pay to the Cawthron Institute a sum not exceeding 50 pounds in each financial year during the period commencing on 1 April 1940 and ending on 31 March 1942, the first payment to be made during the financial year

ending on 31 March 1940 as a contribution towards a scientific investigation by the Institute of the utilisation of certain lands in the Buller County:

provided that no payment shall be made in any year except with the approval of the Council of Scientific and Industrial Research.

- (2) Any such payment made by either of the said Councils in respect of the financial years ended respectively on 31 March 1938, and 31 March 1939, is hereby validated and declared to have been lawfully made.

**53 Exchange of land at Evans Bay for portion of Fryatt Quay, between Wellington Harbour Board and Wellington City Corporation**

- (1) The areas of land described in subsection (3) now vested in the Wellington Harbour Board are hereby declared to be streets and vested in the Corporation of the City of Wellington as such.
- (2) The area of land described in subsection (4), being portion of Fryatt Quay, is hereby closed and vested for an estate in fee simple in the Wellington Harbour Board.
- (3) The areas of land referred to in subsection (1) are more particularly described as follows:
  - (a) all that piece of land containing 1 rood 7 perches and eight-tenths of a perch, be the same a little more or less, being part of the bed of the Port Nicholson Harbour referred to in Schedule 4 of the Wellington Harbour Board Reclamation and Empowering Act 1908, being the land coloured red on a plan deposited in the office of the Chief Surveyor at Wellington as SO 20184; also that piece of land containing 2 roods 16 perches and nine-tenths of a perch, be the same a little more or less, being part of Section 5, Evans Bay District, and also part of Lots 6 to 17 inclusive on Deposited Plan Number 2158, being the land coloured blue on the said plan SO 20184;
  - (b) all that piece of land situate in the Wellington Land District, containing 25 perches, be the same a little more or less, being part of the bed of the Port Nicholson Harbour

and being part of the land described in Schedule 5 of the Wellington Harbour Board Reclamation and Empowering Act 1908: as the same is more particularly delineated on a plan deposited in the office of the Chief Surveyor at Wellington as SO 20259, and thereon coloured red.

- (4) The area of land referred to in subsection (2) is more particularly described as follows:

All that piece of land situate in the City of Wellington containing 1 acre and 16 perches and five-tenths of a perch, adjoining or passing through the land shown on Deposited Plan Number 7469, being part of reclaimed land situate in Block VI, Port Nicholson Survey District: as the same is more particularly delineated on a plan deposited in the office of the Chief Surveyor at Wellington as SO 20349, and thereon coloured green.

**54 Section 56 of Reserves and other Lands Disposal and Public Bodies Empowering Act 1919 amended**

*Amendment(s) incorporated in the Act(s).*

**55 Authorising certain local authorities to establish a public pound**

*[Repealed]*

Section 55: repealed, on 17 October 1941, by section 33(5) of the Statutes Amendment Act 1941 (1941 No 26).

*Miscellaneous*

**56 Authorising Board of Trustees of National Art Gallery and Dominion Museum to incur certain expenditure, and validating payments already made**

It shall be and be deemed to have been lawful for the Board of Trustees of the National Art Gallery and Dominion Museum to borrow moneys, not exceeding in the aggregate the sum of 2,000 pounds, for the purpose of meeting the preliminary expenses of the Board in connection with the holding of an art exhibition as a part of the centennial celebrations.

**57 Validating rates made and levied by Tuhikaramea Rabbit Board**

Whereas it was adjudged by the Supreme Court on 21 August 1939 that the rates made and levied by the Tuhikaramea Rabbit Board in respect of the period commencing on 1 September 1938 and ending on 31 March 1939 were ultra vires of the said local authority and void:

And whereas on 6 October 1938 the said local authority made and delivered demands in writing for payment of the said rates, and a large percentage of the said rates was, prior to the said judgment, paid by divers ratepayers, and it is advisable in the public interest and to prevent injustice to validate the said rates and to empower the said local authority to recover the balance thereof:

Be it therefore enacted as follows:

- (1) The rate book wherein the said rates were recorded in and for the said period shall be deemed to have been compiled in accordance with law and to be and to have been valid and effectual accordingly; the rates made and levied or which the said local authority purported to make and levy in and for the said period as appearing in the said rate book shall be valid and be deemed to have been valid from 5 September 1938, the date when the said local authority purported to make and levy the same; the demands made by the said local authority for payment of such rates shall be and be deemed to have been valid, and the said rates shall be recoverable by the said local authority by action, notwithstanding the said judgment and notwithstanding that the said local authority failed to notify publicly its intention to make such rates, or the omission of any condition whatsoever precedent to the making or levying of such rates or any irregularity, mistake, or omission in the form or manner of making or levying the same or otherwise, and valid demands upon all persons liable for the said rates shall be conclusively presumed to have been duly made and delivered in accordance with law on the said 6 October 1938.
- (2) Nothing contained in this section shall be construed to derogate from the power of the local authority under subsection (2) of section 57 of the Rating Act 1925 to correct errors (if any) existing in the said rate book on the said 5 September

1938, which the said local authority could or ought to have corrected.

- (3) The additional charge of 10 per centum chargeable in respect of the said rates under the provisions of section 76 of the Rating Act 1925 may be added to all the said rates remaining unpaid at the expiration of 6 months and 14 days from the passing of this Act, and not otherwise, and shall be payable and recoverable accordingly; but such additional charge of 10 per centum shall not be recoverable until the said local authority shall have publicly notified that the same will be added.
- (4) Judgment for the amount of any of the said rates due may be given or signed at any time within 3 years after the passing of this Act:

provided, however, that judgment for so much of the said rates as may be due in respect of Maori land may be given against any owner or occupier of that land at any time within 4 years after the passing of this Act.

Section 57(4) proviso: amended, on 27 November 1947, pursuant to section 2 of the Maori Purposes Act 1947 (1947 No 59).

**58 Authorising the New Zealand Sheepowners' Acknowledgment of Debt to British Seamen Fund to transfer land to Women's Division of the New Zealand Farmers' Union (Incorporated)**

Whereas the New Zealand Sheepowners' Acknowledgment of Debt to British Seamen Fund is a society duly incorporated under the provisions of the War Funds Act 1915 by Order in Council published in the *Gazette* of 1 September 1921:

And whereas the fund is administered by trustees in accordance with the provisions of the said Act:

And whereas the land described in subsection (4) (known as the Girls' Flock House) is vested in the fund for an estate in fee simple:

And whereas the trustees of the fund desire to give and transfer the said land to the Women's Division of the New Zealand Farmers' Union (Incorporated) for the purpose of maintaining and continuing to use the said land for the training of rural domestic workers and particularly for the purpose of a rest home for sick or convalescent wives or daughters of farmers:

And whereas it is expedient to confer on the trustees power to give and transfer the said land to, and to authorise its acquisition by, the said Women's Division of the New Zealand Farmers' Union (Incorporated):

Be it therefore enacted as follows:

- (1) The Trustees of the New Zealand Sheepowners' Acknowledgment of Debt to British Seamen Fund are hereby authorised and empowered to give and transfer to the Women's Division of the New Zealand Farmers' Union (Incorporated) the land described in subsection (4), and the acquisition of the said land by the said Women's Division of the New Zealand Farmers' Union (Incorporated) is hereby authorised for the purpose of maintaining and continuing to use the said land with the appurtenances thereto belonging for the training of rural domestic workers and particularly for the purpose of a rest home for sick or convalescent wives and daughters of farmers.
- (2) In the event of the Women's Division of the New Zealand Farmers' Union (Incorporated) being wound up or in the event of the said land at any time hereafter not being required or used by it for the purposes mentioned in subsection (1), then and in any such event the said land shall revert to and be revested in the New Zealand Sheepowners' Acknowledgment of Debt to British Seamen Fund, and the District Land Registrar shall enter upon the certificate of title to the said land a memorial to that effect.
- (3) No gift duty or stamp duty shall be payable in respect of the transfer authorised by this section.
- (4) The land to which this section relates is particularly described as follows:

All that piece of land situate in the Provincial District of Wellington containing 4 acres and 1 perch and eighty-six one-hundredths of a perch, more or less, situate in Block XIV of the Kairanga Survey District, and being Lot Number 29 on Deposited Plan Number 11013 and part of the land comprised in certificate of title, Volume 452, folio 260, Wellington Registry.

**59 Authorising the New Zealand (1940) Jamboree Team (Incorporated) to pay to Boy Scouts' associations moneys contributed towards the New Zealand Centennial Boy Scouts' Jamboree**

Whereas it was proposed to hold in December 1939 and January 1940 a meeting (known as the New Zealand Centennial Boy Scouts' Jamboree and hereinafter referred to as the **jamboree**) of Boy Scouts, at Heretaunga, near Wellington:

And whereas preparations were made and have until recently been in train for the jamboree:

And whereas certain moneys have been paid to certain persons responsible for the arrangements for the jamboree in respect of Boy Scouts who proposed to attend the jamboree:

And whereas on account of conditions of war now obtaining it has been found impossible to proceed with the jamboree, and the Boy Scouts concerned have been notified accordingly:

And whereas on 1 August 1939 a society was incorporated under the Incorporated Societies Act 1908 known as the New Zealand (1940) Jamboree Team (Incorporated), (hereinafter called the **society**):

And whereas immediately after incorporation of the society the persons responsible for the arrangements for the jamboree paid to the society all moneys then in their hands representing, inter alia, the balance of sums received in respect of Boy Scouts as above-mentioned:

And whereas it is desired to provide for the refund (subject as hereinafter provided) to such Boy Scouts of moneys received in respect of such Boy Scouts as aforesaid:

Be it therefore enacted as follows:

- (1) Subject to the deduction therefrom of such sums as shall be necessary to defray the costs and liabilities incurred in connection with the jamboree by the society or by the persons responsible for the arrangements in connection with the said jamboree, and including the costs of winding up the society and distribution of the said moneys as hereinafter provided, all such moneys so received, whether by the society or by the persons responsible for the arrangements for the jamboree, in respect of Boy Scouts as above-mentioned shall be paid to the

respective authorities for the time being (whether incorporated or unincorporated) of the Boy Scouts in each district from which any moneys shall have been received as aforesaid in respect of any Boy Scout or Boy Scouts who proposed to attend the jamboree.

- (2) Such moneys shall be expressed to be paid to the respective Boy Scout authorities for distribution by those authorities to the Boy Scouts in respect of whom such moneys were paid.
  - (3) Such payments shall be made by the society or its nominee, and when effected shall operate as a complete discharge and indemnity to or for the society and its members and to or for all persons who have been concerned in the preparation and control of the said jamboree.
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**Contents**

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**Notes****1 *General***

This is a reprint of the Local Legislation Act 1939. The reprint incorporates all the amendments to the Act as at 30 June 1995, 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)*

Palmerston North City Council Empowering Act 1995 (1995 No 3 (L)): section 5(1)(c)

Otago Central Electric Power Board Empowering Act 1959 (1959 No 15 (L)): section 19

Counties Act 1956 (1956 No 64): section 453(1)

Municipal Corporations Amendment Act 1948 (1948 No 60): section 22(1)

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

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

Local Legislation Act 1942 (1942 No 17): section 34

Statutes Amendment Act 1941 (1941 No 26): section 33(5)

Local Legislation Act 1941 (1941 No 23): section 35

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30 June 1995

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Thames Borough Commissioner Amendment Act 1940 (1940 No 12): sections  
16(2), 17(2)

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