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Local Legislation Act 1941

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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.

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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 1941.

County councils

- 2 Validating proceedings in connection with portion of a loan of £60,000 raised by Hauraki Plains County Council**
Whereas the Hauraki Plains County Council (hereinafter called the **Council**) obtained the consent of the Local Government Loans Board to the raising of a loan of 60,000 pounds, to be known as East Water-supply Loan, 1937 (hereinafter referred to as the **said loan**), subject to certain terms and conditions:

And whereas by Order in Council dated 18 March 1937, made pursuant to section 11 of the Local Government Loans Board Act 1926, consent was given to the raising of the said loan subject to the determinations set out in the said order:

And whereas one of the determinations provided that no moneys should be borrowed under such consent after the expiration of the period of 2 years from the date of the consenting Order in Council:

And whereas only 31,100 pounds of the said loan was raised within that period:

And whereas the sum of 28,900 pounds, the balance of the said loan, was accordingly unlawfully borrowed after the period of 2 years specified in the aforesaid Order in Council:

Be it therefore enacted as follows:

The action of the Council in raising a sum of 28,900 pounds of the said loan after the expiry of the period prescribed by the said Order in Council, dated 18 March 1937, 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.

3 Provision with respect to overdraft of Hokianga County Council

Whereas the Hokianga County Council (hereinafter called the **Council**), during each of the 3 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 called 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 1939, at 31 March 1940, and at 31 March 1941, in excess of the limit allowed by the said Act is hereby declared to have been lawfully incurred.
- (2) The sum of 4,000 pounds (hereinafter called the **said sum**), being part of the overdraft owing on 31 March 1941 by the Council to its bankers, shall be repaid by the Council out of the moneys credited to its General Account, and such repay-

ment shall be made by annual payments in each year during the period of 2 years commencing on 1 October 1941: provided that the first of such payments shall not be less than 2,000 pounds.

- (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.

City and borough councils

4 Authorising Auckland City Council to transfer certain land to Crown

Whereas the Corporation of the City of Auckland (hereinafter called the **Corporation**) is seized of an estate in fee simple in all that parcel of land containing 24 perches, more or less, being Lot 21 on plan City 38, lodged in the Deeds Register Office at Auckland, and being part of Allotment 3 of Section 50 of the City of Auckland (comprised in Deeds Index 30A 387), which parcel of land is a part of certain land vested in the Corporation as an endowment for the improvement and benefit of the said city by the Auckland City Endowments and Reserves Act 1875:

And whereas the Auckland City Council has offered the said land without consideration to the Crown for the purposes of the Housing Act 1919 and the Crown has accepted such offer and has entered into possession of the said land:

And whereas it is expedient that the Corporation be authorised to transfer the said land to the Crown for the purposes aforesaid:

Be it therefore enacted as follows:

- (1) The Corporation is hereby empowered to convey or transfer to His Majesty the King the whole of the land hereinbefore described without consideration for the purposes of the Housing Act 1919.

- (2) No gift duty, transfer charges, or other charges or duties payable under any Act shall be payable in respect of such conveyance or transfer.

5 Authorising remission of rates by Gisborne Borough Council

Whereas the Gisborne Borough Council (hereinafter called the **Council**) is desirous of obtaining authority to remit arrears of rates amounting to 45 pounds 1 shilling and 4 pence, being the rates for the year ended on 31 March 1941 (hereinafter referred to as the **said rates**), the said rates being levied by the Council and being due and payable by the Gisborne and East Coast Young Men's Christian Association (Incorporated) in respect of that piece of land situated in the Borough of Gisborne, containing 1 rood 36 perches, being Lot 1, Deposited Plan 3003, of 6A Fitzherbert Street, situated in Fitzherbert Street, in the Borough of Gisborne, and Numbered 3228 on the district valuation roll for that borough:

And whereas the Council has no legal authority to make such remission:

Be it therefore enacted as follows:

The Council is hereby authorised to remit the sum of 45 pounds 1 shilling and 4 pence, being the amount of the said rates, and to absolve the said association and the said lands from liability in respect thereof.

6 Authorising Westport Borough Council to raise a special loan of £3,500 without taking a poll of ratepayers

Whereas the Westport Borough Council (hereinafter called the **Council**) has raised by way of special loan the sum of 11,500 pounds, together with a further sum of 1,150 pounds (being an additional 10 per centum of the original loan), also a further sum of 3,000 pounds authorised to be raised by section 17 of the Local Legislation Act 1940, for the purpose of providing for the erection of a new town hall and municipal offices and furnishing same for the use of the Corporation of the Borough of Westport and for the purchase of a certain piece of land, being Section 1003, Town of Westport, adjoining the site of the new town hall and municipal offices:

And whereas it is found that the total of the hereinbefore mentioned sums of 11,500 pounds and 1,150 pounds and 3,000 pounds will not be sufficient to enable the Council to complete the works for which the said loans were raised:

Be it therefore enacted as follows:

The Council is hereby authorised to raise a further special loan, not exceeding 3,500 pounds, under the Local Bodies' Loans Act 1926, by special order and without taking the steps prescribed by sections 9 to 13 of that Act, for the purpose of meeting the cost of completing the erection of a new town hall and municipal offices, and furnishing same and the purchase of the said Section 1003.

7 Authorising Auckland City Council to remit certain rates and to exempt certain land from payment of rates for limited period

Whereas the Auckland City Council (hereinafter called the **Council**) is desirous of obtaining authority to remit arrears of rates and penalty amounting to 150 pounds 6 shillings and 8 pence for the year ended on 31 May 1941 (hereinafter referred to as the **said rates**), the said rates being levied by the Council and being due and payable by the Beth Israel Trust Board in respect of that piece of land situated in Karanga-hape Road in the City of Auckland, containing 19 perches and one-fifth of a perch, more or less, being Lot 2 on Deposited Plan Numbered 27745, being part Allotment 24 of Section 7 of the Suburbs of Auckland, and Numbered 16116 on the district valuation roll for the said city:

And whereas the Council is also desirous of obtaining authority to exempt the said piece of land from payment of rates from time to time during the period of the duration of the war in which His Majesty is now engaged and a further term of 3 years from the termination of that period:

And whereas the Council has no legal authority to make such remission and exemption:

Be it therefore enacted as follows:

The Council is hereby authorised to remit the sum of 150 pounds 6 shillings and 8 pence, being the total amount of

the said rates, and to absolve the Beth Israel Trust Board and the said piece of land from payment of rates for such period or periods not extending beyond the expiration of 3 years from the termination of the war in which His Majesty is now engaged as the Council may at any time or from time to time determine.

8 Validating proceedings in connection with portion of a loan of £11,500 raised by Blenheim Borough Council

Whereas the Blenheim Borough Council (hereinafter called the **Council**) was authorised by Orders in Council dated 23 December 1936 and 7 May 1937, respectively, to raise loans of 8,500 pounds and 3,000 pounds for the purpose of building a new abattoir on condition that no moneys should be borrowed after the expiration of 2 years from the date of the Order in Council authorising the loan:

And whereas the Council arranged to raise the full amount of the loans by the hypothecation of debentures, but the building contract could not be completed within the stipulated period, and moneys totalling 838 pounds 5 shillings and 1 penny were borrowed during the period between 8 May 1939 and 30 June 1940 for the purpose of paying for the completed contract:

Be it therefore enacted as follows:

- (1) The action of the Council in borrowing a sum of 838 pounds 5 shillings and 1 penny of the moneys authorised to be raised by the said Orders in Council after the expiry of the period prescribed by the Orders in Council is hereby validated, and the said moneys shall be deemed to have been lawfully borrowed and applied and the securities issued in respect thereof lawfully issued.
- (2) The borrowing by the Council of a sum of 2,600 pounds after 7 May 1939 to repay to the bank the amounts borrowed by way of hypothecation is hereby validated.

9 Validating expenditure by Lyttelton Borough Council

Whereas the Lyttelton Borough Council (hereinafter called the **Council**) was duly authorised by a poll of ratepayers taken on

24 January 1940 to raise a loan of 3,000 pounds for the purpose of improving and extending the borough water supply:

And whereas prior to authority being obtained for the raising of such loan the sum of 696 pounds 9 shillings and 1 penny was paid by the Council from its Waterworks Account towards the cost of such work:

And whereas payment of the said money has since been made into the Waterworks Account from the loan moneys:

And whereas it is desirable to validate the payment so made into the Waterworks Account:

Be it therefore enacted as follows:

The payment by the Council into its Waterworks Account of the sum of 696 pounds 9 shillings and 1 penny from the said loan of 3,000 pounds is hereby validated and declared to have been lawfully made.

10 Authorising the New Plymouth Borough Council to let or sell certain lands

Whereas the Corporation of the Borough of New Plymouth in acquiring lands for the purpose of a recreation ground acquired certain lands described in subsection (7) (hereinafter referred to as the **said lands**):

And whereas the said lands are not required for the purpose of the said recreation ground, and it is expedient that the Council of the Corporation (hereinafter referred to as the **Council**) be empowered to sell or let the said lands:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act, the Council may let the said lands or any part thereof, and for that purpose may exercise all or any of the powers exercisable by a leasing authority under the provisions of the Public Bodies' Leases Act 1908.
- (2) In addition to its powers under the last preceding subsection the Council may, either by public auction or by private contract, sell the said lands or any part or parts thereof free from the trusts and reservations heretofore affecting them.

- (3) Any such sale may be made in such parcels, at such price or respective prices, at such time or times, and upon such terms and conditions as the Council may deem proper.
- (4) In any such sale provision may be made for the payment by the purchaser, by instalments extending over a period not exceeding 20 years, of the purchase money and interest at such rates as may be agreed upon in respect of any portion of the purchase money that may for the time being be unpaid.
- (5) All rents received from the letting of the said lands and the proceeds of any sale of the said lands or any part thereof shall be paid into the General Account of the Council.
- (6) The powers conferred by this section are in addition to and not in substitution for the powers conferred on the Council by the Municipal Corporations Act 1933 or by any other Act.
- (7) The lands to which this section relate are more particularly described as follows:

First, all those pieces of land containing together 2 roods 10 perches and forty-two hundredths of a perch, be the same a little more or less, being Lots 1, 2, and 3 on Deposited Plan Numbered 5888, part of Section 96 on the public maps of the Fitzroy District, and being part of the land comprised in certificate of title, Volume 102, folio 44, Taranaki Registry.

Secondly, all those pieces of land containing together 1 acre 13 perches and one-fifth of a perch, be the same a little more or less, being Lots 1, 2, 3, 4, and 5 on Deposited Plan Numbered 5961, part of Section 96 on the public maps of the Fitzroy District, and being part of the land comprised in certificate of title, Volume 148, folio 2, Taranaki Registry.

11 Validating expenditure incurred by Oamaru Borough Council

The expenditure by the Oamaru Borough Council out of its General Fund of the sum of 15 pounds in connection with sending the Mayor of the borough to Wellington as its representative at the official opening of the New Zealand Centennial Exhibition is hereby validated and declared to have been lawfully incurred.

12 Authorising Wanganui City Council to grant renewal of certain leases

Whereas by 2 deeds of lease, both dated 24 May 1926, registered respectively under Numbers 147438 and 147439 in the Deeds Register Office at Wellington, the Mayor, Councillors, and Citizens of the City of Wanganui leased the lands hereinafter described for the term of 15 years 8 months with a right of renewal for a further term of 21 years:

And whereas the lessees omitted to take the necessary steps to obtain renewals of the said leases within the time limited therein:

And whereas the Wanganui City Council (hereinafter called the **Council**) is desirous of granting renewals of the said leases:

Be it therefore enacted as follows:

- (1) The Council is hereby authorised and empowered to grant renewals of the said leases for a term of 21 years from the expiry thereof in accordance with the conditions contained therein.
- (2) The lands to which this section relate are more particularly described as follows:
 - (a) all that parcel of land containing 1 rood, more or less, situate in the City of Wanganui, being part of Reserve L, Wanganui Town Belt, and being also Lot 22 on plan deposited in the Deeds Register Office at Wellington as Number 249, and being the land comprised in the said lease registered as aforesaid under Number 147438:
 - (b) all that parcel of land containing 1 rood, more or less, situate as aforesaid, being part of Reserve L, Wanganui Town Belt, and being also Lot 21 on plan deposited as aforesaid as Number 249, and being the land comprised in the said lease registered as aforesaid under Number 147439.

13 Validating proceedings in connection with portion of a loan of £88,000 raised by Nelson City Council

Whereas the Nelson City Council (hereinafter called the **Council**) was authorised by Order in Council made on 10 June 1937, as varied by Order in Council made on 13 July 1938

pursuant to section 11 of the Local Government Loans Board Act 1926, to raise a loan of 88,000 pounds known as the Water-supply Loan, 1937, for the purpose of constructing headworks, tunnel, main pipeline, and other necessary works for the supply of water from the Roding River, making the necessary land purchases, and improving and extending the city reticulation upon certain terms and conditions, one of such conditions being that no money should be borrowed under such authority after the expiration of 2 years from the date thereof:

And whereas the Council, by resolution made on 28 July 1938, resolved to raise the said loan, and, pursuant to such resolution, arranged to raise the said loan by instalments as required:

And whereas the authority conferred by such first-mentioned Order in Council expired on 10 June 1939:

And whereas by Order in Council made on 26 July 1939 a fresh consent was issued authorising the Council to raise the balance then outstanding:

And whereas after 10 June 1939, but before 26 July 1939, the Council received instalments amounting to 2,600 pounds in respect of the said loan:

And whereas the Council had no authority to receive the said instalments and it is desirable that the raising of such sum by the Council as aforesaid should be validated:

Be it therefore enacted as follows:

The action of the Council in raising the said sum of 2,600 pounds of the Water-supply Loan, 1937 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.

14 Validating certain expenditure incurred by New Plymouth Borough Council in connection with celebrations of the centennial of Taranaki

The expenditure by the New Plymouth Borough Council of the sum of 126 pounds 11 shillings and 9 pence during the financial year ended on 31 March 1941, and of the sum of 321 pounds 14 shillings and 5 pence during the financial year end-

ing on 31 March 1942, both sums being expenses incurred in connection with the celebrations of the centennial of the Provincial District of Taranaki, is hereby validated and declared to have been lawfully made.

15 Authorising Wairoa Borough Council to transfer certain land

Whereas the Wairoa Borough Council is seized of an estate in fee simple for the purposes of Part 27 of the Municipal Corporations Act 1933 of all that piece of land situated in the Borough of Wairoa, containing 2 roods and twenty-six one-hundredths of a perch, more or less, being part Suburban Section 21, Class I, Town of Clyde, and also Lot 4 on Deposited Plan Numbered 4544, and being the whole of the land in certificate of title, HB Volume 99, folio 55, Hawke's Bay Registry, and has agreed to transfer such land, without consideration, to His Majesty the King for the purposes of the Housing Act 1919:

And whereas the Council has no legal authority to make such a gift:

Be it therefore enacted as follows:

The Wairoa Borough Council is hereby authorised to transfer the said land, without consideration, to His Majesty the King for the purposes of the Housing Act 1919.

16 Validating purchase of debentures by Christchurch City Council

Whereas from time to time the Christchurch City Council (hereinafter called the **Council**) has taken up from the Council itself or has purchased from various persons by way of investment of surplus moneys from time to time held by it in certain internal accounts various debentures, some of which are debentures issued by the Council itself:

And whereas the Council from time to time, as moneys were required by it upon such accounts, has sold and transferred certain of the debentures so acquired or purchased by it:

And whereas it is desirable to validate the action of the Council in acquiring its own debentures and to validate any debentures so acquired:

Be it therefore enacted as follows:

- (1) The action of the Council at any time before the passing of this Act in acquiring, whether by purchase or otherwise, debentures issued by the Council is hereby validated.
- (2) Any debenture heretofore issued by the Council and at any time before the passing of this Act acquired by the Council, whether by purchase or otherwise, is hereby validated and shall have and be deemed at all times to have had full force and effect according to its tenor.

17 Validating proceedings in connection with portion of a loan of £13,000 raised by Dunedin City Council

Whereas by Order in Council dated 24 February 1937 and published in the *Gazette* of 4 March 1937, consent was given to the raising in New Zealand by the Dunedin City Council (hereinafter called the **Council**) of the loan of 13,000 pounds known as the Waterworks Supplementary Loan, 1937 upon the terms and conditions stated in the said Order in Council including a condition that no moneys should be borrowed pursuant to such consent after the expiration of 2 years from the date of the said Order in Council:

And whereas the sum of 7,900 pounds only was raised by the Council pursuant to such consent:

And whereas the Council raised the further sum of 800 pounds in respect of the said loan of 13,000 pounds from the Dunedin Drainage and Sewerage Board by the issue on 31 March 1941 of 8 debentures each of 100 pounds numbered 80 to 87 at the same rate of interest and on the same terms as the said sum of 7,900 pounds was raised:

And whereas the sum of 800 pounds of the said loan was accordingly unlawfully borrowed:

Be it therefore enacted as follows:

The action of the Council in borrowing the said sum of 800 pounds is hereby validated, and the said debentures shall be deemed to have been lawfully issued and shall have full force and effect according to their tenor.

18 Validating payment by Timaru Borough Council

The payment by the Timaru Borough Council to Charles Henry Newcome of a sum of 248 pounds 11 shillings and 11 pence as a compassionate allowance is hereby validated and declared to have been lawfully made.

19 Vesting Buckley Square in Shannon Borough Corporation as a recreation reserve

Whereas in the year 1903 the Manawatu Railway Company, Limited, transferred the land described in subsection (3) to certain persons who at the same time executed a deed of trust declaring that they held the said land as trustees and for a reserve for recreational purposes:

And whereas the said persons are all deceased and no new trustees have been appointed:

And whereas the Shannon Borough Council has since the formation of the borough in the year 1917 maintained the said land as a public reserve for recreational purposes and has incurred expenditure in so doing:

Be it therefore enacted as follows:

- (1) The land described in subsection (3) is hereby declared to be vested in the Corporation of the Borough of Shannon as a public reserve for the purpose of public recreation.
- (2) All expenditure incurred by the Shannon Borough Council in maintaining and improving the said land at any time before the passing of this section is hereby validated and declared to have been lawfully incurred.
- (3) The land to which this section relates is particularly described as follows:

All that area in the Borough of Shannon in the Wellington Land District, containing by admeasurement 5 acres 3 roods, more or less, being Section 703 on Deposited Plan Numbered 368, and being the whole of the land comprised in certificate of title, Volume 124, folio 121 (Wellington Registry).

20 Authorising inclusion of Westshore in Borough of Napier, and special water charges in respect thereof

Whereas a petition was presented to the Governor-General under section 136 of the Municipal Corporations Act 1933 (hereinafter referred to as the **said Act**) praying that the area defined in that petition, being part of the County of Hawke's Bay, should be excluded from that county and included in the Borough of Napier (hereinafter called the **Borough**):

And whereas the area defined in the said petition (hereinafter called the **Westshore area**) is more particularly described in the notice under the hand of the Minister of Internal Affairs, dated 16 April 1940, and published in the *Gazette* on 18 April:

And whereas the Westshore area does not adjoin the Borough:

And whereas it is desirable that the Westshore area or a part of that area should be included in the Borough:

And whereas the Napier Borough Council (hereinafter called the **Council**) now supplies water to the Westshore area and charges the cost thereof to the Hawke's Bay County Council according to the quantity used:

And whereas it is equitable that upon the inclusion in the Borough of the Westshore area, or of any part thereof, the Council should be empowered to fix special water rates in respect of the area so included:

Be it therefore enacted as follows:

- (1) The Westshore area shall, for the purposes of section 136 of the said Act, be deemed to adjoin the Borough, and the provisions of the said Act shall apply to the Westshore area and the Borough accordingly.
- (2) Upon the inclusion, pursuant to the said section, of the Westshore area or any part thereof in the Borough the Council may make and levy special water rates in respect of any ordinary or extraordinary supply of water within the area so included either in addition to or in substitution for water rates as made and levied in respect of the remainder of the Borough.
- (3) Notwithstanding the provisions of the said Act or of any by-law made before the passing of this section fixing water rates or charges for the whole of the Borough the special water rates made and levied pursuant to this section may differ from the

water rates made in respect of the remainder of the Borough and, in respect of the area so added, the supply of water that is deemed ordinary or extraordinary for the purposes of the said Act may differ from the supply that is deemed ordinary or extraordinary as the case may be in respect of the remainder of the Borough. Such special water rates may exceed the amounts prescribed by the said Act, and shall be such amounts as may from time to time, subject to the next succeeding subsection, be fixed by the Council or as may be agreed between the Council and any person to whom water is supplied.

- (4) The Council in fixing from time to time such special water rates shall so provide that the total amount which in the opinion of the Council will in any year be produced in respect of all rates and charges made and levied for water supply purposes from any area included in the Borough pursuant to this section shall be not greater than 5 per centum of the total amount which in the opinion of the Council will in the same period be produced from the remainder of the Borough in respect of all rates and charges made and levied for water supply purposes.
- (5) All acts done before the passing of this section which would have been valid and lawful if this section had then been in force shall be deemed to have been validly and lawfully done.

21 Wellington City Council authorised to grant right of way in perpetuity to the Fletcher Trust and Investment Company, Limited

- (1) The Wellington City Council is hereby authorised to grant to the Fletcher Trust and Investment Company, Limited a right of way in perpetuity appurtenant to the land comprised in certificates of title, Volume 143, folio 77, Volume 43, folio 168, Volume 110, folio 262, and Volume 114, folio 111 (all registered in the Wellington Registry) over the land more particularly described in subsection (3) at an annual rental to be fixed by the Wellington City Council.
- (2) Such grant shall be subject to such covenants, conditions, and restrictions as to maintenance, use, and erection of buildings above the said land as the Wellington City Council may think fit.

- (3) The land over which the said right of way may be granted is more particularly described as follows:

All that area in the Wellington Land District in the City of Wellington, containing by admeasurement 2 perches and ninety-three one-hundredths of a perch, more or less, being parts of Sections 1 and 2 Provincial Government Reclamation, and being part of the land comprised in certificate of title, Volume 227, folio 190 (Wellington Registry): bounded commencing at a point on the northeast side of Chews Lane, distant 129.87 links from Willis Street; towards the northwest by other parts of the said Sections 1 and 2, distance 98.48 links bearing $23^{\circ}08'20''$; thence towards the northeast by Section 3, Provincial Government Reclamation, distance 18.60 links bearing $113^{\circ}17'30''$; thence towards the southeast by other parts of the said Sections 1 and 2, distance 98.48 links bearing $203^{\circ}08'20''$; thence towards the southwest by Chews Lane, distance 18.60 links bearing $293^{\circ}17'30''$, to the point of commencement; be all the aforesaid linkages more or less: as the same is more particularly delineated on the plan marked SO 20783, deposited in the Office of the Chief Surveyor at Wellington, and thereon coloured red.

22 Authorising diversion of certain loan moneys by Masterton Borough Council

Whereas the Masterton Borough Council (hereinafter called the **Council**) was, by a poll of ratepayers taken on 8 May 1940, duly authorised to raise a loan of 10,500 pounds for the purpose of cleaning and concrete lining the 10-inch and 12-inch mains from the reservoir to the borough and the 18-inch spiral-steel main from the Upper Plain Reservoir to the intake:

And whereas since the raising of the said loan the Council has abandoned its intention of concrete lining the said 18-inch spiral-steel main and is now desirous of applying the whole of the moneys proposed to be spent on that work towards cleaning and concrete lining further portions of the reticulation mains:

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

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary 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 moneys authorised by the said poll to be spent upon cleaning and concrete lining the said 18-inch main to the purpose of cleaning and concrete lining further portions of the reticulation mains under the control of the Council.
- (2) All expenditure incurred before the passing of this section that by virtue of this section would have been lawfully incurred if this section had then been in force shall be deemed to have been validly and lawfully incurred.

23 Authorising Northcote Borough Council to raise a special loan for purchase and installation of water meters

- (1) The Northcote Borough 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 3,250 pounds, for the purpose of purchasing and installing water meters.
- (2) Any moneys raised under the authority of this section may be used to repay to the General Account of the Borough the cost of any water meters purchased within the financial year ending on 31 March 1942, notwithstanding that such meters may have been purchased prior to the passing of this Act.
- (3) Notwithstanding the provisions of the Local Bodies' Finance Act 1921–22, any overdraft of the Northcote Borough Council as at 31 March 1942 in excess of the limits prescribed by paragraph (c) of subsection (2) of section 3 of that Act, in so far as such overdraft is incurred by the Council for the purposes of paying for the development of a water supply out of its revenue, or the purchase of water meters in anticipation of the loan mentioned in the last preceding subsection shall be deemed to be lawfully incurred.
- (4) Any excess overdraft incurred by the Council as aforesaid shall be repaid not later than 31 March 1943.

24 Hastings Borough Council authorised to raise a special loan for water supply purposes

Whereas the Hastings Borough Council (hereinafter called the **Council**) has raised by way of special loan the sum of 22,900 pounds for the purpose of duplicating the Council's water mains from the pumping station in Hastings to the reservoir at Havelock North:

And whereas it is found that owing to the increased costs in connection therewith this sum will not be sufficient to enable the Council to complete the work for which the said loan was raised:

Be it therefore enacted as follows:

The Council is hereby authorised to raise a further special loan not exceeding 6,000 pounds under the Local Bodies' Loans Act 1926 by way of special order and without taking the steps prescribed by sections 9 to 13 of that Act for the purpose of meeting the cost of completing the said duplication of the water mains.

25 Provision with respect to Delhi Road, Borough of Napier

Whereas the street called Delhi Road is vested in fee simple in the Mayor, Councillors, and Burgesses of the Borough of Napier:

And whereas the said street appears to be 50 links wide:

And whereas the exact position and location of the said street is doubtful:

And whereas the records of the Land Transfer Office at Napier and of the Lands and Survey Department at Napier were destroyed by fire following the Hawke's Bay earthquake of 3 February 1931:

And whereas for many years it has been believed that the said street was 30 links wide and some of the owners of land abutting on the said street have caused subdivisional plans to be prepared showing the said street as being 30 links wide and several certificates of title have been issued accordingly:

And whereas the configuration of the land within the area through which the said street passes is such that it is difficult

and inexpedient to form a street 50 links wide for its whole length:

And whereas it is expedient to make provision as hereinafter appears:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act, it is hereby declared that there shall be and be deemed always to have been a street within the meaning of the Municipal Corporations Act 1933, the Public Works Act 1928, or any other Act known as Delhi Road, lying between North Street and Havelock Road, and bordered on the north by Section 13, and on the south by Sections 14 and 15, Napier Subdivisional Sections, and by Town Section 40, and being of a width of 30 links from North Street to the western boundary of Lot 2, DP 5293, and of a width of 50 links from there to Havelock Road.
- (2) Notwithstanding the production of any evidence as to the original boundaries of Delhi Road, the Chief Surveyor of the Hawke's Bay Land District is hereby empowered and authorised, on the direction and at the expense of the Napier Borough Council, to define the boundaries of the street constituted under this section so as to provide for the widths referred to in the last preceding subsection, and the boundaries as so defined shall be deemed to be the boundaries of the street so constituted.
- (3) Any land heretofore included in the said street and not included in the street hereby constituted shall be deemed to be no longer part of a street and shall be deemed to be vested in fee simple in the respective registered proprietors of the lands abutting on the street so constituted so that the respective titles to the lands abutting on such street shall extend to and abut on and be deemed always to have extended to and abutted on the street hereby constituted, and the District Land Registrar at Napier is hereby empowered and directed to amend or issue (as the case may be) the said titles accordingly. Any lands accruing to any person pursuant to this subsection shall be subject to the same registered encumbrances, liens, and interests as the lands to which they respectively accrue.

- (4) Every person suffering any loss of land by reason of the redefinition of the said street shall be deemed to have had the land taken under the Public Works Act 1928 and the provisions of Part 3 of that Act shall, in any such case, apply accordingly.

26 Authorising Invercargill City Council to lease certain land to the Invercargill Returned Soldiers' Association (Incorporated)

- (1) Notwithstanding the provisions of section 161 of the Municipal Corporations Act 1933, the Invercargill City Council (hereinafter called the **Council**) may, under the provisions of Part 16 of that Act, lease the land described in subsection (4) to the Invercargill Returned Soldiers' Association (Incorporated) (hereinafter called the **lessee**) free from any trust or reservation heretofore affecting the same.
- (2) The provisions of paragraph (a) of section 159 of the said Act shall not apply to any such lease.
- (3) Any such lease shall be subject to a condition that should the lessee at any time cease to occupy the land to which the lease relates the said land shall thereupon be deemed to be revested in the Council subject to the trusts and reservations affecting the same on the passing of this Act.
- (4) The land to which this section relates is particularly described as follows:

All that land containing by admeasurement 1 rood, more or less, being Section 12, Block III, Town of Invercargill, and being all the land comprised and described in certificate of title, Volume 153, folio 157, Southland Registry.

Town Board

27 Manaia Town Board authorised to expend certain moneys held in trust

Whereas the Manaia Town Board (hereinafter called the **Board**) holds in its Municipal Reserve Account certain moneys, being the proceeds from the sale of certain municipal reserves in the Town District of Manaia, in trust for the purchase of municipal reserves:

And whereas the said moneys are not required for the purpose for which they are now held in trust, and it is desired to utilise the said moneys for the purpose of effecting urgent repairs to the Manaia Town Hall:

Be it therefore enacted as follows:

Notwithstanding anything to the contrary in any Act, it shall be and be deemed to have been lawful for the Manaia Town Board to expend the whole or part of the said moneys, not exceeding a sum of 300 pounds, in or towards the costs of repairing the said town hall.

Road Board

28 Making provision with respect to proposal that Mount Roskill Road District be constituted a borough

- (1) Notwithstanding anything contained in the Municipal Corporations Act 1933 (hereinafter referred to as the **said Act**) every person who possesses any of the qualifications set out in section 6 of the said Act or section 7 of the Local Elections and Polls Amendment Act 1941 within the Mount Roskill Road District shall be entitled to sign a petition under section 135 of the said Act and to vote at a poll under that section on a proposal to constitute the said road district a borough.
- (2) In respect of any poll taken as aforesaid the voters roll to be prepared pursuant to paragraph (f) of subsection (1) of the said section 135 shall contain the names of all persons who are entitled to vote by virtue of the last preceding subsection.
- (3) In the event of a proposal that part only of the Mount Roskill Road District shall be constituted a borough the foregoing provisions of this section shall apply to that part accordingly.
- (4) The proviso to section 40 of the Road Boards Act 1908 shall not apply with respect to any such petition or poll as aforesaid.

Harbour Boards

29 Validating application by Auckland Harbour Board of credit balance of £150

Whereas the Auckland Harbour Board (hereinafter called the **Board**) entered into a contract on 16 November 1939 for the

erection of a building at St Mary's Bay Boat Harbour, Auckland, for the occupation of the Richmond Cruising Club:

And whereas the building contractor under such contract failed to complete the said building, and it was necessary for the Board to enter into a further contract with another builder for the completion of the said building:

And whereas the contractor under the contract firstly hereinbefore mentioned failed to pay certain workmen, merchants, and others for work done and material supplied in connection with the erection of the said building:

And whereas the Board was able to have the said building finally completed at a cost of approximately 150 pounds less than the price as fixed by the said first-mentioned contract:

And whereas the Board has made or intends to make *ex gratia* payments, not exceeding in all 150 pounds (inclusive of expenses), in or towards payment of the claims of the said workmen, merchants, and others:

Be it therefore enacted as follows:

The Board is hereby empowered to make payments, not exceeding in all 150 pounds (including expenses), in or towards payment of the claims of such of the said workmen, merchants, and others as the Board may decide, and any such payment made before the passing of this Act is hereby validated.

30 Provision regarding the operation of the Equalization, Renewal, and Reserve Funds of Timaru Harbour Board

(1)–(5) *Amendment(s) incorporated in the Act(s).*

(6) No moneys shall hereafter be borrowed by the Board under the authority conferred on it by section 3 of the Timaru Harbour Board Loan Act 1904.

(7) Notwithstanding the provisions of section 22 of the Timaru Harbour Board Loan Act 1929, or of any other enactment, it shall not be lawful, without the prior consent of the Local Government Loans Board, for the capital sum of the Fund established by the said section 22 to be reduced below the sum of 60,000 pounds except for the purpose of paying claims under the Workers' Compensation Act 1922 against the Board.

*River and Drainage Boards***31 Judea Drainage Board authorised to levy special rates on a new classification***[Repealed]*

Section 31: repealed, on 1 July 2003, by section 138(1) of the Local Government (Rating) Act 2002 (2002 No 6).

32 Provision with respect to disqualification of members of Hawke's Bay Rivers Board

- (1) Notwithstanding anything contained in the Local Authorities (Members' Contracts) Act 1934 or in any other Act the payment by the Hawke's Bay Rivers Board (hereinafter called the **Board**) to Christian Lassen, a member of the Board, of the sum of 385 pounds 17 shillings during the financial year ended on 31 March 1940, in respect of compensation for land taken by the Board under the Public Works Act 1928, shall be deemed to have been lawfully made, and the said Christian Lassen shall not be deemed to have been disqualified from being a member of the Board by reason of the payment of the said sum or by reason of his being concerned or interested in the contract in respect of which the payment was made nor shall he be deemed to have committed any offence by reason of having done any act as a member of the Board while concerned or interested in such contract.
- (2) Notwithstanding anything contained in the Local Authorities (Members' Contracts) Act 1934 or in any other Act the contracts between the Board and Lewis Edward Harris, a member of the Board, fixing the amount of compensation to be paid to the said Lewis Edward Harris for land taken under the Public Works Act 1928, at the sum of 3,113 pounds together with interest thereon at the rate of 5 pounds per centum per annum computed from 17 March 1941 to the date of actual payment thereof to the said Lewis Edward Harris, shall be deemed to have been lawfully made and the said Lewis Edward Harris shall not be disqualified from being a member of the Board by reason of his being concerned or interested in the said contracts, nor shall he be deemed to have committed any offence by reason of having done any act as a member of the Board while concerned or interested in such contracts.

- (3) The Board is hereby authorised and empowered to pay the said sum of 3,113 pounds together with interest as aforesaid to the said Lewis Edward Harris, and the said Lewis Edward Harris shall not be deemed incapable of being a member of the Board by reason of the payment of the said sum of 3,113 pounds together with interest as aforesaid being made to him in respect of the said contracts, nor shall he be deemed to commit any offence by reason of his doing any act as a member of the Board while concerned or interested in such contracts or in the payment to be made thereunder.

Fire Board

33 Validating payment of a compassionate allowance by the Dunedin Metropolitan Fire Board

The payment made by the Dunedin Metropolitan Fire Board out of its General Account of the sum of 250 pounds to Christina Price, the widow of Robert Henry Pelling Price, deceased, the late Superintendent of the Board, as a compassionate allowance is hereby validated and declared to have been lawfully made.

Hospital Boards

34 Validating raising of £4,000 by Bay of Plenty Hospital Board

Whereas the Local Government Loans Board on 9 August 1940 sanctioned the borrowing in New Zealand by the Bay of Plenty Hospital Board (hereinafter called the **Board**) of the sum of 4,000 pounds by a loan to be known as Additions to Buildings Loan, 1940:

And whereas the Board duly borrowed the said sum of 4,000 pounds:

And whereas contrary to the provisions of section 3 of the Local Government Loans Board Act 1926 the consent of the Governor-General in Council in accordance with sections 10 and 11 of that Act to the raising of the loan was not first obtained:

Be it therefore enacted as follows:

The action of the Board in borrowing the sum of 4,000 pounds without the prior consent of the Governor-General in Council 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.

35 Authorising diversion of loan moneys by Wellington Hospital Board

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

36 Validating expenditure by Waipawa Hospital Board towards making good losses sustained by nurses by fire

The expenditure by the Waipawa Hospital Board (hereinafter called the **Board**) of sums totalling 255 pounds as compensation to nurses employed by the Board in respect of losses of clothing and personal effects sustained when the nurses' home annexe of the Board at the Pukeora Sanatorium was destroyed by fire is hereby validated and declared to have been lawfully made.

37 Validating certain proceedings in connection with loan of £8,000 raised by Wanganui Hospital Board

Whereas the Wanganui Hospital Board (hereinafter called the **Board**) was authorised by Order in Council dated 20 November 1940, made pursuant to section 11 of the Local Government Loans Board Act 1926, to raise a loan of 8,000 pounds (hereinafter referred to as the **said loan**) for the purposes of making alterations and extensions to the Taihape Hospital, the provision of equipment and furnishing, and the payment of fees and other incidental expenses:

And whereas on 30 January 1941 the Minister of Health consented, pursuant to subsection (3) of section 75 of the Hospitals and Charitable Institutions Act 1926, to the work for which the said loan was authorised to be raised:

And whereas by reason of the urgency of such work the Board incurred expenditure amounting to 931 pounds 9 shillings and 5 pence, and made payments of 105 pounds 15 shillings and 6 pence to Bullock and Company, 700 pounds to J F Wight, and 125 pounds 1 shilling and 5 pence to Taylors, Limited,

and 12 shillings and 6 pence for Architect's commission, prior to the issue of the said Order in Council or the said consent of the Minister of Health:

And whereas the aforesaid payments have been charged to the account opened in the books of the Board in connection with the said loan and known as the Taihape Hospital Special Loan £8,000 Account:

And whereas it is desirable that the incurring of the said expenditure and the said payments and the charging of such payments to the said Loan Account should be validated:

Be it therefore enacted as follows:

The action of the Board in incurring expenditure amounting to 931 pounds 9 shillings and 5 pence before the issue of the said Order in Council and consent of the Minister of Health, and in paying the said respective sums of 105 pounds 15 shillings and 6 pence, 700 pounds, 125 pounds 1 shilling and 5 pence, and 12 shillings and 6 pence, and in charging such payments to the Taihape Hospital Special Loan £8,000 Account in the books of the Board is hereby validated and declared to have been lawful.

Affecting 2 or more classes of public bodies

38 Validation of lease of portion of Kilbirnie Recreation Reserve to the Wellington Hospital Board

- (1) The lease dated 3 September 1940, Registered Number 22667, from the Mayor, Councillors, and Citizens of the City of Wellington to the Wellington Hospital Board of the land described in subsection (2), a copy of which lease is deposited in the Office of the Minister of Internal Affairs at Wellington under Number IA 105/204, is hereby validated.
- (2) The land to which this section relates is more particularly described as follows:

All that piece of land in the Wellington Land District, containing 1 acre 1 rood 34 perches and eighty-three one-hundredths of a perch, be the same a little more or less, being the Lot numbered 2 on a plan deposited in the Lands Registry Office in Wellington as Plan Number 11975, and being also part of the land comprised in certificate of title, Volume 478, folio 228.

39 Otago Harbour Board authorised to sell certain land to Dunedin City Council

Whereas all those lands comprising Sections 25, 26, 27, 28, 29, 30, and 31, Block LXXIII, Dunedin, on the plan prepared by Edward Fletcher Roberts, of Dunedin, registered surveyor, for deposit in the Lands Registry Office at Dunedin, and being part of the land included in certificate of title, Register Book Volume 177, folio 97 (Otago Lands Registry) are vested in the Otago Harbour Board (hereinafter called the **Board**) subject to the provisions of the Otago Harbour Board Empowering Act 1875:

And whereas the said lands are required by the Dunedin City Council (hereinafter called the **Council**) in connection with the operations of the Council:

Be it therefore enacted as follows:

Notwithstanding the provisions of any Act it shall be lawful for the Board to sell and transfer to the Council and for the Council to purchase the lands hereinbefore described for such consideration and upon and subject to such terms and conditions as may be agreed upon between the Board and the Council, and the moneys received by the Board as the price of the lands sold and purchased as aforesaid shall be paid into and form part of the sinking fund in connection with the Otago Harbour Board Redemption Loan, 1934.

40 Authorising Wanganui Harbour Board to transfer certain land to Wanganui City Council

Whereas the Wanganui Harbour Board (hereinafter called the **Harbour Board**) is possessed of an estate in fee simple in the lands hereinafter described:

And whereas such lands are leased to one, Hopeful Gibbons, of Wanganui, brewer:

And whereas the lease contains a covenant by the said Hopeful Gibbons that he will not use the said lands (known as the James McGregor Memorial (Kowhai) Park) except for the purpose of converting the same into a park or recreation ground and any purpose incidental thereto:

And whereas by a deed of trust, bearing date 30 October 1935, there was constituted a Board called the James McGregor Memorial Park Trust Board (hereinafter called the **Trust Board**) for the purposes of administering the said park:

And whereas the Harbour Board and the said Hopeful Gibbons and the Trust Board and the Wanganui City Council (hereinafter called the **Council**) desire that the said lands should be vested in the Council for an estate in fee simple freed from the said lease for the purposes of providing pleasure grounds, gardens, or other means of enjoyment or recreation:

And whereas the Harbour Board has no power to transfer the said land to the Council:

Be it therefore enacted as follows:

- (1) Notwithstanding anything contained in any Act, the Harbour Board is hereby empowered to transfer without consideration the lands hereinafter described to the Council to be held by the Council for the purposes of providing pleasure grounds, gardens, or other means of enjoyment or recreation.
- (2) The said Hopeful Gibbons and the Trust Board are hereby authorised to surrender without consideration the said lease of the said lands, and the Harbour Board is hereby authorised to accept such surrender.
- (3) Upon completion of the surrender of the said lease and the transfer of the said land to the Council the James McGregor Memorial Park Trust Board shall, without further authority than this section, be dissolved, and the trusts set out in the said deed of trust shall be determined.
- (4) The lands to which this section relates are described as follows:

All those pieces of land situated in the Provincial District of Wellington, containing respectively 3 roods 9 perches and 28 acres 3 roods 35 perches (approximately) being portions of Lot 2 on Deposited Plan Number 734, part of Section 355 left bank of the Wanganui River, and being part of the land in certificate of title, Volume 82, folio 58 (Wellington Registry), the said pieces of land being shown outlined in colour green on a plan marked MD 8092, and deposited in the Office of the Marine Department at Wellington.

41 Validating agreement between Hutt County Council and Wellington Harbour Board

Whereas the Wellington Harbour Board at the request of the Minister of Health has entered into a deed of agreement with the Hutt County Council, a copy of which deed is deposited in the Office of the Department of Internal Affairs under Number IA 105/222, dated 12 September 1941, providing, inter alia, for the carrying out of certain work and the granting by the Wellington Harbour Board of certain rights in connection with the laying of an outfall drain over certain parts of the foreshore of the Wellington Harbour and the land belonging to the Board contiguous thereto, the carrying out and granting of which are not in conformity with the provisions of a certain deed of agreement made between the Hutt River Board of the first part, the Wellington Harbour Board of the second part, and His Majesty the King, acting by and through the Minister of Public Works, of the third part, referred to and validated by section 20 of the Reserves and other Lands Disposal Act 1936: And whereas it is desired that such deed of agreement dated 12 September 1941 be validated:

Be it therefore enacted as follows:

The said deed of agreement dated 12 September 1941 is hereby declared to be valid and binding in all respects and shall have full force and effect as if it were specifically enacted in terms thereof in this Act; and the parties thereto shall be deemed to have been duly empowered to enter into and execute the same, and, further, shall have full power to carry out the works therein referred to, which may be deemed necessary to give full force and effect to the said deed of agreement.

42 Provision with respect to closing of street by Balclutha Borough Council and sale thereof to Lower Clutha River Trust

Whereas the Corporation of the Mayor, Councillors, and Burgesses of the Borough of Balclutha (hereinafter called the **Corporation**) is seized of an estate in fee simple in all that parcel of land described in subsection (3):

And whereas the said land is portion of a street along the bank of the Clutha River:

And whereas the Corporation being satisfied that the said land is of no value for street purposes has agreed to transfer the said land to the Lower Clutha River Trust (hereinafter called the **Trust**) on payment of the sum of 75 pounds to enable the Trust to erect thereon certain buildings:

And whereas there is no authority for the Balclutha Borough Council to stop the said portion of street or to sell such portion to the Trust:

And whereas it is expedient that provision should be made as hereinafter appears.

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Municipal Corporations Act 1933, the Council may, in the manner prescribed by paragraph (h) of subsection (4) of section 175 of the said Act, stop that portion of the street hereinbefore referred to.
- (2) The Corporation is hereby empowered, upon the said portion of street being stopped, to transfer the said land to the Trust at such price and on such terms and conditions as may be agreed upon between the Corporation and the Trust.
- (3) The parcel of land referred to in this section is described as follows:

All that parcel of land situated in the Provincial District of Otago, being part of Hasborough Place in the Town of Balclutha, containing an area of 3 acres 2 roods 26 perches, more or less.

Commencing at a point on the original left bank of the Clutha River, distant by traverse as stated hereunder from the standard survey tube shown on Dunedin Survey Office Plan B77 at the Junction of Newarp Street and Hasborough Place: bounded towards the north by other part of Hasborough Place by a line bearing $128^{\circ}11'30''$, distance 412 links; and again bounded towards the north by other part of Hasborough Place by a line bearing $119^{\circ}39'$, distance 915.56 links; bounded towards the east by other part of Hasborough Place by a line bearing $152^{\circ}52'20''$, distance 670.54 links; bounded towards the south by the Clutha River, distance 2 375 links, back to the commencing point.

Commencing point distant by traverse from standard survey tube shown on Dunedin Survey Office Plan B77 at the junction of Newarp Street and Hasborough Place as follows:

Firstly, by a line bearing $207^{\circ}46'$, a distance of 180.82 links; secondly, by a line bearing $308^{\circ}11'$, a distance of 91.51 links; thirdly, by a line bearing $207^{\circ}46'$, a distance of 101.68 links; fourthly, by a line bearing $128^{\circ}11'30''$, a distance of 86.86 links.

As the same is more particularly shown on a plan prepared by Edward Fletcher Roberts, licensed surveyor, Dunedin, and to be deposited in the Lands Registry Office at Dunedin.

43 Authorising Timaru Borough Council to purchase portion of cemetery reserve

Whereas the lands described in subsection (2) (hereinafter referred to as the **said lands**) form part of the Timaru Cemetery established under the Cemeteries Act 1908:

And whereas the said lands are no longer required for cemetery purposes, and the Timaru Borough Council (hereinafter called the **Council**) is desirous of acquiring the said lands from the Timaru Cemetery Board Trustees:

And whereas the Trustees have no authority to sell the said lands:

Be it therefore enacted as follows:

- (1) The sale of the said lands by the Timaru Cemetery Board Trustees to the Council is hereby authorised.
- (2) The lands to which this section relate are more particularly described as follows:
 - (a) all that piece of land situated in Block II of the Patiti Survey District, containing 1 rood, more or less, being Lot 108 on plan deposited in the Lands Registry Office at Christchurch as Number 263, part of Rural Section 1706, and being the whole of the land comprised and described in certificate of title, Volume 210, folio 195, Canterbury Registry:
 - (b) all that piece of land situated in Block II of the Patiti Survey District, containing 1 acre 2 roods 31 perches, more or less, being part of Rural Section 2367, and be-

ing the whole of the land comprised and described in certificate of title, Volume 228, folio 296, Canterbury Registry:

- (c) all that piece of land situated in Block II of the Patiti Survey District, containing 1 acre 2 roods 9 perches, more or less, being Lot 1 on plan deposited in the Lands Registry Office at Christchurch as Number 11843, part of Rural Section 1702, and being part of the land comprised and described in certificate of title, Volume 243, folio 116, Canterbury Registry.

44 Authorising transfer of certain land from Corporation of Borough of Hamilton to King George the Fifth Memorial Fund Board

Whereas the King George the Fifth Memorial Fund Board (hereinafter called the **Board**) has received the offer of a gift, pursuant to section 13 of the King George the Fifth Memorial Fund Act 1938, from the Waikato Children's Camp League, Incorporated, of all that piece of land containing 13 acres 32.5 perches, more or less, being part of Allotment 6 of the Parish of Whaingaroa, being all the land in certificate of title, Volume 577, folio 242 (Auckland Registry), limited as to parcels, together with right of way or other easements over Lot 19 on a plan deposited in the Land Registry Office at Auckland under Number 18604, being part of the land in certificate of title, Volume 633, folio 189, created in and by Conveyance Number 314313 (Auckland Registry), and subject to right of way or other easements appurtenant to the land in certificate of title, Volume 576, folio 281, created in and by Conveyance Number 311334 (Auckland Registry):

And whereas the said land was conveyed by Conveyance Number 396032 (Auckland Registry) to the Mayor, Councilors, and Burgesses of the Borough of Hamilton (hereinafter called the **Corporation**) as a recreation reserve and community camp site forever under the administration of the Hamilton Community Camp Association, Incorporated:

And whereas the District Land Registrar at Auckland lodged Caveat Number 13215 against the said land to protect the purposes as aforesaid for which the said land was so conveyed:

And whereas the Board desires to accept the gift of the said land and to hold the same under and for the purposes of the said Act without being restricted by virtue of the trusts created by the said Conveyance Number 396032 in the exercise of any of its powers or authorities under the said Act:

Be it therefore enacted as follows:

- (1) It shall be lawful for the Council of the Corporation or any assignee or transferee from the Corporation to execute a memorandum of transfer of the said land to the Board pursuant to the provisions of section 13 of the King George the Fifth Memorial Fund Act 1938 and for the Board to hold the said land for the ordinary purposes of the said Act without being restricted by virtue of the trusts created by the said Conveyance Number 396032 in the exercise of any of the powers, authorities, and provisions as set forth in the said Act.
- (2) The said land shall be vested in the Board freed, released, and absolutely discharged from all trusts created by the said Conveyance Number 396032.
- (3) The District Land Registrar at Auckland shall for such purpose withdraw the said Caveat Number 13215, and shall accept for registration a memorandum of transfer of the said land as aforesaid in favour of the Board freed, released, and absolutely discharged from the aforesaid trusts.

Miscellaneous

45 Authorising Waimakariri River Trust to transfer piping system to Harewood Golf Club

Whereas by memorandum of lease bearing date 1 June 1925 the Waimakariri River Trust (hereinafter called the **Trust**) leased portion of the land comprised in Crown Grant Volume 58, folio 206 (Canterbury Registry) to the Harewood Golf Club, Incorporated (hereinafter called the **Club**):

And whereas it was provided by the said lease that upon the determination thereof all improvements on the land comprised therein should revert to the Trust free from payment of compensation:

And whereas the Club proposes to wind up voluntarily under the provisions of the Incorporated Societies Act 1908 and has

requested the Trust to allow it to lift and remove from the said land the whole of the piping system installed by the Club for the purpose of watering the golf course on the said land:

And whereas the Trust has no legal authority to transfer the said piping to the Club:

Be it therefore enacted as follows:

Upon the determination of the said lease the Trust is hereby authorised to give possession of the whole of the piping system forming part of the watering scheme installed by the Club on the said land without receiving payment of purchase money or other consideration and on such terms as the Trust thinks fit.

46 Extension of objects of New Zealand Sheepowners' Acknowledgment of Debt to British Seamen Fund

(1) Notwithstanding anything to the contrary in the War Funds Act 1915, the rules of the New Zealand Sheepowners' Acknowledgment of Debt to British Seamen Fund (a society incorporated under that Act), as amended by section 64 of the Local Legislation Act 1932–33, are hereby further amended by omitting from Rule 2 the words “in relation to the war with Germany and her Allies”, and by omitting paragraph (a) of the said rule, and substituting the following paragraphs:

“(a) For the relief and benefit of any of the following persons, whether in New Zealand or not, namely:—

“(i) Any person who during the last war or the present war has been or may be engaged as a member of any of His Majesty's Naval or Air Forces or as an officer, pilot, or member of the crew of any British ship or ship under any British flag and who is or may become incapacitated or in need of relief whether as a result of wounds or injuries sustained or illness contracted whilst so engaged or otherwise howsoever:

“(ii) Any dependant of any person who during the last war or the present war has been or may be engaged as a member of any of His Majesty's Naval or Air Forces or as an officer, pilot, or member of the crew of any British ship or ship under any British flag and who is or may become incapacitated

tated or in need of relief as aforesaid or has died or may die as a result of injuries sustained or illness contracted whilst so engaged:

“(iii) Any person who was admitted by the Board of Trustees into residence at Flock House for farm-training purposes.

“(aa) For the purposes of paragraph (a) of this rule—

The expression ‘British flag’ includes any flag of any portion of the British Commonwealth of Nations:

The expression ‘His Majesty’s Naval or Air Forces’ includes the Naval or Air Forces of any portion of the British Commonwealth of Nations:

The expression ‘the last war’ means the war with Germany and its Allies that commenced on the fourth day of August, nineteen hundred and fourteen:

The expression ‘the present war’ means the war with the German Reich that commenced on the third day of September, nineteen hundred and thirty-nine, and includes any extension of the same.”

- (2) The said rules, as amended by this section, shall be deemed to be and at all times to have been valid for all purposes, and anything done before the passing of this Act that would have been lawful if this section had then been in force shall be deemed to have been lawfully done.
- (3) *Amendment(s) incorporated in the Act(s).*

47 Conferring certain powers on the Corporation of Canterbury College with respect to the Macmillan Brown Library

Whereas, by his will, John Macmillan Brown, late of Holmbank, near Christchurch, deceased, bequeathed to the Corporation of Canterbury College his library at Holmbank to be kept at all times intact and to be known and indicated as the Macmillan Brown Library:

And whereas the said library comprises not only anthropological and ethnological works but also works of a more general character the separation of which from the general collections

of the Canterbury College Library militates against their extended usefulness and value to students:

And whereas being of opinion that the dominant wishes of the testator were to establish as the Macmillan Brown Library his collection of works on anthropology, ethnology, and philology and works relating to the Pacific area and the peoples thereof and, subject thereto, to make his bequest as widely serviceable as possible, and that the usefulness of the said library will be increased and the memory of the testator better perpetuated by the provisions hereinafter contained, the Advisory Trustees of the said will—namely, William David Campbell, of Timaru, and Heinrich Ferdinand von Haast, of Wellington, both barristers and solicitors—have intimated that they do not object to the said provisions:

And whereas the Perpetual Trustees Estate and Agency Company of New Zealand, Limited, the executor and trustee of the said will, has given a like intimation:

Be it therefore enacted as follows:

It shall not be deemed a breach of the hereinbefore recited directions of the will of the late John Macmillan Brown if any work belonging to the Macmillan Brown Library, other than works on anthropology, ethnology, or philology, and works relating to the Pacific area and the peoples thereof, be incorporated in the general collections of the Canterbury College Library so long as such work bears a distinctive book plate identifying it as a volume of the Macmillan Brown Library.

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Notes**1 *General***

This is a reprint of the Local Legislation Act 1941. The reprint incorporates all the amendments to the Act as at 1 July 2003, as specified in the list of amendments at the end of these notes. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted.

For a detailed list of the editorial conventions, *see* <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Local Government (Rating) Act 2002 (2002 No 6): section 138(1)
