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Local Legislation Act 1942

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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 1942.

County Councils

2 Validating proceedings in connection with a loan of £700 raised by the Buller County Council

Whereas the Buller County Council (hereinafter called the **Council**) was by Order in Council dated 18 November 1936, made pursuant to section 11 of the Local Government Loans Board Act 1926 and published in the *Gazette* of 19 November 1936, authorised to raise a loan of 750 pounds, to be known as the Karamea Doctor's Residence Loan, 1936 (hereinafter referred to as the **said loan**), subject to certain terms and conditions:

And whereas one of the terms and conditions aforesaid was that the Council should before raising the loan make provision for repayment by establishing a sinking fund:

And whereas the Council, pursuant to the said Order in Council, has raised a loan of 700 pounds from the State Advances Corporation of New Zealand, but has not made specific provision for a sinking fund as required by the said Order in Council:

And whereas the Council has issued a series of 40 debentures numbered 1 to 40 inclusive each for the sum of 24 pounds 9 shillings and 7 pence, being the half-yearly sum required to provide for the repayment of the said sum of 700 pounds with interest thereon at the rate of 3 pounds 10 shillings per centum per annum:

And whereas the said loan of 700 pounds was accordingly unlawfully borrowed, and it is desirable to validate the action of the Council in borrowing the same:

Be it therefore enacted as follows:

The action of the Council in borrowing the said sum of 700 pounds 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, and the said debentures shall have full force and effect according to their tenor.

3 Authorising diversion of certain loan moneys by the Hutt County Council

Whereas the Hutt County Council (hereinafter called the **Council**) has raised certain special loans, known respectively as the Advances to Owners Private Connections Loan, 1938 (relating to the Point Howard Private Sewerage Connections), the Point Howard Water and Sewerage Loan, 1938, and the York Bay Advances to Owners Private Connections Loan, 1939 (hereinafter referred to as the **said special loans**):

And whereas the sum of 1,970 pounds of the first-mentioned loan, the sum of 1,183 pounds of the second-mentioned loan, and the sum of 1,000 pounds of the third-mentioned loan are not immediately required for the purposes for which the said special loans were authorised:

And whereas, consequent upon the adjustment of boundaries between the County of Hutt and the City of Lower Hutt and the taking of accounts between the Council and the Lower Hutt City Council, the Council has become indebted to the Lower Hutt City Council in the sum of 3,900 pounds:

And whereas the Council is desirous of utilising the said sum of 1,970 pounds of the Advances to Owners Private Connections Loan, 1938, the sum of 970 pounds of the Point Howard Water and Sewerage Loan, 1938, and the sum of 750 pounds of the Lowry Bay Water and Sewerage Loan, 1939, for the purpose of paying in part its indebtedness of 3,900 pounds to the Lower Hutt City Council:

And whereas it is intended that all moneys so utilised shall be repaid by the Council out of its General Revenue Account or out of other moneys now or hereafter authorised to be borrowed for the purposes of paying such indebtedness of 3,900 pounds:

Be it therefore enacted as follows:

- (1) The Council may, without derogating from the purposes for which the said special loans were raised, divert and utilise the

said sums of 1,970 pounds, 970 pounds, and 750 pounds for the purpose of paying in part the said sum of 3,900 pounds now owing by the Council to the Lower Hutt City Council as aforesaid.

- (2) The Council is hereby authorised and required to repay the moneys so diverted by annual payments from its General Account of not less than 800 pounds in each of the years ending on 31 March 1943, 1944, 1945, and 1946, and by a final payment of the balance then outstanding in the year ending on 31 March 1947, and also to pay out of such account the annual interest payable in respect of all moneys so diverted and for the time being not so repaid.
- (3) Nothing herein contained shall be deemed to affect the right of the Council to raise any loan which may hereafter be authorised for the purpose of meeting the said debt of 3,900 pounds owing by the Council to the Lower Hutt City Council or any part thereof, and the Council is hereby authorised and required to repay from the proceeds of any such loan all moneys diverted as aforesaid and then remaining unpaid.
- (4) All capital repayments made by the Council under subsection (2) or subsection (3) shall be appropriated to the said respective special loans in proportion to the respective amounts diverted from each loan.

4 Provision with respect to scheme of afforestation in the County of Masterton

Whereas by his last will dated 15 February 1940, probate whereof was granted out of the Supreme Court of New Zealand at Masterton on 4 June 1940, Montfort Trimble, of Masterton, Doctor of Laws, deceased, bequeathed his residuary estate to his trustees for the purpose, amongst other things, of paying certain annuities and directed his trustees after the death of the last of the annuitants to transfer the corpus of his residuary estate to the New Zealand Insurance Company, Limited (hereinafter called the **Company**), in trust to invest the same and to apply the income of such investment in perpetuity for the purpose of public afforestation in the area (as existing at the date of his death) of the County of Masterton, in New Zealand, with power for the Company

from time to time (in its discretion) to make such arrangement as it should deem conducive to the said purpose with any local or public authority:

And whereas the Masterton County Council (hereinafter called the **Council**) has purchased for the said purpose an area of 316 acres, more or less, situate in Block VIII of the Miki Miki Survey District, being part of Section 42 of the Opaki Block, being all the land comprised and described in certificate of title, Volume 401, folio 128 (Wellington Registry) at or for the sum of 474 pounds and are desirous of purchasing further lands at a later date for the same purpose:

And whereas the Council intends from time to time in due and proper season to improve and to subdivide the lands so purchased and to plant and tend trees, shrubs, and other plants thereon:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Counties Act 1920 or in section 30 of the Finance Act 1922 or in any other Act the purchase of the above-described land by the Council is hereby declared to be valid in all respects and the Council shall be deemed to have been duly empowered to purchase such land, and the Council is hereby empowered to purchase other lands for the same purpose and to improve and subdivide the lands purchased and to plant and tend trees, shrubs, and other plants thereon.
- (2) Notwithstanding anything to the contrary in the Trustee Act 1908 or in the last will of the said Montfort Trimble the Company, notwithstanding that it has not yet been appointed trustee of the said will, is hereby empowered to approve of any scheme or schemes proposed by the Council to further the purpose of public afforestation in the County of Masterton as aforesaid and to approve of the expenditure of any sums of money already expended or to be expended by the Council for that purpose in purchasing lands and in improving and subdividing lands so purchased and in planting and tending trees, shrubs, and other plants thereon and to agree with the Council to refund to the Council the whole of the moneys so expended on any scheme or schemes approved of by the Company out of the first available income moneys to

fall into the hands of the Company from the corpus of the residuary estate of the said Montfort Trimble, deceased, and every scheme so approved by the Company shall have effect according to its tenor.

City and Borough Councils

5 Provision with respect to closing of street by Thames Borough Council

Whereas the Corporation of the Mayor, Councillors, and Burgesses of the Borough of Thames (hereinafter called the **Corporation**) is seized of an estate in fee simple in all that parcel of land described in subsection (2):

And whereas the said land is portion of a street along the bank of a river known as the Hape Stream:

And whereas the Corporation is satisfied that the said land is of no value for street purposes:

And whereas there is no authority for the Thames Borough Council to stop the said portion of street:

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 provided by paragraph (h) of subsection (4) of section 175 of the said Act, stop that portion of the street hereinbefore referred to.
- (2) The parcel of land referred to in this section is described as follows:

All that parcel of land situated in the Borough of Thames, in the Provincial District of Auckland, being a portion of a public street named Mackay Street, adjoining Lot 33, Block 28, Township of Shortland, and also being a portion of Kauaeranga S 28A, containing an area of 14 perches and forty-four hundredths of a perch:

Commencing at a point formed by the intersection of the line forming the southern boundary of Grey Street and the line forming the western boundary of Mackay Street,

bounded towards the north by Grey Street by a line bearing $68^{\circ}59'40''$, distance 45 links; bounded towards the east by Mackay Street by a line bearing $159^{\circ}06'$, distance 200.54 links; bounded towards the south by Mackay Street by a line bearing $249^{\circ}0'$, distance 45 links; bounded towards the west by Allotment 33, Block 28, Township of Shortland, by a line bearing $339^{\circ}06'00''$, distance 200.52 links, back to the point of commencement: as the same is more particularly shown on a plan prepared by Courtenay Kenny, licensed surveyor, Paeroa, and to be deposited in the Lands Registry Office at Auckland.

6 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 46 pounds 7 shillings and 5 pence, being the rates for the year ended on 31 March 1942 (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 and 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 46 pounds 7 shillings and 5 pence, being the amount of the said rates, and to absolve the said Association and the said lands from liability in respect thereof.

7 Authorising Takapuna Borough Council to borrow moneys for water supply purposes

Whereas the Takapuna Borough Council (hereinafter called the **Council**) has, pursuant to a requisition made by the Board of Health under the authority of the North Shore Boroughs

(Auckland) Water-supply Act 1941, entered into a contract with the Auckland City Council for the supply to the Borough of Takapuna of water sufficient for all the normal requirements of the inhabitants of the borough (including firefighting requirements):

And whereas in order to take full advantage of the said contract it is expedient that the Council should carry out the works hereinafter specified without delay:

And whereas it has been found necessary to expend moneys for carrying out the said works, and for this purpose the Council has expended moneys from its District Fund Account and has borrowed moneys from its bankers by way of overdraft:

And whereas it is desirable that the Council should be authorised to borrow further moneys by way of overdraft pending the raising of a special loan as hereinafter referred to:

And whereas, in order to repay its bankers any moneys so borrowed and to recoup the District Fund Account, it is also desirable that the Council be authorised to raise a special loan without taking a poll of ratepayers:

Be it therefore enacted as follows:

- (1) For the purpose of constructing a reservoir and developing and improving the water supply system of the borough and extending and replacing the water mains and pipes thereof, and cleaning and lining the existing mains and pipes thereof, and acquiring, cleaning, and lining the water mains and pipes heretofore owned by the Devonport Borough Council (hereinafter referred to as the **said works**), the Council is hereby authorised and empowered to borrow from its bankers by way of overdraft moneys not exceeding in the aggregate the sum of 23,300 pounds in excess of the limits prescribed by section 3 of the Local Bodies' Finance Act 1921–22 and section 25 of the Local Legislation Act 1938.
- (2) Any moneys at any time heretofore borrowed by the Council in the manner aforesaid and expended on the said works shall be deemed to have been lawfully borrowed and expended under the authority of this section.
- (3) For the purpose of repaying moneys expended from the District Fund Account and any moneys borrowed from its bankers

and owing under the authority of this section and completing the said works, the Council is hereby authorised and empowered by special order and without taking the steps prescribed by sections 9 to 13 of the Local Bodies' Loans Act 1926 to raise a special loan not exceeding in the aggregate the sum of 23,300 pounds.

- (4) Pending the raising of the loan referred to in the last preceding subsection the excess overdraft authorised by this section shall be reduced by annual payments of 950 pounds, the first of such payments to be made during the financial year ending on 31 March 1944.
- (5) Any moneys borrowed by the Council from its bankers under the authority of this section shall not at any time heretofore be deemed to have been taken into account nor shall any amount at any time lawfully owing by the Council to its bankers 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 Local Bodies' Finance Act 1921–22 and section 25 of the Local Legislation Act 1938.

8 Authorising withdrawal of moneys from Depreciation Fund of electricity undertaking of Taihape Borough Council

Whereas the Taihape Borough Council (hereinafter called the **Council**) has a loan of 21,250 pounds, known as the Taihape Water-supply and Electric Light Loan, maturing on 1 February 1943:

And whereas of the said sum the sum of 7,500 pounds is in respect of the Council's Electricity Department's undertaking:

And whereas the accrued sinking funds in respect of the said sum of 7,500 pounds will prove insufficient by the sum of 2,450 pounds to repay the said sum of 7,500 pounds:

And whereas the Council's Electricity Department's Depreciation Fund is now in credit to the extent of 4,987 pounds 7 shillings and 1 penny:

And whereas the Council desires that the sum of 2,450 pounds shall be found by withdrawing that sum from the said Depreciation Fund:

Be it therefore enacted as follows:

- (1) The Council is hereby authorised to withdraw the sum of 2,450 pounds from the moneys to the credit of the Electricity Department's Depreciation Fund and on 1 February 1943 to apply the same for the purpose of paying off in part the portion of the Taihape Water-supply and Electric Light Loan of 21,250 pounds for which the Council's Electricity Department's undertaking is liable.
- (2) The Commissioners of the said Depreciation Fund are hereby authorised to pay to the Council the sum of 2,450 pounds for the purpose mentioned in subsection (1).

9 Validating expenditure by Lower Hutt City Council in respect of refuse contract

The expenditure by the Lower Hutt City Council out of its General Fund of the sum of 4 pounds 6 shillings and 8 pence during the year ended on 31 March 1941 and of the sum of 52 pounds during the year ended on 31 March 1942 to cover increased costs incurred as a result of war conditions by James Robert Dunnett under a certain contract with the Council bearing date 15 March 1939 for the collection and removal of dust and refuse in the City of Lower Hutt is hereby validated and declared to have been lawfully incurred.

10 Validating a payment by the Crown to the Temuka Borough Council

- (1) The payment to the Temuka Borough Council of the sum of 1,280 pounds out of the Housing Account under section 29 of the Housing Act 1919 for the land described in subsection (3) is hereby validated and declared to have been lawfully made.
- (2) The said sum of 1,280 pounds shall be applied by the Council in and towards the establishment of a fund for the provision of a Town Hall and Municipal Offices in the Borough of Temuka.
- (3) The land to which this section relates is more particularly described as follows:
Firstly, all that parcel of land containing 9 acres 1 rood 39 perches and two-tenths of a perch, more or less, being Re-

serves 1698, 1703, 1705, 1707, 2741, 2772, 1652, 2742, 1699, and 2773 of the Borough of Temuka.

Secondly, all that parcel of land containing 2 roods, more or less, being part of Reserve 761 of the Borough of Temuka: as the same is more particularly delineated on the plan marked 30/228/69A, deposited in the Head Office, Department of Lands and Survey at Wellington, and thereon bordered red.

11 Validating a payment by the Crown to the Patea Borough Council

- (1) The payment to the Patea Borough Council of the sum of 38 pounds out of the Housing Account under section 29 of the Housing Act 1919 for the land described in subsection (2) is hereby validated and declared to have been lawfully made.
- (2) The land to which this section relates is more particularly described as follows:

All that parcel of land containing 8 acres 1 rood 11 perches and sixteen-hundredths of a perch, more or less, being Lots 1 and 2 on Deposited Plan 5713, being part Block XLVI, Town of Patea, and being part of the land described in certificate of title, Volume 1, folio 253 (New Plymouth Registry).

12 Authorising Greymouth Borough Council to borrow moneys for extension of Greymouth Cemetery

Whereas the Greymouth Borough Council (hereinafter called the **Council**) has the control and management of the Greymouth Cemetery:

And whereas the Council is desirous of extending the said cemetery by the acquisition of all that parcel of land adjoining the said cemetery containing 2 roods and 30 perches, being Lot 1 of Section 2303, Block 12, Greymouth Survey District, and of borrowing the sum of 2,300 pounds for the purpose of the acquisition of the said land and of preparing for cemetery purposes that land and other lands now comprised in the Greymouth Cemetery:

Be it therefore enacted as follows:

The Council is hereby authorised and empowered to raise by way of special loan under the Local Bodies' Loans Act 1926,

without taking the steps prescribed by sections 9 to 13 of that Act, a sum not exceeding 2,300 pounds for the purpose of acquiring the said land and preparing for cemetery purposes the said land and other lands now comprised in the Greymouth Cemetery.

13 Validating grants made by Hastings Borough Council towards earthquake relief

The payment by the Hastings Borough Council during the financial year ending on 31 March 1943 of sums totalling 150 pounds to the Mayors of the Cities of Wellington and Palmerston North and of the Borough of Masterton to be spent by the respective Mayors at their discretion towards alleviating acute distress caused as the result of the earthquakes during June and August 1942 is hereby validated and declared to have been lawfully made.

14 Authorising Pahiatua Borough Council to raise a special loan for water supply purposes

- (1) The Pahiatua Borough Council (hereinafter called the **Council**) is hereby authorised to raise a special loan not exceeding 4,000 pounds by special order and without taking the steps prescribed by sections 9 to 13 of the Local Bodies' Loans Act 1926 for the purpose of meeting a proportion of the cost of extending the water supply system of the borough.
- (2) Any moneys heretofore expended by the Council from its General Account for the purpose aforesaid are declared to have been lawfully expended and may be repaid to that account out of the moneys to be raised by way of special loan under the authority of this section.

15 Moneys raised under the Wellington City Works Loan, 1941, may be expended for damage arising from earthquakes in 1942

- (1) Any moneys raised by the Wellington City Council (hereinafter called the **Council**) under the provisions of section 7 of the Local Bodies' Finance Act 1921–22 by way of special loan, known as the Wellington City Works Loan, 1941, for the purpose of carrying out works occasioned by storm damage,

may be applied by the Council for the purpose of carrying out works occasioned by the damage arising from earthquakes occurring in 1942.

- (2) Such moneys may be used to make advances pursuant to the provisions of section 45 of the Statutes Amendment Act 1941, and for expenditure under section 46 of that Act, in respect of the matters mentioned in the said sections 45 and 46.
- (3) The Council is hereby authorised to borrow by way of special loan in the manner provided by the Local Bodies' Loans Act 1926, without taking the steps prescribed by sections 9 to 13 of that Act, the amount of, or part of the amount of, the moneys expended under the authority of this section, and the moneys so borrowed may be used for the purposes for which the Wellington City Works Loan, 1941, was originally authorised.

16 Wellington City Council authorised to permit encroachment on The Terrace, Wellington

Whereas the building belonging to Archibald Richardson, of Wellington, clerk, situate on part of Section 484, in the City of Wellington, encroaches on The Terrace, a street in the said city, for a space not wider at any part than fifty-hundredths of a link:

Be it therefore enacted as follows:

The Wellington City Council is hereby empowered, upon application being made in that behalf, to grant to the said Archibald Richardson and his assigns a licence to occupy that part of the said street encroached upon as aforesaid during such period as the building existing thereon on the passing of this Act shall remain.

17 Authorising Patea Borough Council to sell certain land

Notwithstanding anything to the contrary in any Act, it shall be lawful for the Patea Borough Council to sell all that land being Lot 16, DP 1337, part Section 8, Block XL, Borough of Patea, being part of the land contained in certificate of title, Volume 132, folio 197, in the Taranaki Registry, and to dispose of the proceeds of such sale in the manner provided in subsection (2)

of section 4 of the Patea Borough Council Empowering Act 1930.

18 Authorising Napier Borough Council to sell part of a municipal endowment

[Repealed]

Section 18: repealed, on 8 September 1999, by section 6(b) of the Napier Borough Endowments Amendment Act 1999 (1999 No 3 (L)).

19 Further provision with respect to agreement made between the Westport Borough Council and the Westport Coal Company, Limited, for the supply of electricity

Whereas the Westport Borough Council (hereinafter called the **Council**) has entered into a certain Electrical Supply Agreement bearing date 25 July 1940 with the Westport Coal Company, Limited (hereinafter called the **Company**), a copy of which is recorded in the office of the Department of Internal Affairs at Wellington under Number IA 105/155:

And whereas by section 21 of the Local Legislation Act 1940 (hereinafter referred to as the **said section**), provision was made validating the terms of the said agreement and authorising the exercise of borrowing powers by the Council up to the sum of 9,000 pounds for the purpose of providing a power transmission line and equipment in accordance with the said agreement:

And whereas it was originally estimated that the cost of the said power transmission line and equipment would not exceed the sum of 9,000 pounds:

And whereas, owing to war conditions and other circumstances beyond the control of the parties, the original estimates of cost have been exceeded and the cost of the said power transmission line and equipment has increased to a sum estimated not to exceed 11,150 pounds:

And whereas under the authority of the said section the Council has issued a series of debentures for the sum of 9,000 pounds for the purpose of securing the payment of part of the moneys aforesaid, but the balance of approximately 2,150 pounds has yet to be provided for:

And whereas it is desirable to extend the borrowing powers of the Council in manner hereinafter appearing:

Be it therefore enacted as follows:

Notwithstanding anything contained in the said section the Council is hereby authorised, and shall be deemed to have been authorised, to borrow for the purposes set out in that section a sum not exceeding 11,150 pounds, and the said section shall be read and construed as though the reference therein to a sum of 9,000 pounds was a reference to the sum of 11,150 pounds.

Town Board

20 Validating agreement between Otorohanga Town Board and Levin Amusements, Limited

Whereas for some years past the Otorohanga Town Board (hereinafter called the **Board**) has been engaged in the business of exhibiting motion pictures in the Town District of Otorohanga:

And whereas the Board on 5 November 1940 made and executed with Levin Amusements, Limited, a deed of arrangement which said deed provided for the amalgamation for a definite period of the business of the Board as aforesaid with the similar business then being conducted in the Town District of Otorohanga by Levin Amusements, Limited, and for the future administration and control of the amalgamated businesses:

And whereas doubts have arisen as to the competence of the Board under its existing statutory and other powers to enter into, become party to, and be bound by the said deed:

Be it therefore enacted as follows:

All parties to the said deed of 5 November 1940 shall be deemed to have had full power and authority to enter into, become party to, and be bound by the said deed, and the said deed shall accordingly bind all parties thereto and take effect according to its tenor.

*Harbour Boards***21 Authorising payment of compassionate allowance by Auckland Harbour Board**

The Auckland Harbour Board is hereby empowered to pay out of its Harbour Fund the sum of 325 pounds 10 shillings to Ellen Tyler, of Auckland, the widow of George Alfred Tyler, late dockmaster at Auckland, as a recognition of the services rendered to the Board by the late George Alfred Tyler.

22 Validating expenditure incurred by Auckland Harbour Board

The expenditure by the Auckland Harbour Board during the financial year ended on 30 September 1941 of the sum of 60 pounds 4 shillings and 3 pence in connection with the opening ceremony of the Westhaven Social Hall is hereby validated and declared to have been lawfully incurred.

23 Validating certain payments made by Wellington Harbour Board in respect of overseas contracts

Whereas the Wellington Harbour Board (hereinafter called the **Board**) prior to the war entered into certain contracts for the supply to the Board at Wellington of 6 electric cargo cranes by the East Ferry Crane and Engineering Company, Limited, of England, and of 10 electric overhead travelling cranes by Cowans, Sheldon, and Company, Limited, of England:

And whereas questions arose between the Board and the said companies concerning the payment of increased costs for the manufacture and delivery of the said cranes caused by the war, and the Board compromised the dispute by paying to the said companies out of its Harbour Fund a portion of the said increased costs—namely, the sum of 2,167 pounds 8 shillings (English sterling currency) to the East Ferry Crane and Engineering Company, Limited, in London, and the sum of 262 pounds 17 shillings and 6 pence (English sterling currency) to Cowans, Sheldon, and Company, Limited, in London, in full settlement of all claims which the said companies or either of them had or might have against the Board for the said increased costs:

And whereas it is desirable to validate the said payments made by the Board:

Be it therefore enacted as follows:

The said payments out of the Harbour Fund of the Board to the said companies are hereby validated and declared to have been lawfully made.

24 Authorising Napier Harbour Board to borrow moneys by way of overdraft

[Repealed]

Section 24: repealed, on 25 August 1943, by section 25(5) of the Local Legislation Act 1943 (1943 No 17).

Electric Power Boards

25 Validating raising of loan moneys by the Thames Valley Electric-power Board

Whereas by Order in Council made under section 11 of the Local Government Loans Board Act 1926, and dated 27 July 1938, consent was given to the raising by the Thames Valley Electric-power Board (hereinafter called the **Board**) of the sum of 90,000 pounds, being the Board's Extension Loan, 1938, subject to the determinations as to borrowing and repayment therein set forth, one of which determinations was that no moneys should be borrowed under the said consent after the expiration of 2 years from the date of the said Order in Council:

And whereas by Order in Council made under the same section dated 3 April 1940 the determinations aforesaid were varied in so far as they applied to portion of the said loan amounting to 12,000 pounds, and by Order in Council made under the same section dated 1 May 1940 were again varied in respect of the said sum of 12,000 pounds, but such 2 last-mentioned Orders in Council contained no determination extending the period during which the said sum of 12,000 pounds might be borrowed:

And whereas such period expired on 27 July 1940 and the Board did not borrow the said sum of 12,000 pounds until 1 October 1940, when there was issued a series of debentures

numbered 43 to 92 inclusive securing such moneys with interest from that date:

And whereas it is desirable that the raising of that portion of the Extension Loan and the said borrowing should be validated:

Be it therefore enacted as follows:

The action of the Board in raising the aforesaid sum of 12,000 pounds, being a portion of the Board's Extension Loan, 1938, after the expiration of the period determined in the said Order in Council dated 27 July 1938 is hereby validated, and the said sum shall be deemed to have been lawfully borrowed, and the securities given in respect thereof to have been lawfully issued.

26 Authorising South Canterbury Electric-power Board to borrow for erection of concrete pole factory

Whereas the South Canterbury Electric-power Board (hereinafter called the **Board**) is desirous of establishing and erecting a factory for the manufacture of concrete poles and other concrete works in South Canterbury and is further desirous of paying for the purchase of a site and erecting and equipping such factory with moneys lawfully borrowed for that purpose:

And whereas the Board was by Order in Council dated 1 October 1941, published in the *Gazette* of 23 October 1941 (hereinafter referred to as the **said Order in Council**), authorised to borrow the sum of 18,000 pounds for certain purposes connected with the Board's undertaking:

And whereas the sum of 376 pounds 11 shillings and 11 pence has been expended out of the moneys borrowed under the authority of the said Order in Council on the purchase of land for the site of a concrete pole factory and for the erection and equipment of such factory:

And whereas it is doubtful whether the Board can lawfully spend such moneys for the purpose aforesaid and it is desirable to remove any such doubt:

Be it therefore enacted as follows:

- (1) The sum of 376 pounds 11 shillings and 11 pence expended out of the loan of 18,000 pounds raised under the authority of the said Order in Council is declared to have been lawfully expended.

- (2) The Board is hereby authorised to raise a special loan not exceeding 4,500 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 purchasing a site and erecting and equipping a factory for the manufacture of concrete poles and other concrete works, and for the purpose of repaying to the Board's Power Fund Account any moneys, not exceeding in the aggregate the sum of 4,500 pounds, which may have been expended out of that account for the purposes aforesaid prior to the passing of this section.

27 Special provision with respect to supply of electricity by Grey Electric-power Board

Whereas the Grey Electric-power Board (hereinafter called the **Board**) on 11 February 1942, pursuant to the Local Government Loans Board Act 1926, made application to the Local Government Loans Board for its sanction to raise a special loan of 10,000 pounds for the further reticulation of its district and the reticulation of part of the area (hereinafter referred to as the **said area**) particularly described in subsection (4):

And whereas the said area comprises with other areas that area of land constituted the Reefton Electric-power District by Proclamation dated 28 June 1921, published in the *Gazette* dated 30 June 1921:

And whereas, owing to circumstances arising which made the carrying out of the reticulation of part of the said area a matter of urgency, the Board proceeded to carry out such reticulation while the said application was still under consideration by the Local Government Loans Board:

And whereas the Board has since the making of the said application expended the sum of 7,000 pounds on the further reticulation of the Grey Electric-power District and the reticulation of part of the said area:

And whereas such expenditure was provided for from the Board's Power Fund Account:

And whereas the Local Government Loans Board has sanctioned the borrowing by the Board of 3,000 pounds for the

purpose of completing that portion of the proposed reticulation of the Grey Electric-power District not yet carried out:

And whereas the Board has no power to raise a loan for the purpose of recouping its Power Fund Account in respect of the aforesaid expenditure of 7,000 pounds:

And whereas it is desirable that any expenditure in the said area heretofore incurred by the Board be validated and that the Board be authorised to borrow 7,000 pounds for the purpose of refunding to its Power Fund Account the said sum of 7,000 pounds:

Be it therefore enacted as follows:

- (1) The said Proclamation dated 28 June 1921 constituting the Reefton Electric-power District is hereby revoked and the Reefton Electric-power Board is hereby dissolved.
- (2) All electric lines and other electric works at any time heretofore constructed and all things at any time heretofore done by the Board in respect of the said area shall be deemed to have been lawfully constructed, made, or done, and shall have effect as if at all such times the said area had been included in the Grey Electric-power District.
- (3) The Board is hereby authorised to raise under the Local Bodies' Loans Act 1926 by special order and without taking the steps prescribed by sections 9 to 13 of that Act a further special loan of 7,000 pounds and to pay the proceeds of such loan to its Power Fund Account for the purpose of refunding to such account the aforesaid expenditure of 7,000 pounds.
- (4) The said area is particularly described as follows:

All that area in the Nelson Land District, Inangahua County, comprising portions of Maimai, Reefton, and Inangahua Survey Districts, bounded on the west by the line forming the eastern boundary of Inangahua County: commencing at a point in the centre of the Otututu or Rough River on the boundary of the Grey Electric-power District as described in the *Gazette* of 18 July 1940, and running generally northerly and north-easterly along the line forming the boundary of Inangahua County to a point on the northern boundary of Inangahua County, situated on the left bank of Dee Creek in Block V, Inangahua Survey District, where the Inangahua County boundary intersects

the eastern boundary of Block V of Inangahua Survey District; thence south-easterly along the left bank of the said Dee Creek on the line forming the boundary between Blocks V and VI, Inangahua Survey District, to its point of intersection with the line forming the eastern boundary of Block V, Inangahua Survey District; thence due south along the eastern boundaries of Blocks V, IX, and XIII, Inangahua Survey District, including Section 25, continuing due south along the eastern boundaries of Blocks III, VII, XI, and XV of Reefton Survey District, and Block III of Waitahu Survey District to the south-eastern corner of Block III, Waitahu Survey District; thence due west along the southern boundaries of Blocks III and II of Waitahu Survey District to a point on the boundary of the District of the Grey Electric-power Board on the south-eastern corner of Block I, Waitahu Survey District; thence along the boundary of the Grey Electric-power District as described in the *Gazette* of 18 July 1940, following this boundary to the point of commencement on the boundary of the Inangahua County, excluding therefrom all that area covered by the District of the Reefton Electric Supply Company and described in the *Gazette* of 24 February 1916.

River and Drainage Boards

28 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, and section 41 of the Local Legislation Act 1939, that the Mangapu Drainage Board (hereinafter called the **Board**) is authorised to make and levy for certain years as 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, and section 41 of the Local Legislation Act 1939, 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 1943, on 31 March 1944, and on 31 March 1945.

- 29 Prescribing system for collecting rates within Taradale Town District for Hawke's Bay Rivers Board purposes**
Amendment(s) incorporated in the Act(s).

Hospital Boards

- 30 Validating certain irregularities by the Southland Hospital Board in connection with a loan proposal of £20,000**

Whereas the Southland Hospital Board (hereinafter called the **Board**) made application for authority to raise a loan of 20,000 pounds (hereinafter referred to as the **said loan**) for the purpose of providing funds for the carrying out of alterations and renovations to, and the re-equipment of, Dee Street Hospital, Invercargill:

And whereas, in order to avoid delay in the completion of the said works, the Board commenced such works before the Board was authorised to raise the said loan and consequently the Board is precluded without further authority from raising the said loan:

And whereas it is desirable that provision be made as hereinafter appears:

Be it therefore enacted as follows:

- (1) Subject to compliance with the provisions of the Local Government Loans Board Act 1926, the Board is hereby authorised and empowered to raise the amount of the said loan, notwithstanding that portion of the work in respect of which the said loan was to have been raised has been commenced.
- (2) The Board is hereby further authorised and empowered to refund to its General Account out of the loan moneys any sums

expended from that account in respect of the said works and for payment of all other liabilities incurred or to be incurred in connection with the completion of the said works.

31 Validating payment of compassionate allowance by Grey Hospital Board

The payment by way of compassionate allowance by the Grey Hospital Board out of its General Account of the sum of 172 pounds 12 shillings on 16 August 1940 to the Public Trustee as legal representative of the dependants of Arthur Joseph Fraser, an employee of the Board who died on 25 July 1940, is hereby validated and declared to have been lawfully made.

32 Authorising Wellington Hospital Board to divert temporarily certain loan moneys to other purposes

Whereas the Wellington Hospital Board (hereinafter called the **Board**) has raised a loan of 79,250 pounds for the purpose of erecting and equipping a nurses' home at the Wellington Hospital, such loan being known as the Nurses' Home Loan, 1937 (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, without derogating from the purposes for which the same is raised, divert and utilise the moneys representing the said loan, or so much thereof as may be required, for the purposes following—namely, the provision, erection, and equipping of other buildings at the Wellington Hospital and the provision of necessary services in connection therewith for the purposes of providing additional bed accommodation for patients.

- (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) The Board is hereby authorised and required to repay from the proceeds of any loan referred to in the last preceding subsection all moneys temporarily diverted from the said loan.

33 Authorising Wellington Hospital Board to apply moneys received by way of compensation in respect of land taken under Public Works Act 1928 in manner approved by Minister of Health

Whereas by Proclamation published in the *Gazette* on 16 December 1937 the land hereinafter described, then vested in the Wellington Hospital Board (hereinafter called the **Board**), was taken under the provisions of the Public Works Act 1928:

And whereas the Board received compensation in respect of the taking of the said land:

And whereas the Board is desirous of expending in manner not authorised by law the moneys received as compensation:

Be it therefore enacted as follows:

- (1) Notwithstanding the provisions of section 73 of the Hospitals and Charitable Institutions Act 1926, the Board may expend the moneys received by way of compensation as aforesaid (together with any accrued interest from the investment of such moneys) for the purpose of acquiring land to be used as sites for additional hospital accommodation within the Wellington Hospital district or in such other manner as may be approved by the Minister of Health.
- (2) All payments made by the Board before the passing of this Act out of the said moneys are hereby validated.
- (3) The land to which this section relates is particularly described as follows:

All that piece or parcel of land situated in the City of Wellington, containing 2 roods 17 perches and eighteen-hundredths

of a perch, more or less, being part of Section 514, Town of Wellington, and being all the land comprised and described in certificates of title, Volume 46, folio 157, and Volume 401, folio 19, Wellington Registry.

34 Authorising diversion of loan moneys by Wellington Hospital Board

Whereas by section 48 of the Local Legislation Act 1939 the Wellington Hospital Board (hereinafter called the **Board**) was authorised and empowered to divert and utilise the moneys representing the Wellington Hospital Centenary Block Loan, 1937–1940, for other purposes subject however to the provisions of the said section:

And whereas the Board is desirous of diverting and utilising such moneys, or part thereof, for further and additional purposes:

And whereas the original purposes for which the said loan was raised no longer exist and the Board is desirous that the temporary diversion of such moneys be made permanent:

Be it therefore enacted as follows:

Section 48 of the Local Legislation Act 1939, as amended by section 35 of the Local Legislation Act 1941, is hereby further amended as follows:

- (a) by adding the following paragraph to subsection (1) of the said section:
 - “(1) the provision, erection, and equipping of a mortuary at the Wellington Hospital”:
- (b) by omitting from subsection (1) the words “without derogating from the purposes for which the same were raised”:
- (c) by repealing subsection (4).

Affecting 2 or more classes of public bodies

35 Provision with respect to Waitakere Extra-urban Planning Scheme in the County of Waitemata

Whereas pursuant to section 25 of the Town Planning Act 1926 the Governor-General, by Order in Council made on 26 February 1941, required the Waitemata County Council (hereinafter

called the **County Council**) to prepare an extra-urban planning scheme in respect of the area described in the Schedule of the said Order in Council, being lands adjoining the Waitakere Scenic Drive, in the County of Waitemata:

And whereas the said scheme is in course of preparation and will enure to the benefit of the Main Highways Board (hereinafter called the **Board**) and the City of Auckland as well as of the County of Waitemata and it is expedient that the Board and the Corporation of the Mayor, Councillors, and Citizens of the City of Auckland (hereinafter called the **City Corporation**) should be empowered to enter into an agreement with the Corporation of the Chairman, Councillors, and Inhabitants of the County of Waitemata (hereinafter called the **County Corporation**) with respect to the payment of compensation and other expenses likely to arise from the operation of the said scheme:

Be it therefore enacted as follows:

- (1) It shall be lawful for the Board, the City Corporation, and the County Corporation from time to time to enter into an agreement or agreements providing for the payment by the Board and the City Corporation of such amount, and in such proportions as may be agreed upon, of the amount of compensation, including costs, payable under the said Act for land acquired or taken for the purposes of the said scheme or for injurious affection of land arising out of the operation of the said scheme or the claimant's costs payable in terms of section 54 of the Statutes Amendment Act 1940, where all or any of the provisions of the said scheme are withdrawn or modified by a varying scheme if such compensation or costs be adjudged payable by a court of competent jurisdiction or be agreed upon between the claimant and the County Council with the approval of the Board and the Auckland City Council.
- (2) Any such agreement or agreements may provide also for the payment by the Board and the City Corporation of the costs and expenses incurred by the County Corporation in promoting and administering the said scheme.
- (3) Any such agreement or agreements entered into as aforesaid may contain such provisions and conditions as are necessary to give full effect to the intention of this section and to protect to its own satisfaction the interests of each of the parties.

- (4) In pursuance of any obligation incurred by the Board or by the City Corporation in terms of any agreement or agreements entered into under this section, it shall be lawful for the Board, out of the Main Highways Account, and for the Auckland City Council, out of its District Fund Account, to pay such sums as may be necessary.

36 Authorising Buller County Council and Westport Borough Council to raise special loans for aerodrome purposes

Whereas the Buller County Council and the Westport Borough Council (hereinafter referred to as the **said Councils**) have resolved for the purposes of and incidental to the establishment of an aerodrome at the locality known as Carter's Beach, near Westport, to join with each other in the acquisition of the freehold land more particularly described in subsection (5), such land to form, together with other lands adjacent thereto, the site for the said proposed aerodrome:

And whereas the said Councils will each require to provide the sum of 1,000 pounds towards the purchase of the said land, and it is desirable that each of the said Councils should be authorised to raise its proportion of the purchase money:

Be it therefore enacted as follows:

- (1) Each of the said Councils is hereby authorised to raise a special loan not exceeding in amount the sum of 1,000 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, each such loan to be for the purpose of meeting the expenses to the said Councils of and incidental to the joint purchase of the land described in subsection (5) as part of the site for a proposed aerodrome at the locality known as Carter's Beach, near Westport.
- (2) Any sums borrowed by way of overdraft before or after the passing of this Act by either of the said Councils for the purposes set out in subsection (1) and not exceeding in each case the sum of 1,000 pounds in excess of the limits prescribed by section 3 of the Local Bodies' Finance Act 1921–22 are hereby declared to be lawfully borrowed and owing.

- (3) Any such sums shall not at any time heretofore be deemed to have been taken into account, nor shall any amount lawfully owing under this section hereafter be taken into account in determining the amount that may be borrowed or that may be owed by either of the said Councils pursuant to section 3 of the Local Bodies' Finance Act 1921–22.
- (4) All sums owing by way of overdraft pursuant to the authority of this section shall be repaid out of the loan moneys authorised by this section to be borrowed.
- (5) The land to which this section relates is particularly described as follows:
That piece of freehold land containing 125 acres and 8 perches being part of Section numbered 17 of Block LL, Steeples Survey District, and being part of the land comprised in certificate of title, Volume 82, folio 190, Nelson Land Registry.

37 Exchange of land between the Wellington City Corporation and the Wellington Harbour Board, and vesting portion of a closed street in the lessees of adjoining land

Whereas the Mayor, Councillors, and Citizens of the City of Wellington (hereinafter called the **Corporation**) and the Wellington Harbour Board (hereinafter called the **Board**) have agreed to exchange certain pieces of land, hereinafter described, for the purpose of diverting Marine Parade, a street in the City of Wellington:

And whereas by reason of such exchange the land so acquired by the Board will lie between certain land leased by the Board and the western line of the new street and will deprive the lessees thereof of their frontage to the said street as now existing:

And whereas the Board is desirous that the land proposed to be vested in the Board so far as it lies between the respective lands now leased by the Board as aforesaid and the western line of the new street shall be incorporated in the existing leases as if they had formed part of the land comprised in the said leases from the date of commencement of the said leases:

Be it therefore enacted as follows:

- (1) Those pieces of land, containing respectively 1 perch and twenty-four hundredths of a perch, 3 perches and fifty-five hundredths of a perch, 2 perches and forty-nine hundredths of a perch, and four-tenths of a perch, being part of Section 8, Watts Peninsula Registration District, Block VII, Port Nicholson Survey District, and being the land coloured green on a plan deposited in the office of the Chief Surveyor at Wellington as Number 20808, are hereby closed as street and vested for an estate in fee simple in the Board.
- (2) That piece of land containing 5 perches and eighty-six hundredths of a perch, being part of Lot VII on Deposited Plan Number 2755, being part of Section 8, Watts Peninsula District, Block VII, Port Nicholson Survey District, and being part of the land comprised in certificate of title, Volume 445, folio 86 (Wellington Registry), and being the land coloured red on the said Plan Number 20808, is hereby vested in the Corporation as street.
- (3) The pieces of land so vested in the Board shall on the passing of this Act be deemed to form part of Lots 1, 2, 3, and 4 on Deposited Plan Number 2851 as if the boundaries of the said lots had been extended to meet the new western line of Marine Parade, and Leases Registered Numbers 21294, 21118, 21119, and 20335 shall hereafter be read and construed as if the respective pieces of land hereby incorporated in the said Lots 1, 2, 3, and 4 had been included respectively in each of the said leases from the date of commencement of the said leases.
- (4) All dealings registered before new certificates of title are issued affecting the said Lots 1, 2, 3, and 4 shall be deemed to affect the said lots extended as aforesaid.
- (5) The District Land Registrar may call in for correction and correct in accordance with the provisions of this section all instruments of title affecting the said Lots 1, 2, 3, and 4 and affecting the land comprised in certificate of title, Volume 445, folio 86 (Wellington Registry).
- (6) In fixing the rent for any renewal of any of the said leases the land contained therein shall, for valuation purposes, be deemed to include the areas incorporated in the said Lots 1, 2, 3, and 4 by this section.

*Miscellaneous***38 Validating expenditure by Ohai Railway Board**

Notwithstanding anything to the contrary in the Local Railways Act 1914, or the Ohai Railway Board Amendment Act 1938, the expenditure of a sum of 62 pounds and 10 pence during the financial year ended on 31 March 1942 by the Ohai Railway Board in connection with the celebration of the 25th anniversary of the constitution of the Ohai Railway District is hereby validated and declared to have been lawfully made.

39 Validating transfer of certain funds and assets as between Hawke's Bay Rabbit Board and Southern Hawke's Bay Rabbit Board

Whereas by an Order in Council dated 8 November 1939, which came into force on 1 April 1940, the boundaries of the Hawke's Bay Rabbit District were altered and redefined:

And whereas by an Order in Council dated 8 November 1939, which came into force on 1 April 1940, the Southern Hawke's Bay Rabbit District was constituted and the boundaries of the area comprised therein were defined and declared a rabbit district:

And whereas such area comprised the area excluded from the Hawke's Bay Rabbit District by the first-recited Order in Council:

And whereas the Boards of the 2 districts have entered into an agreement providing for the equitable division of the funds of the Hawke's Bay Rabbit Board as at 1 April 1940 between the 2 Boards on the basis of the amount of rates struck in the 2 districts for the year ended on 31 March 1940:

And whereas such division was effected pursuant to the said agreement by the transfer of certain assets from the Hawke's Bay Rabbit Board to the Southern Hawke's Bay Rabbit Board and by a cash payment of 40 pounds 18 shillings and 4 pence:

And whereas it is desirable that such transfer and payment be validated and confirmed:

Be it therefore enacted as follows:

- (1) The payment made by the Hawke's Bay Rabbit Board of the sum of 40 pounds 18 shillings and 4 pence and the trans-

fers made by the Hawke's Bay Rabbit Board to the Southern Hawke's Bay Rabbit Board of the assets described in subsection (2) are hereby validated and declared to have been lawfully made.

- (2) The assets to which this section relates are as follows: £505 New Zealand Government inscribed stock, Inscription No 46/2312; £510 New Zealand Government inscribed stock, Inscription No 49/3844; 3 debentures to bearer of £100 each issued by the Hawke's Bay Electric-power Board and numbered respectively 316, 322, and 323; outstanding rates and judgment costs due from ratepayers in the Southern Hawke's Bay Rabbit District amounting in all to a sum of 63 pounds 6 shillings and 4 pence.

40 Abolishing Waotu and Te Aria Rabbit-proof Fencing Districts

Whereas by Warrant dated 22 December 1921, and published in the *Gazette* of 22 December 1921, the Governor-General constituted the Waotu Rabbit-proof Fencing District under Part 4 of the Rabbit Nuisance Act 1908:

And whereas by Warrant dated 10 January 1924, and published in the *Gazette* of 17 January 1924, the Te Aria Rabbit-proof Fencing District was similarly constituted:

And whereas the said districts enure for the purposes of Part 2 of the Rabbit Nuisance Act 1928, and are deemed to have been constituted thereunder:

And whereas all liabilities and assets of the Boards of Trustees established for each of the said districts have been duly discharged and disposed of and it is deemed desirable to abolish the said districts:

Be it therefore enacted as follows:

The Waotu Rabbit-proof Fencing District and the Te Aria Rabbit-proof Fencing District are hereby abolished and the respective Boards of Trustees thereof are hereby dissolved.

Contents

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Notes**1 General**

This is a reprint of the Local Legislation Act 1942. The reprint incorporates all the amendments to the Act as at 8 September 1999, 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)*

Napier Borough Endowments Amendment Act 1999 (1999 No 3 (L)): section 6(b)

Local Legislation Act 1943 (1943 No 17): section 25(5)
