

**Reprint
as at 1 July 2003**



Local Legislation Act 1944

Public Act 1944 No 23
Date of assent 12 December 1944
Commencement 12 December 1944

Contents

	Page
Title	4
1 Short Title	4
<i>County Councils</i>	
2 Validating payment of compassionate allowance by Wallace County Council	4
3 Provisions of Local Authorities (Members' Contracts) Act 1934, not to apply to members of Matakaoa County Council	4
4 Provision with respect to overdraft and other liabilities of Buller County Council	4
5 Authorising the Raglan County Council to grant lease of certain land to Plunket Society at a peppercorn rental [<i>Repealed</i>]	5
<i>City and Borough Councils</i>	
6 Authorising remission of rates by Gisborne Borough Council	6

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.

7	Authorising Masterton Borough Council to expend the proceeds of the sale of the Mangaone Endowment for street purposes	6
8	Validating special grant of £100 made by Tauranga Borough Council	7
9	Special provision with respect to replacement of loans guaranteed under the Wellington City Housing Act 1938 [<i>Repealed</i>]	7
10	Authorising Takapuna Borough Council to raise a special loan for completion of improvements to waterworks	7
11	Authorising a payment by the Crown to the Waitara Borough Council	8
12	Wellington City Council authorised to raise a special loan for extension of facilities at Wellington City Abattoir	9
13	Authorising Auckland City Council to transfer certain land to Auckland University College Council	9
14	Authorising Paeroa Borough Council to erect a building for the storage of hides and skins	9
15	Provision with respect to overdraft and other liabilities of Kumara Borough Council	10
16	Authorising Whangarei Borough Council to raise a special loan for the repair of war damage to streets	11
17	Authorising Eltham Borough Council to donate certain trust funds to the Eltham sub-branch of the Royal New Zealand Society for the Health of Women and Children	12
18	Authorising Lyttelton Borough Council to raise a special loan for extension of water supply	13
19	Authorising Pukekohe Borough Council to raise a special loan for water supply purposes	13
20	Validating payment of compassionate allowances by Masterton Borough Council	14
	<i>Town Board</i>	
21	Authorising Kaikohe Town Board to raise a special loan of £2,500	14
	<i>Harbour Boards</i>	
22	Validating certain payments made by Auckland Harbour Board	14
23	Authorising Auckland Harbour Board to make donations to the Auckland YWCA and the Auckland YMCA	15

24	Authorising Wairoa Harbour Board to transfer moneys from its Special Rates Trust Account to its General Cash Account	15
	<i>Electric Power Boards</i>	
25	Validating the borrowing of portion of loan moneys by Waitaki Electric Power Board	16
	<i>River and Drainage Boards</i>	
26	Authorising extension of time for the raising of the Permanent Outlet of Lake Ellesmere Loan, 1938, by Ellesmere Lands Drainage Board	17
27	Authorising Auckland and Suburban Drainage Board to raise a special loan of £2,000 for the purpose of completing certain works	17
	<i>Hospital Boards</i>	
28	Validating diversion of loan moneys by Waipawa Hospital Board	18
29	Authorising Otago Hospital Board to recoup its Capital Account out of loan moneys in respect of moneys advanced for building purposes	18
	<i>Affecting 2 or more classes of public bodies</i>	
30	Validating remission of rates by Wellington City Council	19
31	Provision with respect to transfer of doctor's residence to Hikurangi Town Board by Whangarei Hospital Board <i>[Repealed]</i>	19
32	Provision with respect to moneys advanced by Southland County Council for drainage works in the Waimumu Stream Drainage District <i>[Repealed]</i>	20
33	Validating supplementary agreement entered into between Manukau County Council and Howick Town Board relating to water supply	20
34	Provision with respect to dissolution of Port Chalmers Mechanics' Institute and vesting of property in the Corporation of the Borough of Port Chalmers	21
	<i>Miscellaneous</i>	
35	Abolishing Maru Rabbit-proof Fencing District	22
36	Abolishing Mangare Rabbit-proof Fencing District	23

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 1944.

County Councils

2 Validating payment of compassionate allowance by Wallace County Council

The payment made by the Wallace County Council out of its County Fund Account on 27 October 1943 of the sum of 100 pounds as a compassionate allowance to Isabella Baker, widow of James George Charles Baker, an officer of the Council who died on 30 September 1943, is hereby validated and declared to have been lawfully made.

3 Provisions of Local Authorities (Members' Contracts) Act 1934, not to apply to members of Matakaoa County Council

Nothing in the Local Authorities (Members' Contracts) Act 1934 shall, while a Matakaoa County Commissioner is in office pursuant to section 10 of the Local Legislation Act 1932–33, apply with respect to any member of the Council of the County of Matakaoa, nor shall anything in the Local Authorities (Members' Contracts) Act 1934 be deemed at any time heretofore to have applied with respect to any member of that Council.

4 Provision with respect to overdraft and other liabilities of Buller County Council

Whereas the Buller County Council (in this section referred to as the **Council**) has from time to time borrowed and owed moneys and incurred liabilities in excess of the limits prescribed by the Local Bodies' Finance Act 1921–22 (in this section referred to as the **said Act**):

And whereas the excess liabilities of the Council in terms of the said Act as at 31 March 1944 amounted to the sum of 22,810 pounds 15 shillings and 4 pence:

And whereas the aforesaid excess borrowing and owing of moneys and incurring of liabilities were due to exceptional conditions in the County of Buller beyond the control of the Council and it is desirable to make provision in manner hereinafter appearing:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the said Act or in any other Act, all moneys heretofore borrowed and owed by the Council, and all other liabilities heretofore incurred by the Council, in excess of the limits prescribed by the said Act shall for all purposes be deemed to have been at all times lawfully borrowed and owed and incurred by the Council.
- (2) For the purpose of partially repaying the said excess liabilities, the Council shall borrow from its bankers by way of overdraft, in the manner prescribed by section 3 of the said Act, the sum of 20,000 pounds.
- (3) The Council shall repay the said sum of 20,000 pounds by 10 equal payments out of the moneys credited to the General Account of the County Fund, one such payment to be made in each year during the period of 10 years commencing on 1 April 1944:
provided that the Council may in any year repay out of the said General Account an amount greater than a one-tenth part.
- (4) The said sum of 20,000 pounds so borrowed shall be carried to a separate account at the bank and all payments made in reduction of the said sum shall be credited to that account.
- (5) The said sum of 20,000 pounds shall not at any time heretofore be deemed to have been taken into account, nor shall any amount at any time lawfully owing under this section hereafter be taken into account, in determining the amount that may be borrowed or that may be owed by the Council pursuant to the said Act.

5 Authorising the Raglan County Council to grant lease of certain land to Plunket Society at a peppercorn rental

[Repealed]

Section 5: repealed, on 12 October 1946, by section 3(2) of the Local Legislation Act 1946 (1946 No 39).

*City and Borough Councils***6 Authorising remission of rates by Gisborne Borough Council**

Whereas the Gisborne Borough Council (in this section referred to as the **Council**) is desirous of obtaining authority to remit arrears of rates for the year ended on 31 March 1944 amounting to the sum of 42 pounds 15 shillings, and also rates for the year ending on 31 March 1945 amounting to the sum of 43 pounds 16 shillings and 10 pence, being in each case the rates levied by the Council and 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, more or less, being Lot 1, Deposited Plan No 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 86 pounds 11 shillings and 10 pence, being the total amount of such rates and arrears of rates as aforesaid, and to absolve the said association and the said lands from liability in respect thereof.

7 Authorising Masterton Borough Council to expend the proceeds of the sale of the Mangaone Endowment for street purposes

Notwithstanding anything to the contrary in any Act, the Masterton Borough Council is hereby empowered to expend the whole or such part as it thinks fit of the proceeds of the sale of the Mangaone Endowment held under Crown Grant No 5850, amounting to the sum of 4,466 pounds, in the purchase of land for street purposes and for widening existing streets of the Borough of Masterton.

8 Validating special grant of £100 made by Tauranga Borough Council

Whereas Miss Alice Heron Maxwell, of Mission Street, in the Borough of Tauranga, is the owner of the property situated in the Borough of Tauranga and known as The Elms:

And whereas that property is of great historical interest:

And whereas for many years past the said Miss Alice Heron Maxwell has permitted and assisted the public to visit and inspect the property:

And whereas in recognition of the generosity and services of the said Miss Alice Heron Maxwell in so doing the Tauranga Borough Council has made to her a grant of 100 pounds:

Be it therefore enacted as follows:

The payment by the Tauranga Borough Council out of its District Fund Account of the sum of 100 pounds to the said Miss Alice Heron Maxwell is hereby validated and declared to have been lawfully made.

9 Special provision with respect to replacement of loans guaranteed under the Wellington City Housing Act 1938
[Repealed]

Section 9: repealed, on 26 November 1948, by section 22(1) of the Municipal Corporations Amendment Act 1948 (1948 No 60).

10 Authorising Takapuna Borough Council to raise a special loan for completion of improvements to waterworks

Whereas pursuant to the provisions of section 7 of the Local Legislation Act 1942 the Takapuna Borough Council (in this section referred to as the **Council**) has raised the sum of 23,300 pounds, by way of a special loan known as the Takapuna Borough Waterworks Improvement Loan, 1942, 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 (in this section referred to as the **said works**):

And whereas the sum so raised was insufficient to pay for the cost of the said works:

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

And whereas in order to recoup the District Fund Account in respect of any moneys so expended and to complete the said works it is desirable that the Council be authorised to raise a special loan without taking a poll of ratepayers:

Be it therefore enacted as follows:

- (1) The Council may, for the purpose of meeting the cost of carrying out and completing the said works, borrow a further amount not exceeding the sum of 3,300 pounds, by way of special loan under the Local Bodies' Loans Act 1926 by special order, and without taking the steps prescribed by sections 9 to 13 of that Act.
- (2) The Council may out of the proceeds of such loan refund to its District Fund Account all moneys advanced thereout, whether before or after the passing of this Act, on account of the cost of carrying out and completing the said works.

11 Authorising a payment by the Crown to the Waitara Borough Council

- (1) There may be paid to the Waitara Borough Council out of the Housing Account the sum of 390 pounds in respect of the land described in subsection (3), being land formerly vested in the Corporation of the Borough of Waitara and since acquired on behalf of the Crown for housing purposes.
- (2) The said sum of 390 pounds shall be applied by the Council in and towards the purchase or acquisition, and the expenses of and incidental to the purchase or acquisition, of other lands within the Borough of Waitara or elsewhere to be held in trust for recreation purposes.
- (3) The land to which this section relates is particularly described as follows:

All that parcel of land containing 3 acres 1 rood 34 perches and five-tenths of a perch, more or less, being Sections 4, 6, 8, 10,

11, 12, 13, 14, and 15, and parts of Sections 1, 2, 3, 5, 7, and 9, of Block 91, Town of Waitara West (the said Section 15 being formerly a portion of Strange Street duly closed), and being the whole of the land comprised in certificate of title, Volume 151, folio 193, Taranaki Registry.

12 Wellington City Council authorised to raise a special loan for extension of facilities at Wellington City Abattoir

The Wellington City Council may, for the purpose of constructing and providing works and facilities necessary in the opinion of the Council for the efficient working and control of the Wellington City Abattoir, and particularly for the purpose of constructing and providing at the Abattoir extensions of slaughtering and hanging facilities, plant for the refrigeration of small goods, a motor truck, a garage, and a shed, and for the purpose of refunding moneys expended since 31 March 1942, or hereafter expended by the Council for the aforesaid purposes, borrow an amount or amounts not exceeding in the aggregate the sum of 13,000 pounds by way of special loan or special loans under the provisions of the Local Bodies' Loans Act 1926 by special order, and without taking the steps prescribed by sections 9 to 13 of that Act.

13 Authorising Auckland City Council to transfer certain land to Auckland University College Council

The Auckland City Council is hereby empowered to transfer to the Auckland University College Council, to be held by that Council for the purposes of the College, all that piece of land containing 8 acres and 2 roods, more or less, being Lot 1 on a plan lodged in the Land Registry Office at Auckland under Number 31373, and being portion of Allotments 17 and 18 of Section 9 of the Suburbs of Auckland.

14 Authorising Paeroa Borough Council to erect a building for the storage of hides and skins

Whereas the Paeroa Borough Council (in this section referred to as the **Council**) is registered as the proprietor of an estate in fee simple in all that piece of land, situated in the County of Ohinemuri, containing by admeasurement 4 acres 3 roods and

36 perches, more or less, being the block of land situated in the Ohinemuri Survey District called Te Tawaatakua No 3A, and being all the land comprised and described in certificate of title, Volume 91, folio 272, Auckland Registry:

And whereas it is necessary that proper arrangements should be made for the storage of hides and skins by butchers carrying on business in the Borough of Paeroa:

And whereas the Council proposes to erect a building on the said land for the purpose of the storage of hides and skins:

Be it therefore enacted as follows:

- (1) The Council is hereby empowered to erect a building on the said land for the purpose of the storage of hides and skins.
- (2) The Council may from time to time—
 - (a) let the said land and building to any butcher or butchers for the time being carrying on business in the Borough of Paeroa, or to any association of any such butchers as aforesaid, at such rent, for such term, and upon such conditions as the Council thinks fit; or
 - (b) grant to any such butcher or butchers as aforesaid, or to any such association as aforesaid, the right to use any part or parts of the said building or of the said land for the purpose of storing hides and skins, upon such conditions as the Council thinks fit.

15 Provision with respect to overdraft and other liabilities of Kumara Borough Council

Whereas the Kumara Borough Council (in this section referred to as the **Council**) has from time to time borrowed and owed moneys and incurred liabilities in excess of the limits prescribed by the Local Bodies' Finance Act 1921–22 (in this section referred to as the **said Act**):

And whereas the excess liabilities of the Council in terms of the said Act as at 31 March 1944 amounted to the sum of 414 pounds 4 shillings and 9 pence:

And whereas the aforesaid excess borrowing and owing of moneys and incurring of liabilities were due to exceptional conditions in the Borough of Kumara and it is desirable to make provision in manner hereinafter appearing:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the said Act or in any other Act, all moneys heretofore borrowed and owed by the Council, and all other liabilities heretofore incurred by the Council, in excess of the limits prescribed by the said Act shall for all purposes be deemed to have been at all times lawfully borrowed and owed and incurred by the Council.
- (2) For the purpose of partially repaying the said excess liabilities, the Council shall borrow from its bankers by way of overdraft, in the manner prescribed by section 3 of the said Act, the sum of 400 pounds.
- (3) The Council shall repay the said sum of 400 pounds by 5 equal payments out of the moneys credited to its General Account, one such payment to be made in each year during the period of 5 years that commenced on 1 April 1944:
provided that the Council may in any year repay out of the said General Account an amount greater than a one-fifth part.
- (4) The said sum of 400 pounds shall not at any time heretofore be deemed to have been taken into account, nor shall any amount at any time lawfully owing under this section hereafter be taken into account, in determining the amount that may be borrowed or that may be owed by the Council pursuant to the said Act.

16 Authorising Whangarei Borough Council to raise a special loan for the repair of war damage to streets

- (1) For the purpose of meeting a proportion of the cost of restoring roads in the Borough of Whangarei that have been damaged by military traffic, the Whangarei Borough Council (in this section referred to as the **Council**) is hereby authorised to borrow an amount not exceeding the sum of 1,650 pounds, by way of special loan under the Local Bodies' Loans Act 1926, by special order, and without taking the steps prescribed by sections 9 to 13 of that Act.
- (2) Any moneys heretofore expended by the Council from its General Account for the purposes aforesaid are hereby declared to have been lawfully expended and may be repaid to that ac-

count out of the moneys to be borrowed under the authority of this section.

17 Authorising Eltham Borough Council to donate certain trust funds to the Eltham sub-branch of the Royal New Zealand Society for the Health of Women and Children

Whereas by section 20 of the Local Legislation Act 1935, the Eltham Borough Council (in this section referred to as the **Council**) was authorised to accept on behalf of the Corporation of the Borough of Eltham (in this section referred to as the **Corporation**) a transfer of the land therein described, being that piece of land situated in the Borough of Eltham, containing 20 perches and forty-eight hundredths of a perch, more or less, being Lots 48, 49, and 50, and part Lot 47, on Deposited Plan No 2690, and being part of section 59 on the Public Map of the Eltham Village Settlement, and being the whole of the land comprised and described in certificate of title, Volume 138, folio 184, Taranaki Registry, subject to the trusts set out in the said section 20 and in a certain deed of trust executed by the Council pursuant to that section:

And whereas pursuant to the authority contained in the said section 20 the said land was transferred to the Corporation subject to the said trusts:

And whereas in exercise of the powers conferred upon it under the said trusts, and with the consent of the Eltham sub-branch of the Royal New Zealand Society for the Health of Women and Children, Incorporated, the Council sold part of the said land, namely an area containing 1 perch and eighty-five hundredths of a perch, more or less, being part Lot 47 on Deposited Plan No 2690, and being part of section 59 on the Public Map of Eltham Village Settlement, and being the whole of the land now comprised and described in certificate of title, Volume 147, folio 270, Taranaki Registry, to the Taranaki Electric Power Board for the sum of 20 pounds:

And whereas pursuant to the said consent and the said trusts the whole of the said sum of 20 pounds was retained by the Council:

And whereas pursuant to the said trusts the Council is required to hold the said sum of 20 pounds in trust for the purpose of

purchasing land to be held and used upon and subject to the said trusts:

And whereas it has been agreed that the Council shall not be required to use the said sum of 20 pounds for such purpose as aforesaid and that the Council shall dispose of that sum in the manner hereinafter set out:

Be it therefore enacted as follows:

Notwithstanding anything in section 20 of the Local Legislation Act 1935, it shall be lawful for the Council to make a donation of the said sum of 20 pounds, either in one sum or in several sums, to the Eltham sub-branch of the said society, to be spent by that sub-branch in and towards the maintenance or improvement of that part of the said land now remaining unsold, being the balance of the land now comprised and described in certificate of title, Volume 138, folio 184, Taranaki Registry, and in and towards the repair, maintenance, and improvement of the buildings and other improvements from time to time thereon.

18 Authorising Lyttelton Borough Council to raise a special loan for extension of water supply

- (1) For the purpose of meeting a proportion of the cost of extending the water supply system of the Borough of Lyttelton, the Lyttelton Borough Council (in this section referred to as the **Council**) is hereby authorised to borrow an amount not exceeding the sum of 3,300 pounds by way of special loan under the Local Bodies' Loans Act 1926, by special order, and without taking the steps prescribed by sections 9 to 13 of that Act.
- (2) The Council may out of the proceeds of such special loan refund to its General Account all moneys advanced thereout, whether before or after the passing of this Act, for the aforesaid purpose.

19 Authorising Pukekohe Borough Council to raise a special loan for water supply purposes

- (1) The Pukekohe Borough Council (in this section referred to as the **Council**) is hereby authorised to borrow an amount not exceeding the sum of 5,000 pounds, by way of special loan

under the Local Bodies' Loans Act 1926, by special order, and without taking the steps prescribed by sections 9 to 13 of that Act, for the purpose of acquiring land and meeting the cost of construction of Kitchener Road Reservoir, and for all other works necessary for or incidental to the supply of water to the Internal Marketing Department's dehydration and vegetable processing factory.

- (2) The Council may out of the proceeds of such loan refund to its General Account all moneys advanced thereout, whether before or after the passing of this Act, on account of the cost of carrying out the works mentioned in subsection (1).

20 Validating payment of compassionate allowances by Masterton Borough Council

The payments by the Masterton Borough Council to the widow of the late James Young Douglas of the sum of 104 pounds 10 shillings and 8 pence and to the widow of the late William Colman Holes of the sum of 43 pounds 12 shillings and 1 penny, by way of compassionate allowances, are hereby validated and declared to have been lawfully made.

Town Board

21 Authorising Kaikohe Town Board to raise a special loan of £2,500

The Kaikohe Town Board is hereby authorised to borrow an amount not exceeding the sum of 2,500 pounds, by way of special loan under the Local Bodies' Loans Act 1926, by special order, and without taking the steps prescribed by sections 9 to 13 of that Act, for the purpose of meeting a proportion of the cost of extending the water supply system of the Kaikohe Town District.

Harbour Boards

22 Validating certain payments made by Auckland Harbour Board

The payments made by the Auckland Harbour Board during the financial year ended on 30 September 1944, of a sum of 100 pounds to the Council of the Auckland Sailors' Home for

the purpose of effecting improvements to the home, and of a sum of 50 pounds as a compassionate allowance to Violet Alberta Wolfe, widow of a former employee of the Board, and of a sum of 50 pounds as a compassionate allowance to Emma Caroline East, widow of a former employee of the Board, are hereby validated and declared to have been lawfully made.

23 Authorising Auckland Harbour Board to make donations to the Auckland YWCA and the Auckland YMCA

The Auckland Harbour Board is hereby empowered to expend out of its Harbour Fund the sum of 100 pounds by way of donation to the Auckland Young Women's Christian Association (Incorporated), and the sum of 100 pounds by way of donation to the Auckland Young Men's Christian Association (Incorporated).

24 Authorising Wairoa Harbour Board to transfer moneys from its Special Rates Trust Account to its General Cash Account

Whereas on 30 September 1943, the Wairoa Harbour Board (in this section referred to as the **Board**) had in its Special Rates Trust Account an accumulated surplus amounting to the sum of 9,638 pounds 5 shillings and 6 pence, after making all payments due on or before that date in respect of loans raised and owing by the Board:

And whereas at that date the General Cash Account of the Board was in debit to the extent of 4,236 pounds 16 shillings and 9 pence, and the undertakings of the Board are such that the said debit cannot be made good out of the future revenues of the Board:

And whereas since 30 September 1927, the Board has paid out of its General Cash Account the following amounts: for office premises, the sum of 1,650 pounds; for wharf "B" shed, the sum of 1,523 pounds; for river protection works, the sum of 1,828 pounds; for earthquake repairs, the sum of 258 pounds; the said payments amounting in the aggregate to the sum of 5,259 pounds:

And whereas it is desired that the said sum of 5,259 pounds be transferred from the Special Rates Trust Account to the General Cash Account:

Be it therefore enacted as follows:

The Board may transfer from its Special Rates Trust Account to its General Cash Account the sum of 5,259 pounds by way of refund to the General Cash Account of the moneys paid thereout for the special purposes hereinbefore mentioned.

Electric Power Boards

25 Validating the borrowing of portion of loan moneys by Waitaki Electric Power Board

Whereas by Order in Council made under the Local Government Loans Board Act 1926, and dated 22 December 1941, consent was given to the raising by the Waitaki Electric Power Board (in this section referred to as the **Board**) of a loan of 20,000 pounds, to be known as the Extension Loan, 1941 (in this section referred to as the **said loan**), subject to the determinations as to borrowing and repayment set forth in the Order in Council, one of those determinations being that no moneys should be borrowed under such consent as aforesaid after the expiration of 2 years from the date of the Order in Council:

And whereas the said period of 2 years expired on 22 December 1943:

And whereas on 28 January 1944, the Board borrowed, as part of the said loan, the sum of 1,000 pounds:

And whereas it is desirable that the raising of that part of the said loan and the borrowing of the said sum of 1,000 pounds should be validated:

Be it therefore enacted as follows:

The action of the Board in borrowing as aforesaid the sum of 1,000 pounds as part of the said loan after the expiration of the period specified in the said Order in Council is hereby validated, and that sum shall be deemed to have been lawfully borrowed.

River and Drainage Boards

26 Authorising extension of time for the raising of the Permanent Outlet of Lake Ellesmere Loan, 1938, by Ellesmere Lands Drainage Board

Whereas by a poll of ratepayers taken on 9 September 1939, the Ellesmere Lands Drainage Board (in this section referred to as the **Board**) was authorised to raise a loan of 15,000 pounds, to be known as the Permanent Outlet of Lake Ellesmere Loan, 1938, for the purpose of providing the Board's contribution to works to be undertaken by the Government under section 30 of the Finance Act (No 2) 1936, for the drainage and control of Lake Ellesmere in the Canterbury Land District, and for the protection of lands adjacent to the lake, including the construction of a permanent outlet from the lake to the sea:

And whereas owing to difficulties arising out of the present war the construction of the said permanent outlet has not been proceeded with:

And whereas under section 16 of the Local Bodies' Loans Act 1926, the authority to raise the said loan lapsed on 9 September 1944:

And whereas it is desirable that the authority to raise the said loan be revived and extended for a further period of 5 years:

Be it therefore enacted as follows:

The authority to raise the said loan granted to the Board by the ratepayers at the poll held on 9 September 1939, is hereby revived and extended for a term of 5 years from 9 September 1944.

27 Authorising Auckland and Suburban Drainage Board to raise a special loan of £2,000 for the purpose of completing certain works

Whereas the Auckland and Suburban Drainage Board (in this section referred to as the **Board**), pursuant to authority duly given in that behalf, raised a special loan known as Loan Number 19, for the sum of 20,000 pounds, for the purpose of extending its Branch Sewer Number 9 and carrying out other works:

And whereas the Board has carried out and completed all such works as aforesaid, but owing to increases in the cost of labour and materials the amount of the special loan so raised has been insufficient to meet the cost of completing the said works and the Board has incurred in respect thereof an additional expenditure amounting to the sum of 2,000 pounds:

Be it therefore enacted as follows:

- (1) The Board may, for the purpose of meeting the cost of completing the said works, by special order, raise a special loan not exceeding the sum of 2,000 pounds.
- (2) The Board may out of the proceeds of such loan refund to its General Account all moneys heretofore advanced thereout on account of the cost of the said works.

Hospital Boards

28 Validating diversion of loan moneys by Waipawa Hospital Board

The expenditure by the Waipawa Hospital Board (in this section referred to as the **Board**), out of loan moneys raised by the Board with the sanction of the Local Government Loans Board for the erection of additions to the Board's hospital and the provision of equipment therefor, of sums of money amounting in the aggregate to 768 pounds 13 shillings and 4 pence for the construction of additions to the Board's Outpatients' Department and the purchase and installation of equipment therein is hereby validated and declared to have been lawfully made out of such loan moneys as aforesaid, notwithstanding that the additions to, and equipment for, the Outpatients' Department were not included in the particulars submitted to the Local Government Loans Board upon the application for its sanction.

29 Authorising Otago Hospital Board to recoup its Capital Account out of loan moneys in respect of moneys advanced for building purposes

Whereas the Otago Hospital Board (in this section referred to as the **Board**), in anticipation of the consent of the Governor-General in Council being given to the raising of the Hospital

(No 1) Loan, 1943, amounting to the sum of 183,000 pounds (in this section referred to as the **loan**), expended out of its Capital Account moneys amounting in the aggregate to the sum of 15,888 pounds 17 shillings in and towards the erection of a physiotherapy block as an addition to the hospital in the City of Dunedin:

And whereas the loan has since been raised pursuant to authority granted in that behalf and the Board is desirous of recouping its Capital Account out of the proceeds of the loan:

And whereas it is expedient to authorise the Board to recoup its Capital Account in respect of the expenditure already made:

Be it therefore enacted as follows:

Notwithstanding anything to the contrary in any Act or rule of law, the Board is hereby authorised and empowered to refund to its Capital Account, out of the proceeds of the loan, the said sum of 15,888 pounds 17 shillings.

Affecting 2 or more classes of public bodies

30 Validating remission of rates by Wellington City Council

The remission by the Wellington City Council of the sum of 4,847 pounds 7 shillings and 11 pence, being rates and penalties for the period that commenced on 1 April 1935 and ended on 31 March 1943, due and payable to the Council by the Wellington Harbour Board in respect of land owned by the Board and situated at Evans Bay in the City of Wellington, is hereby validated and declared to have been lawfully made.

31 Provision with respect to transfer of doctor's residence to Hikurangi Town Board by Whangarei Hospital Board

[Repealed]

Section 31: repealed, on 1 December 1961, by section 29(9) of the Local Legislation Act 1961 (1961 No 127).

32 Provision with respect to moneys advanced by Southland County Council for drainage works in the Waimumu Stream Drainage District

[Repealed]

Section 32: repealed, on 1 July 2003, by section 138(1) of the Local Government (Rating) Act 2002 (2002 No 6).

33 Validating supplementary agreement entered into between Manukau County Council and Howick Town Board relating to water supply

Whereas by section 64 of the Local Legislation Act 1930, the Manukau County Council (in this section referred to as the **Council**) and the Howick Town Board (in this section referred to as the **Board**) were deemed to have been at all times authorised and empowered to enter into an agreement dated 18 March 1930 for the grant by the Council to the Board of certain rights to take water from lands vested in the Council for a public water supply, and for the supply of water by the Board to the Council:

And whereas by a further agreement made between the Council and the Board (in this section referred to as the **supplementary agreement**) and dated 21 March 1944, of which a copy is recorded in the Department of Internal Affairs at Wellington as No IA 103/35/29, the terms and conditions of the original agreement were varied and extended:

And whereas it is expedient that the supplementary agreement should be validated:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Public Reserves, Domains, and National Parks Act 1928, or in any other Act, the Council and the Board are hereby and shall be deemed to have been at all times authorised and empowered to enter into the supplementary agreement and to grant, accept, and undertake the rights, privileges, and obligations therein mentioned.
- (2) The Council and the Board are hereby authorised and empowered, and shall be deemed as from the date of the supplementary agreement to have been at all times authorised and empowered, to enter into and execute all such further leases, li-

censes, contracts, and agreements as they may deem necessary or expedient to give full effect to the objects and purport of the supplementary agreement and to confirm to the Board the benefit and uninterrupted use and enjoyment of the rights and privileges therein mentioned.

34 Provision with respect to dissolution of Port Chalmers Mechanics' Institute and vesting of property in the Corporation of the Borough of Port Chalmers

Whereas the Port Chalmers Mechanics' Institute (in this section referred to as the **Institute**) was incorporated by the Port Chalmers Mechanics' Institute Incorporation and Reserves Act 1877, for the purposes set out in the rules of the Institute, which purposes include the conduct and maintenance of a library and reading-room in the Borough of Port Chalmers:

And whereas by virtue of the said Act certain lands, being Sections 393, 394, and 395, and part of Section 396, on the Record Map of the Town of Port Chalmers, and being the whole of the land comprised and described in certificate of title, Volume 233, folio 19, Otago Registry, and certain personal property, are vested in the Institute for the purposes of the Institute upon the trusts set out in the said Act:

And whereas by virtue of the Port Chalmers Mechanics' Institute Reserves Vesting Act 1898, all that piece of land, being Section 405 on the Record Map of the said town, is vested in the Institute upon like trusts:

And whereas the principal activity of the Institute since its incorporation has been the conduct and maintenance of a library and reading-room:

And whereas by reason of altered circumstances it now appears to the Institute that the library and reading-room would be more advantageously and effectively conducted as a public library by the Port Chalmers Borough Council on behalf of the Corporation of the Mayor, Councillors, and Burgesses of the Borough of Port Chalmers (in this section referred to as the **Corporation**) and the Institute has requested the Council to take over the conduct and control thereof, which the Council has agreed to do upon the condition that the whole of the property of the Institute shall be vested in the Corporation:

Be it therefore enacted as follows:

- (1) The lands of the Institute hereinbefore described, being Sections 393, 394, 395, and 405, and part of Section 396, of the said Town of Port Chalmers, are hereby vested in the Corporation for an estate in fee simple, subject to all existing leases and tenancies affecting the said lands, and shall be held by the Corporation as public reserves for the purposes of a public library in the Borough of Port Chalmers.
- (2) All the personal property of whatsoever nature, including all choses in action and the benefit of all contracts and agreements and all rights and powers exercisable thereunder or pertaining thereto, belonging to the Institute are hereby vested in the Corporation free from all trusts and reservations heretofore affecting the same, and all debts and other liabilities lawfully incurred by the Institute and existing on the passing of this Act shall hereafter be debts and liabilities of the Corporation, and the said Council is hereby authorised and empowered to meet the said debts and liabilities out of its ordinary revenues.
- (3) The District Land Registrar for the Land Registration District of Otago is hereby authorised and directed to make such entries in the Register and to issue, on the application of the Corporation, such certificates of title as are necessary to give effect to the provisions of this section.
- (4) The Institute is hereby dissolved.
- (5) The Port Chalmers Mechanics' Institute Incorporation and Reserves Act 1877 and the Port Chalmers Mechanics' Institute Reserves Vesting Act 1898 are hereby repealed.

Miscellaneous

35 Abolishing Maru Rabbit-proof Fencing District

Whereas by Warrant dated 22 December 1921, and published in the *Gazette* of that date at page 3008, the Governor-General constituted the Maru Rabbit-proof Fencing District under Part 4 of the Rabbit Nuisance Act 1908:

And whereas, by virtue of section 29 of the Rabbit Nuisance Act 1928, the said district enures for the purposes of Part 2 of the last-mentioned Act, and is deemed to have been constituted thereunder:

And whereas all liabilities and assets of the Board of Trustees established for the said district have been duly discharged and disposed of:

And whereas it is deemed desirable to abolish the said district:

Be it therefore enacted as follows:

The Maru Rabbit-proof Fencing District is hereby abolished and the Board of Trustees thereof is hereby dissolved.

36 Abolishing Mangare Rabbit-proof Fencing District

Whereas by Warrant dated 22 April 1926, and published in the *Gazette* of 6 May 1926, the Governor-General constituted the Mangare Rabbit-proof Fencing District under Part 4 of the Rabbit Nuisance Act 1908:

And whereas, by virtue of section 29 of the Rabbit Nuisance Act 1928, the said district enures for the purposes of Part 2 of the last-mentioned Act, and is deemed to have been constituted thereunder:

And whereas the Board of Trustees established for the said district has no assets, and its liabilities have been duly discharged or otherwise disposed of:

And whereas it is deemed desirable to abolish the said district:

Be it therefore enacted as follows:

The Mangare Rabbit-proof Fencing District is hereby abolished and the Board of Trustees thereof is hereby dissolved.

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes**1 General**

This is a reprint of the Local Legislation Act 1944. 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)

Local Legislation Act 1961 (1961 No 127): section 29(9)

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

Local Legislation Act 1946 (1946 No 39): section 3(2)
