

Reprint  
as at 17 March 2019



## Local Legislation Act 1952

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#### Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**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 1952.

### *County councils*

## 2 Authorising Raglan County Council to levy excess separate rates in certain drainage districts

Whereas the Raglan County Council (in this section referred to as the **Council**) has, pursuant to section 168 of the Counties Act 1920, constituted the Ruawaro, Whangape, and Pukekapia Drainage Districts to be districts for the purpose of the construction and maintenance of drainage works therein:

And whereas the Council desires to make and levy in the said districts rates for the construction and maintenance of necessary drainage works of a greater amount than the Council is authorised to make and levy:

And whereas it is desirable to authorise the Council to make and levy rates in accordance with this section:

Be it therefore enacted as follows:

Notwithstanding anything to the contrary in any Act, the Council is hereby authorised to make and levy in the Ruawaro, Whangape, and Pukekapia Drainage Districts, for the years ending on 31 March 1953, 31 March 1954, and on 31 March 1955, separate rates, based on the unimproved value, on the lands classified in accordance with section 173 of the Counties Act 1920, not exceeding the following amounts:

- (a) in the Ruawaro Drainage District: on the lands so classified as “A” lands, 4 shillings in the pound; on the lands so classified as “B” lands, 2 shillings and 8 pence in the pound; and on the lands so classified as “C” lands, 1 shilling and 4 pence in the pound:
- (b) in the Whangape Drainage District: on the lands so classified as “A” lands, 1 shilling and 4 pence in the pound; on the lands so classified as “B” lands, 8 pence in the pound; and on the lands so classified as “C” lands, 4 pence in the pound:
- (c) in the Pukekapia Drainage District: on the lands so classified as “A” lands, 3 shillings and 4 pence in the pound; on the lands so classified as “B” lands, 1 shilling and 8 pence in the pound; and on the lands so classified as “C” lands, 10 pence in the pound.

## 3 Authorising Awatere County Council to make *ex gratia* payment in respect of a contract

Whereas by an agreement dated 18 December 1950, made between T. H. Barnes and Company, Limited, of Blenheim, bridge builders (in this section referred to as the **contractors**), of the one part, and the Chairman, Councillors,

and Inhabitants of the County of Awatere (in this section referred to as the **Council**), of the other part, the contractors agreed with the Council to execute and complete the construction of a reinforced bridge on the Dashwood to Upcot Main Highway over the Altimarloch Stream:

And whereas, owing to circumstances beyond their control causing delay in completion of the works, increased costs were incurred by the contractors, and the contractors suffered considerable loss:

And whereas the Council, in the circumstances, is desirous of making a payment of 104 pounds 16 shillings and 11 pence to the contractors:

Be it therefore enacted as follows:

The Council is hereby empowered to pay the sum of 104 pounds 16 shillings and 11 pence to the contractors by way of compensation in respect of the loss incurred by the contractors.

#### **4 Provision with respect to overdraft of Chatham Islands County Council**

Whereas the Chatham Islands 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:

And whereas the excess liabilities of the Council in terms of that Act as at 31 March 1952 amounted to approximately the sum of 8,000 pounds:

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

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Local Bodies' Finance Act 1921–22 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 is hereby authorised and empowered to borrow from its bankers by way of overdraft, in the manner prescribed by section 3 of the Local Bodies' Finance Act 1921–22, the sum of 7,000 pounds.
- (3) The Council shall repay the said sum of 7,000 pounds by 7 equal payments out of moneys credited to its General Account, 1 such payment to be made in each year during the period of 7 years commencing on 1 April 1953:  
provided that the Council may in any year repay out of the said General Account an amount greater than a one-seventh part.
- (4) The said sum of 7,000 pounds 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 7,000 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 section 3 of the Local Bodies' Finance Act 1921–22.

**5 Authorising Tauranga County Council to raise a special loan for housing purposes**

Whereas the Tauranga County Council (in this section referred to as the **Council**), prior to the sanction of the Local Government Loans Board being given to the raising of a loan for housing purposes, expended out of its County Fund Account moneys amounting in the aggregate to the sum of 5,800 pounds in the purchase of dwellinghouses for occupation by employees of the Council:

And whereas the Local Government Loans Board has no authority to sanction the raising of a loan for the purpose of enabling the Council to refund the said sum to its County Fund Account:

And whereas it is desirable that authority be given for that purpose:

Be it therefore enacted as follows:

The Council is hereby authorised and empowered to borrow by way of special loan under the Local Bodies' Loans Act 1926 an amount not exceeding the sum of 5,800 pounds for the purpose of refunding to its County Fund Account all moneys applied by the Council as aforesaid in the purchase of the said dwellinghouses.

**6 Authorising Waipawa County Council to make *ex gratia* payment in respect of a contract to build bridge on Fernhill–Takapau road**

Whereas, by an agreement dated 8 May 1950, made between Hawke's Bay Asphalts, Limited, of Hastings, contractors (in this section referred to as the **contractors**), of the one part, and the Chairman, Councillors, and Inhabitants of the County of Waipawa (in this section referred to as the **Council**), of the other part, the contractors agreed with the Council to execute and complete the construction of a reinforced concrete bridge on a deviation of the Fernhill–Takapau via Maraekakaho Main Highway over the Mangamauku Stream:

And whereas, owing to circumstances beyond their control causing delay in the completion of the works, increased costs were incurred by the contractors and the contractors suffered considerable loss:

And whereas the Council, in the circumstances, is desirous of making a payment not exceeding the sum of 881 pounds 16 shillings and 6 pence to the contractors:

Be it therefore enacted as follows:

The Council is hereby empowered to pay an amount not exceeding the sum of 881 pounds 16 shillings and 6 pence to the contractors by way of compensation in respect of the loss incurred by the contractors.

**7 Authorising Waipawa County Council to make *ex gratia* payment in respect of a contract to build bridge on Waipukurau–Matamau road**

Whereas, by an agreement dated 11 December 1950, made between Hawke's Bay Asphalts, Limited, of Hastings, contractors (in this section referred to as the **contractors**), of the one part, and the Chairman, Councillors, and Inhabitants of the County of Waipawa (in this section referred to as the **Council**), of the other part, the contractors agreed with the Council to execute and complete the construction of a reinforced concrete bridge on the Waipukurau–Matamau via Hatuma Main Highway:

And whereas, owing to circumstances beyond their control causing delay in the completion of the works, increased costs were incurred by the contractors and the contractors suffered considerable loss:

And whereas the Council in the circumstances, is desirous of making a payment not exceeding the sum of 424 pounds 5 shillings and 4 pence to the contractors:

Be it therefore enacted as follows:

The Council is hereby empowered to pay an amount not exceeding the sum of 424 pounds 5 shillings and 4 pence to the contractors by way of compensation in respect of the loss incurred by the contractors.

**8 Vesting certain land held by Hororata Hall Trustees in Corporation of County of Selwyn**

Whereas the land firstly and secondly described in subsection (4) (in this section referred to as the **said land**) is vested for an estate in fee simple in Godfrey Hall, Herbert Henry Thorne, Llewellyn Derrett, Terence Fielding Hight, and Roland William Oliver, all of Hororata, farmers:

And whereas, by a deed of conveyance bearing date 21 January 1890, Sir John Hall conveyed a certain parcel of land described in the said deed of conveyance, and containing 1 acre, more or less (in this section referred to as the **land firstly described**), to certain trustees described in the said deed of conveyance:

And whereas, by a deed of declaration of trust bearing date 21 January 1890, the said trustees declared that they stood possessed of the said land upon trust for the erection thereof of a hall for the benefit of the residents of Hororata as defined in the said deed of declaration of trust and upon the further trusts therein contained:

And whereas, by a deed of conveyance bearing date 27 February 1894, Sir John Hall conveyed a further parcel of land described in the said deed of conveyance, and containing 11 acres 3 roods and 29 perches, more or less (in this

section referred to as the **land secondly described**), to the said trustees upon the same trusts as those set out in the said deed of declaration of trust:

And whereas a hall is erected on the land firstly described and it has been proposed by the residents of Hororata and surrounding districts that additions and improvements be effected to the said hall, and that the land firstly described with all buildings which may now or hereafter be erected thereon be established as a war memorial for Hororata and the surrounding districts:

And whereas it is desirable that the land firstly described be vested in the Chairman, Councillors, and Inhabitants of the County of Selwyn (in this section referred to as the **Corporation**) in trust for a site for a war memorial under and subject to the provisions of the Public Reserves, Domains, and National Parks Act 1928:

And whereas it is desirable that the land secondly described be vested in the Corporation as an endowment for the purposes of the said war memorial, but with power to lease, sell, or otherwise dispose of the whole or any part or parts thereof:

And whereas in the said deed of declaration of trust the Hororata district is defined as an area lying within a radius of 5 miles of the said land, excepting therefrom all that portion of such area which is situated to the north of the Selwyn River, but the districts which have a community of interest with the Township of Hororata now extend beyond the radius of 5 miles prescribed in the said deed of declaration of trust and it is considered desirable that the benefits of the said proposed war memorial be made available to the residents of all districts which have such a community of interest:

And whereas the said Godfrey Hall, Terence Fielding Hight, and Roland William Oliver, as the surviving present trustees under the said deed of declaration of trust, have consented in writing to the cancellation of the trusts therein contained and to the vesting of the said land in the Corporation for the aforesaid purposes:

And whereas the Corporation has consented under seal to the vesting of the said land in it for the aforesaid purposes:

Be it therefore enacted as follows:

- (1) The vesting of the said land in Godfrey Hall, Herbert Henry Thorne, Llewellyn Derrett, Terence Fielding Hight, and Roland William Oliver, all of Hororata, farmers, for an estate in fee simple is hereby cancelled.
- (2) All reservations, trusts, and restrictions heretofore affecting the said land are hereby cancelled, and the said land is hereby vested in the Corporation in accordance with the following provisions of this subsection:
  - (a) as to the land firstly described, in trust as a reserve for a site for a war memorial under and subject to the provisions of the Public Reserves, Domains, and National Parks Act 1928:

- (b) as to the land secondly described, as an endowment for the purposes of the said war memorial, but with power to lease, sell, or otherwise dispose of the whole or any part or parts thereof as the Corporation shall think fit, and to hold and administer the proceeds of any such leasing, sale, or other disposal for the purposes of the said war memorial.
- (3) The District Land Registrar for the Land Registration District of Canterbury is hereby empowered and directed to make such entries in the register books and generally to do all such things as are necessary to give effect to the provisions of this section.
- (4) The land to which this section relates is more particularly described as follows:  
Firstly, all that area in the Canterbury Land District, Selwyn County, containing by admeasurement 1 acre, more or less, being part of Reserve 954, situated in Block XII of the Hororata Survey District, and being part of the land comprised and described in certificate of title, Volume 408, folio 230, Canterbury Registry (limited as to parcels), and bounded as follows: Commencing at the intersection of the western side of the Hororata–Coalgate Road with the northern side of Duncan’s Road; thence in a westerly direction along the northern side of Duncan’s Road for a distance of 252 links; thence northerly along a right line parallel to the Hororata–Coalgate Road for a distance of 400 links; thence easterly along a right line parallel to Duncan’s Road for a distance of 252 links to the Hororata–Coalgate Road, and thence southerly along the western side of the last-mentioned road to the point of commencement, be the aforesaid measurements a little more or less.

Secondly, all that area in the Canterbury Land District, Selwyn County, containing by admeasurement 11 acres 3 roods and 29 perches, more or less, being part of Reserve 954, situated in Block XII of the Hororata Survey District, and being the whole of the land comprised and described in certificate of title, Volume 408, folio 230, Canterbury Registry (limited as to parcels), excepting therefrom the area firstly described.

## **9 Authorising Piako County Council to purchase land for quarry purposes**

Whereas the Corporation of the Chairman, Councillors, and Inhabitants of the County of Piako is the registered proprietor of an estate in fee simple in certain land situated in the Tahuna Riding of the county containing 5 acres, more or less, used as a quarry:

And whereas for the purpose of extensions to the said quarry it is expedient that the Council of the said Corporation (in this section referred to as the **Council**) should be authorised to purchase the whole or part or parts of the land described in subsection (12) adjoining the said quarry and at present used for farming purposes, and to retain such part or parts thereof as it thinks fit for quarry or any other purposes of the Council and to sell such part or parts thereof as are not required for those purposes:

Be it therefore enacted as follows:

- (1) The Council may purchase at such price and upon such terms and conditions as it thinks fit the whole or any part or parts of the said land.
- (2) The Council may sell any part or parts of the said land either together or in lots by public auction, public tender, or private contract, or partly by one and partly by another or others of those modes and subject to such conditions as to title, time, or mode of payment of purchase price, or otherwise, as the Council thinks fit, and with or without grants or reservations of rights of way, easements, and other rights and privileges of every description in relation to the land sold, or any land remaining unsold, on such terms and at such price as the Council thinks fit.
- (3) Any such purchase or sale may include milking plant and hay and ensilage on or about the said land or any part or parts thereof, or, if the Council thinks fit, it may sell any such chattels separately, and the Council may sell any building or buildings on the said land separately for removal.
- (4) For the purposes of this section, the Council may subdivide the said land, or any part or parts thereof, in such manner as it thinks fit, and may dedicate any part or parts of the said land as a public road or public roads, and construct a road or roads thereon.
- (5) If any of the said land is not required for immediate use, the Council may let the same upon such terms as it may think fit for any period not exceeding 21 years.
- (6) Pending any such sale or sales the Council may carry on farming operations on the said land or any part or parts thereof as if the same had been acquired as a model farm under the provisions of section 200 of the Counties Act 1920.
- (7) For the purpose of meeting the whole or any portion of the purchase price of all or any of the said land the Council may, if it so determines, expend any sum or sums of money from the County Fund Account.
- (8) For the purpose of meeting the whole or any portion of the said purchase price or of refunding to the County Fund Account moneys expended thereout as aforesaid the Council may, if it so determines, borrow by way of overdraft in the manner prescribed by section 3 of the Local Bodies' Finance Act 1921–22 sums not exceeding in the aggregate 15,000 pounds.
- (9) Moneys borrowed by way of overdraft under the authority of this section shall be repaid by 7 equal annual instalments during a period of 7 years commencing on 1 April 1953:  
provided that the Council may in any year repay an amount greater than a seventh part.
- (10) Moneys borrowed from time to time under the authority of this section shall not be 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 Local Bodies' Finance Act 1921–22.

- (11) The Council may from time to time, if it thinks fit, apply surplus moneys available from quarrying operations in or towards repayment of any moneys borrowed by way of overdraft as aforesaid.
- (12) The land to which this section relates is particularly described as follows:  
All that piece of land situated in Block IX, Waitoa Survey District, containing 125 acres 3 roods and 22 perches, more or less, being—
- (a) portions of Section 11, comprising the whole of the land described in certificate of title, Volume 851, folio 67, Auckland Registry:
  - (b) portion of Hoe-o-tainui A No 2 Block comprising the whole of the land described in certificate of title, Volume 616, folio 97, Auckland Registry.

*City and borough councils*

**10 Section 5 of the Auckland City Empowering Act 1939 amended**

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

**11 Authorising remission of rates by Napier City Council**

*[Repealed]*

Section 11: repealed, on 1 July 2003, by section 138(1) of the Local Government (Rating) Act 2002 (2002 No 6).

**12 Authorising diversion of certain loan moneys by Mount Maunganui Borough Council**

Whereas the Mount Maunganui Borough Council (in this section referred to as the **Council**) was, by a poll of ratepayers taken on 29 June 1949, duly authorised to raise a loan of 1,250 pounds for the purpose of acquiring a certain property within the Borough of Mount Maunganui upon which to erect municipal buildings:

And whereas the Council has been unable to acquire the said property and is now desirous of applying moneys raised under the said loan towards the cost of erecting municipal buildings upon other land vested in the Council within the said borough:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Local Bodies' Loans Act 1926, or in any other Act, or in any Order in Council relating to the said loan or in the voting paper used at the poll, the Council is hereby authorised, subject to the provisions of this section, to divert and apply the whole of the said sum of 1,250 pounds towards the cost of erection by the Council of municipal buildings within the Borough of Mount Maunganui.
- (2) No part of the said sum of 1,250 pounds shall be expended or applied by the Council as hereinbefore provided unless and until authority in that behalf has been given by the Local Government Loans Board.

- (3) The provisions of subsections (2) to (7) of section 47 of the Finance Act 1929 shall apply to every application made by the Council for authority as aforesaid, and the Local Government Loans Board may, in its discretion, give any such authority, either as to the whole or any part of the proposal submitted to it, and either unconditionally or subject to such terms, conditions, and stipulations as it may think fit to impose.

**13 Authorising Dunedin City Renewal Fund Commissioners to make payments to Dunedin City Council for electricity purposes**

- (1) Notwithstanding anything in the Dunedin City Council Empowering Act 1914, or in any other Act, the Renewal Fund Commissioners appointed by the Dunedin City Council, pursuant to section 5 of the said Act, are hereby authorised to appropriate from time to time out of the funds held by them in respect of the municipal electrical undertaking, sums not exceeding in the aggregate 264,000 pounds, and to pay the said sums to the said Council as and when required for the purpose of financing the works set out in subsection (2).
- (2) The works to which this section relates are particularly described as follows:
- high tension lines, 110,000 pounds:
  - rectifier substations, 25,000 pounds:
  - control gates, Mahinerangi Dam, 9,000 pounds:
  - water races, 4,000 pounds:
  - switchgear, Neville Street, 25,000 pounds:
  - additional high tension lines, Waipori 3 and 4 stations to Berwick, 32,000 pounds:
  - substation, Mosgiel, 16,500 pounds:
  - transformers, Mosgiel, 15,000 pounds:
  - substation, Port Chalmers, 12,500 pounds:
  - transformers, Port Chalmers, 15,000 pounds.

**14 Provision with respect to expenditure of moneys by West Harbour Borough Council in connection with jubilee celebrations**

The West Harbour Borough Council (in this section referred to as the **Council**) is hereby authorised and empowered to expend out of its General Account a sum not exceeding 100 pounds for the purpose of celebrating and commemorating the 75th anniversary of the Borough of West Harbour, and any expenditure heretofore incurred or made by the Council for that purpose is hereby validated and declared to have been lawfully incurred and made.

**15 Provision with respect to charge for gas-meter rental by Waihi Borough Council**

Whereas the Waihi Borough Council (in this section referred to as the **Council**) on 5 August 1949 passed a resolution prescribing, amongst other things, the rent to be charged for gas meters used by consumers of gas supplied by the Council:

And whereas section 276 of the Municipal Corporations Act 1933 requires that any such rent shall be prescribed by bylaws made in that behalf:

And whereas, since the making of the said resolution, the said rent has been charged for gas meters installed by the Council:

And whereas it is desirable to validate the action of the Council in prescribing the said rent by resolution instead of by bylaws:

Be it therefore enacted as follows:

The action of the Council in prescribing the said rent by resolution is hereby validated, and the said rent shall be valid and effectual for all purposes as from the date on which the Council purported to prescribe the same.

**16 Validating action of Corporation of Borough of Paeroa in entering into and executing a deed vesting an ambulance in the Corporation**

Whereas an unincorporated body known as the Paeroa and Districts Residents Ambulance Controlling Committee (in this section referred to as the **Controlling Committee**) has raised certain funds for the purchase of an ambulance:

And whereas it is desirable that the ambulance, when purchased, should be vested in the Corporation of the Borough of Paeroa (in this section referred to as the **Corporation**):

And whereas a deed, dated 18 September 1951, a copy of which is deposited in the Department of Internal Affairs, at Wellington, under Number IA 105/660, has been made between the Controlling Committee and the Corporation containing the terms and conditions upon which the Corporation is to hold the said ambulance:

And whereas the Corporation has no legal authority to enter into the said deed and it is desirable that the said deed should be validated:

Be it therefore enacted as follows:

The said deed is hereby validated and the Controlling Committee and the Corporation shall be deemed to have been duly empowered to enter into and to execute the same.

**17 Authorising Dunedin City Council to make *ex gratia* payment in respect of a contract**

Whereas, by an agreement dated 3 October 1950, made between Thomas Phe-loung, of Dunedin, contractor (in this section referred to as the **contractor**), of

the one part, and the Mayor, Councillors, and Citizens of the City of Dunedin (in this section referred to as the **Council**), of the other part, the contractor agreed to cart pipes to, and construct the piping of portion of, the Silverstream water race for the Council:

And whereas, in consequence of an alteration mutually agreed upon in the date for the commencement of the said works, increased costs were incurred by the contractor and the contractor suffered considerable loss:

And whereas the Council, in the circumstances, is desirous of making a payment of 1,458 pounds 14 shillings and 2 pence to the contractor:

Be it therefore enacted as follows:

The Council is hereby empowered to pay the sum of 1,458 pounds 14 shillings and 2 pence to the contractor by way of compensation in respect of the loss incurred by the contractor.

**18 Validating certain expenditure incurred by Rotorua Borough Council**

The expenditure by the Rotorua Borough Council of the sum of 427 pounds 18 shillings and 9 pence in connection with the reception and entertainment of delegates and other persons attending the annual meeting of the Municipal Association of New Zealand, Incorporated, held at Rotorua during the month of March, 1952, is hereby validated and declared to have been lawfully incurred.

**19 Extending purposes of Invercargill City Council Housing Loan 1950 of £17,500**

Whereas, by Order in Council made on 6 September 1950, consent was given to the raising by the Invercargill City Council (in this section referred to as the **Council**) of a loan of 17,500 pounds, to be known as the Housing Loan 1950 (in this section referred to as the **loan**), for the purpose of erecting houses for employees of the Council:

And whereas the Council desires that the purposes to which the loan moneys may be applied should be extended so as to enable the Council to purchase houses or flats for the said employees, and to make advances to those employees to enable them to purchase or erect houses:

Be it therefore enacted as follows:

The purposes for which moneys raised under the loan may be applied are hereby extended, as from the date of the said Order in Council, to include the purchase of houses or flats for employees of the Council, and the making of advances to any such employees towards the cost of the purchase or erection of their own houses.

**20 Authorising Wellington City Council to transfer moneys from Tramway and Power Supply Accident Fund Account to Tramway and Power Supply Renewal Fund Account**

The Wellington City Council is hereby authorised to transfer a sum not exceeding 39,000 pounds from its Tramway and Power Supply Accident Fund Account to its Tramway and Power Supply Renewal Fund Account.

**21 Authorising Eltham Borough Council to raise a special loan for housing purposes**

Whereas the Eltham Borough Council (in this section referred to as the **Council**), prior to the sanction of the Local Government Loans Board being given to the raising of a loan for housing purposes, expended out of its District Fund Account the sum of 2,300 pounds in the purchase and repair of 2 dwelling-houses for the use of certain employees of the Council:

And whereas the Local Government Loans Board has no authority to sanction the raising of a loan for the purpose of enabling the Council to refund the said sum of 2,300 pounds to its District Fund Account:

And whereas it is desirable that authority be given for that purpose:

Be it therefore enacted as follows:

The Council is hereby authorised and empowered to borrow by way of special loan under the Local Bodies' Loans Act 1926 an amount not exceeding the sum of 2,300 pounds for the purpose of refunding to its District Fund Account all moneys applied by the Council as aforesaid in the purchase and repair of the said dwellinghouses.

**22 Authorising raising of special loan by Waihi Borough Council**

Whereas, as from 31 July 1952, the Waihi Borough Council (in this section referred to as the **Council**) terminated the manufacture and supply of gas:

And whereas, as at 31 August 1952, there was a deficit in the Gas Supply Account of the Council amounting to the sum of 11,492 pounds 8 shillings and 6 pence:

And whereas the Council is desirous of making to certain of its former gas consumers some reimbursement in respect of expenses incurred by them by reason of the termination of the gas undertaking by the Council:

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

Be it therefore enacted as follows:

- (1) The Council is hereby authorised and empowered to borrow by way of special loan under the Local Bodies' Loans Act 1926, without obtaining the prior consent of the ratepayers of its district, the sum of 10,000 pounds for the purpose of partially refunding to its Gas Supply Account the excess expenditure incurred from that account.

- (2) The Council is hereby authorised to transfer the balances standing, as at 31 March 1953, at the credit of the General Account, the Library Account, the Street Lighting Account, and the Water Account to the Gas Supply Account to offset in part the deficit in the Gas Supply Account.
- (3) The Council is hereby empowered to pay from its Gas Supply Account to any person supplied by it with gas up to the time of the termination of the gas undertaking by the Council, and who is, in the opinion of the Council, in necessary circumstances, such moneys as the Council in its discretion may determine, but not exceeding the sum of 10 pounds in any individual case, nor exceeding in the aggregate the sum of 500 pounds:  
provided that any such payment by the Council may, at the discretion of the Council, be by way of *ex gratia* payment, or by way of loan on such conditions as to repayment as the Council may determine.
- (4) Any payment by the Council for the purposes referred to in subsection (3) prior to the passing of this Act is hereby validated and declared to have been lawfully made.

### **23 Validating certain expenditure incurred by Milton Borough Council**

The expenditure by the Milton Borough Council during the financial year ending on 31 March 1953 of the sum of 77 pounds 7 shillings and 6 pence in the purchase of a mayoral chain and badge of office is hereby validated and declared to have been lawfully incurred.

### **24 Authorising Greymouth Borough Council to subdivide certain land for housing purposes**

- (1) The Greymouth Borough Council (in this section referred to as the **Council**) is hereby authorised to exercise the powers contained in sections 14 to 16 of the Municipal Corporations Amendment Act 1948 in respect of the land described in subsection (2), notwithstanding that the said land is held by the Council upon trust for a particular purpose other than housing.
- (2) The land to which this section relates is more particularly described as follows:  
All that parcel of land, situated in the Borough of Greymouth, containing by admeasurement 4 acres, more or less, being Reserve 197, Town of Greymouth, and being the whole of the land comprised and described in certificate of title, Volume 22, folio 293, Westland Registry.

### **25 Vesting certain land in Corporation of Borough of Ellerslie as public street**

Whereas the land described in subsection (3) (in this section referred to as the **said land**) is situate in the Borough of Ellerslie and is vested in Robert Graham, deceased, for an estate in fee simple:

And whereas, on a plan deposited by the said Robert Graham in the Land Registry Office at Auckland under Number 294, the said land was shown

thereon coloured burnt sienna similarly to the lands shown on the said plan later dedicated as roads:

And whereas the said land was not included in the roads proclaimed by Proclamation Number 1293B, and no subsequent instrument of dedication or Proclamation has been registered in respect of the said land and there is doubt as to whether the said land is either a road within the meaning of the Public Works Act 1928 or a street within the meaning of the Municipal Corporations Act 1933:

And whereas the said land has for many years been used by the public as a street:

And whereas the records of public expenditure on the said land by the County Council having jurisdiction thereover prior to the incorporation of the Ellerslie Town Board are not available:

And whereas there is no record of public moneys having been expended on the said land by either the Ellerslie Town Board or the Ellerslie Borough Council (in this section referred to as the **Council**) as successor to the said Town Board:

And whereas the said land is either a private street or a street within the meaning of the Municipal Corporations Act 1933, or a road within the meaning of the Public Works Act 1928:

And whereas the Council is desirous that the said land be proclaimed as a street and be vested in the Corporation of the Borough of Ellerslie (in this section referred to as the **Corporation**), but does not wish to require any person to form and construct the same:

Be it therefore enacted as follows:

- (1) The said land is hereby vested in the Corporation for an estate in fee simple as a street.
- (2) Notwithstanding the lack of evidence of dedication of the said land, the District Land Registrar for the Land Registration District of Auckland is hereby authorised and directed to make such entries in the Register Books and outstanding duplicates of title, to issue such certificates or documents, and generally to do all such things as are necessary to give effect to the provisions of this section.
- (3) The land to which this section relates is more particularly described as follows:

All that parcel of land, situated in the Borough of Ellerslie, containing by admeasurement 16 perches and ten hundredths of a perch, more or less, bounded towards the north-east by Tecoma Street, 30.3 links, towards the south-east by Lots 546 and 559 on Deposited Plan Number 294, 342.04 links, towards the south-west by Hurst Street, 35.2 links, and towards the north-west by Lot 7 and part of Lot 8 on Deposited Plan Number 9647, 324.1 links, which said piece of land is part of the land coloured burnt sienna on the plan deposited as aforesaid under Number 294, and comprised and described in certificate of title, Volume 28, folio 183, Auckland Registry.

**26 Authorising raising of special loan by Rangiora Borough Council**

Whereas the Rangiora Borough Council (in this section referred to as the **Council**), prior to the sanction of the Local Government Loans Board being given to the raising of a loan pursuant to section 32 of the Finance Act 1927 (No 2) as extended by section 26 of the Finance Act 1946 for the purpose of electric reticulation, expended out of its Electric Receipts and Payments Account moneys amounting in the aggregate to the sum of 4,930 pounds 3 shillings and 1 penny in the purchase of electrical equipment:

And whereas the Local Government Loans Board has no authority to sanction the raising of that part of the proposed loan which relates to the purposes for which the said sum has been expended:

And whereas it is desirable to authorise the Council to raise a special loan not exceeding the sum of 4,930 pounds for the purpose of recouping its Electric Receipts and Payments Account in respect of portion of the moneys advanced thereout as aforesaid:

Be it therefore enacted as follows:

The Council is hereby authorised and empowered to borrow by way of special loan pursuant to section 32 of the Finance Act 1927 (No 2) as extended by section 26 of the Finance Act 1946, an amount not exceeding the sum of 4,930 pounds for the purpose of refunding to its Electric Receipts and Payments Account portion of the moneys advanced thereout in the purchase of the said electrical equipment.

**27 Provision with respect to maximum general rate in Borough of Thames**

Whereas by the Thames Borough Commissioner Amendment Act 1934 the Thames Borough Council (in this section referred to as the **Council**) is required to make and levy its rates on the values set forth in the special valuation roll prepared under that Act:

And whereas the capital and unimproved values set forth in the said special valuation roll are the values appearing in the ordinary valuation roll on 31 July 1931:

And whereas by section 20 of the Local Legislation Act 1947 the said special valuation roll prepared pursuant to the Thames Borough Commissioner Amendment Act 1934 was deemed to continue to be operative until the 31 March next following the date of the first revision of the ordinary valuation roll for the Borough of Thames (in this section referred to as the **borough**) made after 31 March 1947:

And whereas, pending that revision, the Council is experiencing difficulty in financing the activities of the borough from the maximum general rate of 2 pence halfpenny in the pound upon the capital value of all rateable property within the borough authorised by section 77 of the Municipal Corporations Act 1933:

Be it therefore enacted as follows:

Notwithstanding anything contained in the Municipal Corporations Act 1933 or in any other Act, the Council is hereby authorised, from time to time as it thinks fit, to make and levy a general rate not exceeding in any one year 4 pence in the pound upon the capital value of all rateable property within the borough until the 31 March next following the date of the first revision of the ordinary valuation roll for the borough made after the passing of this section.

**28 Authorising Lower Hutt City Council to levy uniform annual charge instead of annual fee**

*[Expired]*

Section 28: expired, on 31 March 1954, pursuant to section 28(3).

**29 Provision with respect to certain contract of Temuka Borough Council**

Notwithstanding anything to the contrary in any Act or rule of law, nothing in the Local Authorities (Members' Contracts) Act 1934 shall be deemed to apply or to have applied to a contract made before the passing of this Act between the Temuka Borough Council and Reuben Young Thomson, of Temuka, builder, for the supply of materials used in the renovation of the Temuka Drill Hall at a cost of 267 pounds 5 shillings and 1 penny.

*Town boards*

**30 Authorising expenditure of certain moneys held in trust by Kohukohu Town Board**

Whereas the Kohukohu Town Board (in this section referred to as the **Board**) holds certain moneys amounting to 58 pounds in trust for the purposes of a brass band:

And whereas the said moneys cannot now be applied to the purposes for which they were received:

And whereas it is desirable that the Board should be authorised to expend the said moneys for purposes other than those for which the said moneys are held in trust:

Be it therefore enacted as follows:

The existing trust for which the said moneys are held by the Board is hereby discharged and the Board is authorised to expend the said moneys for the purposes of the repair and maintenance of the Kohukohu town hall and of the piano and furniture contained in the said hall.

**31 Authorising Tawa Flat Town Board to raise a special loan for housing purposes**

Whereas the Tawa Flat Town Board (in this section referred to as the **Board**), prior to the sanction of the Local Government Loans Board being given to the

raising of a loan for housing purposes, expended out of its General Account moneys amounting in the aggregate to the sum of 3,320 pounds in the purchase of a dwellinghouse for occupation by an employee of the Board:

And whereas the Local Government Loans Board has no authority to sanction the raising of a loan for the purpose of enabling the Board to refund the said sum to its General Account:

And whereas it is desirable that authority be given for that purpose:

Be it therefore enacted as follows:

The Board is hereby authorised and empowered to borrow by way of special loan under the Local Bodies' Loans Act 1926 an amount not exceeding the sum of 3,320 pounds for the purpose of refunding to its General Account all moneys applied by the Board as aforesaid in the purchase of the said dwellinghouse.

### **32 Validating agreement between Otorohanga Town Board and Levin Amusements, Ltd**

Whereas by section 20 of the Local Legislation Act 1942 the execution by the Otorohanga Town Board (in this section referred to as the **Board**) of a deed of arrangement dated 5 November 1940, with Levin Amusements, Limited (in this section referred to as the **company**), was duly validated:

And whereas the said deed provided for the amalgamation of the motion picture exhibition business conducted by the Board in the Town District of Otorohanga with a similar business conducted in the said town district by the company:

And whereas the said deed expired on 1 October 1950 and the Board entered into a further deed of arrangement with the company dated 25 March 1952:

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

Be it therefore enacted as follows:

All parties to the said deed of arrangement dated 25 March 1952 shall be deemed to have and 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.

### **33 Authorising Wyndham Town Board to raise a special loan for housing purposes**

Whereas the Wyndham Town Board (in this section referred to as the **Board**), prior to the sanction of the Local Government Loans Board being given to the raising of a loan for housing purposes, expended out of its General Account the

sum of 1,220 pounds in the purchase of a dwelling for occupation by the sanitary contractor of the Board:

And whereas the Local Government Loans Board has no authority to sanction the raising of a loan for the purpose of enabling the Board to refund moneys so expended to its General Account:

And whereas it is desirable that authority be given for that purpose:

Be it therefore enacted as follows:

The Board is hereby authorised and empowered to borrow by way of special loan under the Local Bodies' Loans Act 1926 an amount not exceeding the sum of 600 pounds for the purpose of refunding to its General Account part of the moneys applied by the Board as aforesaid in the purchase of the said dwelling.

#### **34 Validating certain water rates levied by Kamo Town Board**

Whereas on 31 May 1946 the Kamo Town Board (in this section referred to as the **Board**) purported to make and levy in respect of all properties within the Kamo Town District water rates by way of a charge based on the area of the said properties and on the use to which they were put:

And whereas the Board has purported to make and levy the said rates by way of a proportionate charge in respect of the period which commenced on 1 January 1947 and ended on 31 March 1947, and has also purported to make and levy the said rates in respect of each of the 6 annual periods commencing on 1 April 1947 and ending on 31 March 1953, by way of half-yearly charges payable on 15 May and on 15 November in each year:

And whereas the making and levying of the said rates was contrary to the provisions of section 84 of the Municipal Corporations Act 1933, and the Board had no authority to make and levy the said rates:

And whereas it is desirable to make provision as hereinafter appearing:

Be it therefore enacted as follows:

- (1) The said rates purported to be made and levied by the Board are hereby validated and declared to have been lawfully made and levied and shall be valid and effectual for all purposes in respect of the periods as aforesaid.
- (2) Notwithstanding anything contained in the Rating Act 1925 or in any other Act, the Board may sue for and recover such of the said rates as remain unpaid.

#### **35 Provision with respect to certain streets in Town District of Johnsonville**

Whereas doubt exists as to whether certain streets in the Town District of Johnsonville are streets within the meaning of section 174 of the Municipal Corporations Act 1933:

And whereas it is desirable that those streets be declared to be streets within the meaning of that section:

Be it therefore enacted as follows:

- (1) The streets referred to in subsection (2) are hereby declared to be and the same are streets as defined in section 174 of the Municipal Corporations Act 1933.
- (2) The streets referred to in this section, and more particularly delineated on the plan lodged in the office of the Chief Surveyor, at Wellington, as Number 22757, and thereon coloured blue, are as follows:

Woodland Road;  
Prospect Terrace;  
Brook Street;  
Dr Taylor Terrace;  
Ballance Street;  
Trafalgar Street;  
Wallace Street;  
Railway Terrace from Prospect Terrace to Main Road;  
Brandon Street from Dr Taylor Terrace to Main Road;  
Earp Street from Railway Terrace to Woodland Road;  
Haumia Street from Fraser Avenue westward to the eastern boundary of the Railway Reserve; and  
Burgess Road from Main Road to a point 130 links east of the south-eastern corner of Lot 45 on Deposited Plan Number 920.

*Harbour Board*

*[Repealed]*

Heading: repealed, on 17 March 2019, pursuant to section 64(c) of the New Plymouth District Council (Waitara Lands) Act 2018 (2018 No 2 (L)).

**36 Section 7 of Waitara Harbour Act 1940 repealed**

*[Repealed]*

Section 36: repealed, on 17 March 2019, by section 64(c) of the New Plymouth District Council (Waitara Lands) Act 2018 (2018 No 2 (L)).

*Electric Power Board*

**37 Authorising raising of special loan by Banks Peninsula Electric Power Board**

Whereas the Banks Peninsula Electric Power Board (in this section referred to as the **Board**), prior to the sanction of the Local Government Loans Board being given to the raising of a loan for housing purposes, expended out of its

Power Fund Account the sum of 305 pounds 12 shillings and 9 pence in the purchase of the land described in subsection (2):

And whereas the Local Government Loans Board has no authority to sanction the raising of that part of the proposed loan which relates to the purposes for which the said sum has been expended:

And whereas it is desirable to authorise the Board to raise a special loan not exceeding the sum of 300 pounds for the purpose of recouping its Power Fund Account in respect of portion of the moneys advanced thereout as aforesaid:

Be it therefore enacted as follows:

- (1) The Board is hereby authorised and empowered to borrow by way of special loan under the Local Bodies' Loans Act 1926 an amount not exceeding the sum of 300 pounds for the purpose of refunding to its Power Fund Account portion of the moneys advanced thereout in the purchase of the said land.
- (2) The land to which this section relates is more particularly described as follows:  
All that parcel of land in the Canterbury Land District, situated in Block XII, Pigeon Bay Survey District, containing by admeasurement 2 acres, more or less, being Section 2A, Block IV, Wairewa, being part of Maori Reserve Number 887, and being the whole of the land comprised and described in certificate of title, Volume 551, folio 82, Canterbury Registry.

### *Drainage Board*

#### **38 Provision with respect to levying of excess general rates by Mangapu Drainage Board**

Whereas by section 50 of the Local Legislation Act 1936, as extended by section 42 of the Local Legislation Act 1937, section 41 of the Local Legislation Act 1939, section 28 of the Local Legislation Act 1942, and section 29 of the Local Legislation Act 1947, the Mangapu Drainage Board (in this section referred to as the **Board**) was 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 lands 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 the Board continued to levy rates on that basis for the years ended on 31 March 1951 and 31 March 1952 without authority:

And whereas the Board desires to make and levy for the years ending on 31 March 1953 and 31 March 1954 a general rate, not exceeding 4 pence in the pound, on lands so classified as "A" lands; a general rate, not exceeding 3 pence in the pound, on lands so classified as "B" lands; and a general rate, not exceeding 2 pence in the pound, on lands so classified as "C" lands:

And whereas it is expedient that the unauthorised levying of the rates on the first-mentioned basis should be validated and that the Board should be empowered to levy general rates on the second-mentioned basis as aforesaid:

Be it therefore enacted as follows:

- (1) The general rates levied by the Board for the years ended on 31 March 1951 and 31 March 1952 shall be deemed to have been lawfully made.
- (2) The Board is hereby authorised and deemed to have been authorised to make and levy for the years ending on 31 March 1953 and 31 March 1954 a general rate, not exceeding 4 pence in the pound, on lands classified in accordance with section 33 of the Land Drainage Act 1908 as “A” lands; a general rate, not exceeding 3 pence in the pound, on lands so classified as “B” lands; and a general rate, not exceeding 2 pence in the pound, on lands so classified as “C” lands.

### *Hospital Board*

#### **39 Validating issue of certain debentures by Northland Hospital Board**

Whereas, by Order in Council made on 13 November 1946, consent was given to the raising by the Whangarei Hospital Board of a loan of 16,000 pounds, to be known as the Nurses’ Home No 2 Additional Loan 1946 (in this section referred to as the **loan**), subject to the terms and conditions specified in the said Order in Council:

And whereas certain of the said terms and conditions were that no moneys should be borrowed after the expiration of 2 years from the date of the said Order in Council, and that the term for which the loan or any part thereof might be raised should be 25 years:

And whereas, by Order in Council made on 3 November 1948, the time within which the loan was authorised to be raised was extended for a further period of 2 years:

And whereas the Northland Hospital Board (in this section referred to as the **Board**), as successor to the Whangarei Hospital Board, raised the loan on 13 November 1950:

And whereas the debentures issued in respect of the loan provided for its repayment over a term of 25 years commencing from 1 January 1951:

Be it therefore enacted as follows:

The debentures issued by the Board in respect of the loan shall be deemed to have been lawfully executed and issued and shall have full force and effect according to their tenor.

*Affecting 2 or more classes of public bodies*

**40 Provision with respect to fire protection over portion of Waitemata County by North Shore Fire Board**

Whereas, by Order in Council made on 27 August 1952, the North Shore United Urban Fire District was abolished from 31 August 1952:

And whereas, by the said Order in Council, a new North Shore United Urban Fire District was constituted on 1 September 1952, which included the previous district, together with an area being portion of the Takapuna Riding of the County of Waitemata known as the East Coast Bays area (in this section referred to as the **said area**):

And whereas the North Shore Fire Board (in this section referred to as the **former Board**) incurred certain expenditure in providing fire protection over the said area during the period from 1 April 1952 until 31 August 1952 (in this section referred to as the **said period**):

And whereas the former Board, in providing fire protection over the said area for the said period, acted as if that area were part of the district of the former Board:

And whereas the Waitemata County Council (in this section referred to as the **Council**) contributed to the former Board during the said period that proportion of the Board's expenditure which the Council would have been liable to contribute as a contributory local authority:

And whereas section 32 of the Fire Services Act 1949 provides that the duties imposed on an urban fire authority by that section shall be imposed on a newly constituted authority as from 31 March next following the date on which that authority comes into existence:

And whereas it is desirable to validate the said expenditure incurred by the former Board and the Council, to validate the said action of the former Board, and to provide that the duties imposed on the present North Shore Fire Board in respect of the newly constituted fire district by section 32 of the Fire Services Act 1949 shall be deemed to have been imposed as from 31 August 1952:

Be it therefore enacted as follows:

- (1) The expenditure incurred by the former Board in providing fire protection over the said area during the said period is hereby validated and declared to have been lawfully incurred.
- (2) The action of the former Board in providing fire protection over the said area for the said period is hereby validated and declared to have been as lawfully done as if the said area for the said period had formed part of the district of the former Board.
- (3) The expenditure incurred by the Council in contributing to the former Board during the said period that proportion of the Board's expenditure which the

Council would have been liable to contribute as a contributory local authority is hereby validated and declared to have been lawfully incurred:

- (4) The duties imposed on the present North Shore Fire Board in respect of the newly constituted fire district by section 32 of the Fire Services Act 1949 shall be deemed to have been imposed as from 31 August 1952.

#### **41 Vesting certain land held by Masterton Trust Lands Trustees in Corporation of Borough of Masterton**

Whereas, by sections 15 and 28 of the Masterton Trust Lands Act 1950, the land described in subsection (2) was vested in the Masterton Trust Lands Trustees (in this section referred to as the **Trust Board**) to be held by the Trust Board upon and subject to the terms of and the trusts declared in a certain declaration of trust under the seal of the Trust Board and bearing date 20 December 1926, but with the reservation that, notwithstanding anything to the contrary in the said declaration of trust, the Trust Board should have power from time to time to grant leases and tenancies of the said land, or of any part or parts thereof, in favour of any lessee or lessees, tenant or tenants, authorised by the said declaration of trust, but without the Trust Board being required to impose any condition or make any stipulation whatsoever as to the disposal or application by any such lessee or tenant of any revenue or moneys derived by the lessee or tenant from the use of any property included in the lease or tenancy granted to the lessee or tenant:

And whereas it is desirable that the said land and all funds in the hands of the Trust Board by virtue of the trusts aforesaid should cease to vest in the Trust Board and should be vested in the Corporation of the Mayor, Councillors, and Burgesses of the Borough of Masterton in trust, upon and subject to all the trusts, restrictions, and reservations heretofore affecting the same:

Be it therefore enacted as follows:

- (1) The land described in subsection (2) and all funds in the hands of the Trust Board by virtue of the said trusts are hereby vested in the Corporation of the Mayor, Councillors, and Burgesses of the Borough of Masterton upon and subject to the terms of and the trusts declared in the said declaration of trust with the reservation hereinbefore recited, and the vesting thereof in the Trust Board is hereby revoked.
- (2) The land to which this section relates is more particularly described as follows:  
All that area of land in the Borough of Masterton, containing by admeasurement 14 acres 2 roods 28 perches and five-tenths of a perch, more or less, being those parts of Sections 2 and 3 of the Masterton Small Farm Settlement which are coloured green in outline on Deposited Plan Number 6253, and being all the land comprised and described in certificate of title, Volume 304, folio 128, Wellington Registry.

(3) The District Land Registrar for the Wellington Land Registration District is hereby authorised and directed to make such entries in the register books, to issue such certificates of title, and to do all such other things as may be necessary to give effect to the provisions of this section.

(4) *[Repealed]*

(5) *[Repealed]*

Section 41(4): repealed, on 21 October 1966, by section 49(5) of the Masterton Trust Lands Act 1966 (1966 No 27 (L)).

Section 41(5): repealed, on 21 October 1966, by section 49(5) of the Masterton Trust Lands Act 1966 (1966 No 27 (L)).

#### 42 **Provision with respect to Waitahuna War Memorial and Community Centre Hall**

Whereas the trustees of the Waitahuna Athenaeum were incorporated by the Waitahuna Athenaeum Act 1876:

And whereas the land described in subsection (11) is held by the trustees in trust as an endowment for the said Athenaeum by virtue of the provisions of the said Act:

And whereas the said Athenaeum, by reason of its bad state of repair and distance from Waitahuna, is no longer suitable for use as an Athenaeum:

And whereas a war memorial and community centre hall (in this section referred to as the **hall**), the site of which is vested in the Corporation of the County of Tuapeka (in this section referred to as the **Corporation**), is in course of erection at Waitahuna:

And whereas the Corporation has agreed to undertake the future control and management of the property of the said Athenaeum, firstly, for the purposes of a public library and reading room in the hall, and secondly, for the general purposes of the hall:

And whereas the Havelock Commonage Trustees desire to make a donation of the sum of 500 pounds towards the cost of erection of the hall:

And whereas it is desirable and expedient to make provision accordingly:

Be it therefore enacted as follows:

- (1) The land described in subsection (11) is hereby vested in the Corporation for an estate in fee simple as an endowment, subject to all existing leases and tenancies affecting the said land.
- (2) The Corporation is hereby empowered to lease the said land for any term not exceeding 21 years at such rents and under and subject to such conditions as the Corporation may determine.
- (3) The Corporation is hereby empowered to sell the said land, or any portion of it, in such manner and on such conditions as the Corporation thinks fit.

- (4) The proceeds derived by the Corporation from the sale or letting of the said land shall be applied by the Corporation, firstly, towards the equipment and maintenance of a public library and reading room in the hall, and secondly, towards the general purposes of the hall:
- provided that if in the opinion of the Corporation any part of the said proceeds is not required for the aforesaid purposes, it may be applied towards such other purposes of direct public benefit as the Corporation may determine.
- (5) All 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 trustees, is hereby vested in the Corporation freed from all trusts and reservations heretofore affecting the same, and all debts and other liabilities lawfully incurred by the trustees and existing on the passing of this section shall hereafter be debts and liabilities of the Corporation, and the Corporation is hereby authorised and empowered to meet the said debts and liabilities out of the County Fund Account.
- (6) The Corporation is hereby empowered to sell, in such manner and subject to such terms and conditions as it shall think fit, such part of the said personal property as shall not be of use in the hall, and to use the net proceeds of any such sale or sales, and any moneys vested in the Corporation by subsection (5), in part payment of the cost of erection of the hall and the furnishing and equipment of the public library and reading room therein.
- (7) A receipt under the hand of the County Clerk of the County of Tuapeka for the personal property and moneys held by the trustees shall be sufficient discharge from all liability for the said personal property and moneys and shall indemnify the trustees from any action at law.
- (8) The District Land Registrar for the Land Registration District of Otago is hereby authorised and empowered to register such documents, make such entries in the register books, and to do all such things as may be necessary to give effect to the provisions of this section.
- (9) The Waitahuna Athenaeum Act 1876 is hereby repealed, and the said Athenaeum and body corporate are hereby dissolved.
- (10) The Havelock Commonage Trustees are hereby authorised and empowered to make a donation of the sum of 500 pounds towards the cost of erection of the hall.
- (11) The land to which this section relates is more particularly described as follows:
- All those areas in the Otago Land District, and situated in the Tuapeka County, containing together by admeasurement 500 acres, more or less, being Sections 4, 16, 17, and 18, Block VII, Waitahuna West Survey District, and being the whole of the land comprised and described in certificate of title, Volume 63, folio 161, Otago Registry.

**43 Authorising Wellington Harbour Board to transfer certain land to Wellington City Council**

Whereas, by an agreement dated 28 May 1908 made between the Wellington Harbour Board (in this section referred to as the **Board**), of the one part, and the Mayor, Councillors, and Citizens of the City of Wellington (in this section referred to as the **Corporation**), of the other part, provision is made for the Board to transfer to the Corporation the land described in subsection (3) to form part of a public street in the City of Wellington:

And whereas the said land adjoins on its seaward side the wharves, stores, buildings, and other premises of the Board, and the said agreement reserves and grants to the Board certain rights of access to and egress from the premises of the Board across the said land upon and after its transfer to the Corporation, and also provides that the Corporation will accept and carry out certain maintenance, lighting, and other duties and obligations in respect of the said land upon and after the transfer:

And whereas doubts have arisen as to the authority of the Board to transfer the said land to the Corporation, and of the Board and the Corporation to enter into the said agreement, and it is desirable to grant that authority:

Be it therefore enacted as follows:

- (1) The Board is hereby authorised and empowered to transfer the said land to the Corporation to form part of a public street.
- (2) The Board and the Corporation are hereby deemed to have had authority to enter into the said agreement, and the said land, when transferred to the Corporation, shall be and remain subject to the provisions of the said agreement.
- (3) The land to which this section relates is more particularly described as follows:  
All that parcel of land, situated in the City of Wellington, containing by admeasurement 32 perches and eight-tenths of a perch, more or less, and being the whole of the land comprised and described in certificate of title, Volume 151, folio 53, Wellington Registry.

*Miscellaneous*

**44 Provision with respect to certain contract of Omarama Rabbit Board**

Notwithstanding anything to the contrary in any Act or rule of law, nothing in the Local Authorities (Members' Contracts) Act 1934 shall be deemed to apply or to have applied to a contract made on 10 September 1952 between the Omarama Rabbit Board and Bernard Noel Thomas, of Omarama, runholder, for the purchase for the sum of 525 pounds of a dwellinghouse for use by employees of the said Board.

**45 Provision with respect to expenditure of moneys by Council of Auckland Institute and Museum in connection with centennial celebrations**

The Council of the Auckland Institute and Museum is hereby authorised and empowered to expend out of its General Account a sum not exceeding 100 pounds for the purpose of celebrating and commemorating the 100th anniversary of the establishment of the Auckland Museum, and any expenditure heretofore incurred or made by the Council for that purpose is hereby validated and declared to have been lawfully incurred and made.

**46 Authorising Otekaike Rabbit Board to raise a special loan for housing purposes**

Whereas the Otekaike Rabbit Board (in this section referred to as the **Board**), prior to the sanction of the Local Government Loans Board being given to the raising of a loan for housing purposes, expended out of its General Account moneys amounting in the aggregate to the sum of 2,200 pounds in the purchase of a dwellinghouse and effecting improvements thereto, and in erecting a further dwellinghouse, the said dwellinghouses being intended for use by employees of the Board:

And whereas the Local Government Loans Board has no authority to sanction the raising of a loan for the purpose of enabling the Board to refund the said sum to its General Account:

And whereas it is desirable that authority be given for that purpose:

Be it therefore enacted as follows:

The Board is hereby authorised and empowered to borrow by way of special loan under the Local Bodies' Loans Act 1926 an amount not exceeding the sum of 2,200 pounds for the purpose of refunding to its General Account all moneys applied by the Board in purchasing, improving, and erecting dwellinghouses as aforesaid.

## Reprints notes

### **1** *General*

This is a reprint of the Local Legislation Act 1952 that incorporates all the amendments to that Act as at the date of the last amendment to it.

### **2** *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3** *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4** *Amendments incorporated in this reprint*

New Plymouth District Council (Waitara Lands) Act 2018 (2018 No 2 (L)): section 64(c)

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

Masterton Trust Lands Act 1966 (1966 No 27 (L)): section 49(5)

Local Legislation Act 1952 (1952 No 68): section 28(3)