

Version  
as at 28 October 2021



## Local Legislation Act 1963

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The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

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**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 1963.

### *County councils*

## 2 Vesting Glenroy Hall in the Corporation of the County of Malvern

Whereas the land described in subsection (3) (in this section referred to as the **land**) is vested for an estate in fee simple in Wilfred Hall, Arthur Sidney Thwaites, and William Stone, all of Glenroy, farmers (in this section referred to as the **trustees**):

And whereas a public hall known as the Glenroy Hall (in this section referred to as the **hall**) is built upon the land:

And whereas by a Declaration of Trust dated 20 April 1928, the trustees declared that they did and should hold the hall as a public hall for the use and benefit of the residents of the Glenroy district:

And whereas all of the trustees are deceased and the hall has for some years been administered by a committee known as the Glenroy Hall Committee (in this section referred to as the **Committee**):

And whereas at a public meeting of residents of the Glenroy district called by public notice and held on 12 November 1962, it was resolved that the Committee take the necessary action to enable the hall and the land to be vested in the Selwyn County Council:

And whereas the County of Selwyn has been abolished and the district in which the land is situated now forms part of the County of Malvern:

And whereas the Malvern County Council has consented to the vesting of the hall and the land in the Chairman, Councillors, and Inhabitants of the County of Malvern:

Be it therefore enacted as follows:

- (1) The land is hereby vested in the Chairman, Councillors, and Inhabitants of the County of Malvern for the purposes of a public hall, freed and discharged from all trusts, reservations, and restrictions affecting the same immediately before the passing of this Act.
- (2) The District Land Registrar for the Canterbury Land Registration District is hereby authorised and directed to make such entries in his register and to do all such other things as may be 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 piece of land containing 1 acre and 8 perches, more or less, situated in Block X of the Hororata Survey District, being Lot 1 on Deposited Plan 7612, part of Rural Section 27224, and being the whole of the land comprised and described in certificate of title, Volume 370, folio 211, Canterbury Registry.

**3 Authorising Hutt County Council to appoint additional members to Wainuiomata County Town Committee**

*[Repealed]*

Section 3: repealed, on 18 November 1992, by section 6(1) of the Local Legislation Act 1992 (1992 No 103).

**4 Validating refund to County Fund Account from loan money by Rodney County Council**

*[Repealed]*

Section 4: repealed, on 18 November 1992, by section 6(1) of the Local Legislation Act 1992 (1992 No 103).

**5 Amending section 10 of the Local Legislation Act 1961**

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

**6 Authorising Eltham County Council to raise special loan**

*[Repealed]*

Section 6: repealed, on 18 November 1992, by section 6(1) of the Local Legislation Act 1992 (1992 No 103).

*City and borough councils*

**7 Provision with respect to use of certain compensation money by Auckland City Council**

Whereas various areas of land in Grafton Road and Wynyard and d'Urville Streets in the City of Auckland were vested in the Corporation of the City of Auckland (in this section referred to as the **Corporation**) pursuant to the provisions of the Auckland Domain Vesting Act 1893 (in this section referred to as the **said Act**):

And whereas Her Majesty the Queen has taken certain parts of the said land (in this section referred to as the **said land**) for education purposes in connection with the University of Auckland:

And whereas it is expedient that the Corporation should be empowered to deal with and apply the proceeds of the compensation payable in respect of the taking of the said land in the manner hereinafter provided:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act or rule of law, the net proceeds of the money received by the Corporation by way of compensation for the taking of the said land shall be paid into the Corporation's Auckland Domain Trust Account, and shall be applied in or towards the cost of purchasing or otherwise acquiring land in the City of Auckland for the purposes expressed in the said Act or for the development or improvement of land now or hereafter vested in the Corporation for those purposes, or for investment in any investments for the time being authorised by law for the investment of trust

funds (the said compensation money and investments arising under the provisions of this section being referred to as the **compensation fund**).

- (2) The Corporation shall hold any land purchased or acquired pursuant to the powers vested in it by this section for the purposes expressed in the said Act, and the Corporation shall have in respect of that land all such powers of leasing and disposition as it has under the provisions of the said Act, and also as it has in respect of its general or ordinary endowments, and in addition shall have the special powers set out in subsection (3).
- (3) The Corporation is hereby empowered to expend the whole or part of the compensation fund in or towards meeting the cost of demolition of any building or buildings now or hereafter being upon any land at any time vested in it for the purposes of the said Act, and on the cost of erecting a building or buildings on any such land.
- (4) The Corporation shall expend the net income received from the compensation fund and from the leasing of any land purchased or acquired under subsection (1) for maintenance and upkeep of any land purchased or acquired by it pursuant to the powers vested in it by this section, and also for any of the purposes expressed in the said Act.
- (5) *[Repealed]*
- (6) The District Land Registrar for the North Auckland Land Registration District is hereby authorised and directed to make such entries in the register books, to issue such titles, to register such instruments, to deposit such plans, and to do all such other things as may be necessary to give effect to the provisions of this section.

Section 7(5): repealed, on 20 May 1999 (applying to instruments executed after 20 May 1999 and instruments executed between 20 May 1991 and 20 May 1999 (both dates inclusive) if the transactions to which the instruments relate are not completed or, in the case of leases are not carried into effect, on or before 20 May 1999), by section 7 of the Stamp Duty Abolition Act 1999 (1999 No 61).

## **8 Provision with respect to certain leases issued by Auckland City Council**

Whereas the Auckland City Council (in this section referred to as the **Council**) omitted to make application to be declared a leasing authority under the provisions of the Public Bodies Leases Act 1908 when that Act came into force:

And whereas by Order in Council dated 17 July 1963, and published in the *Gazette* of 1 August of that year, at page 1076, the Council was for the first time declared to be a leasing authority within the meaning of the said Act:

And whereas during the period that commenced on 1 January 1909, being the date of the commencement of the said Act, and ended with 16 July 1963, the Council, in the erroneous belief that it was a leasing authority within the meaning of the said Act, and in the purported exercise of its powers as such an authority, granted leases and renewals of leases:

And whereas doubts have arisen as to the validity of the leases and renewals of leases so granted by the Council during the said period:

And whereas it is desirable to remove those doubts:

Be it therefore enacted as follows:

Notwithstanding anything contained in the Public Bodies Leases Act 1908 or any other Act, the Council shall be deemed to have been a leasing authority within the meaning of the Public Bodies Leases Act 1908, without any exceptions, restrictions, limitations, or conditions, during the period that commenced on 1 January 1909, and ended with 16 July 1963, and accordingly to have possessed during the said period all the powers conferred upon leasing authorities by that Act.

**9 Provision with respect to overdraft of Dannevirke Borough Council**

*[Repealed]*

Section 9: repealed, on 18 November 1992, by section 6(1) of the Local Legislation Act 1992 (1992 No 103).

**10 Authorising the Dunedin City Council to make an *ex gratia* payment in respect of a contract**

*[Repealed]*

Section 10: repealed, on 18 November 1992, by section 6(1) of the Local Legislation Act 1992 (1992 No 103).

**11 Validating certain charges made by East Coast Bays Borough Council in respect of water meters**

*[Repealed]*

Section 11: repealed, on 18 November 1992, by section 6(1) of the Local Legislation Act 1992 (1992 No 103).

**12 Validating variation of terms of raising certain loan money by Greymouth Borough Council**

*[Repealed]*

Section 12: repealed, on 18 November 1992, by section 6(1) of the Local Legislation Act 1992 (1992 No 103).

**13 Validating variation of terms of raising certain loan money by Hastings City Council**

*[Repealed]*

Section 13: repealed, on 18 November 1992, by section 6(1) of the Local Legislation Act 1992 (1992 No 103).

**14 Authorising Henderson Borough Council to refund to District Fund Account from loan money**

*[Repealed]*

Section 14: repealed, on 18 November 1992, by section 6(1) of the Local Legislation Act 1992 (1992 No 103).

**15 Authorising Kaikohe Borough Council to transfer a certain hall to the Kaikohe Agricultural Pastoral and Horticultural Association (Incorporated)**

*[Repealed]*

Section 15: repealed, on 18 November 1992, by section 6(1) of the Local Legislation Act 1992 (1992 No 103).

**16 Amending Lyttelton Borough Extension Amendment Act 1915**

*[Repealed]*

Section 16: repealed, on 18 November 1992, by section 6(1) of the Local Legislation Act 1992 (1992 No 103).

**17 Empowering Manurewa Borough Council to lease certain allotments for residential building purposes**

*[Repealed]*

Section 17: repealed, on 18 November 1992, by section 6(1) of the Local Legislation Act 1992 (1992 No 103).

**18 Authorising Otorohanga Borough Council to raise special loan**

Whereas, by Order in Council made on 6 November 1961, consent was given to the raising by the Otorohanga Borough Council (in this section referred to as the **Council**) of a loan of 11,500 pounds to be known as the Stormwater Loan 1961 (in this section referred to as the **loan**) for the purpose of constructing stormwater drainage works in the Borough of Otorohanga:

And whereas after expending the amount of the loan the Council expended out of its District Fund Account the sum of 700 pounds in completion of the stormwater drainage works:

And whereas the Local Authorities 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 700 pounds to its District Fund Account:

And whereas it is desirable to authorise the Council to raise a special loan of 700 pounds for the purpose of recouping its District Fund Account in respect of the sum expended from that account as aforesaid:

Be it therefore enacted as follows:

The Council is hereby authorised and empowered to borrow by way of a special loan under the Local Authorities Loans Act 1956 an amount not exceeding 700 pounds for the purpose of refunding to its District Fund Account the sum expended from that account in completion of the said stormwater drainage works.

**19 Provision with respect to expenditure by Palmerston North City Council on centennial celebrations**

*[Repealed]*

Section 19: repealed, on 18 November 1992, by section 6(1) of the Local Legislation Act 1992 (1992 No 103).

**20 Validating refund to District Fund Account from loan money by Queenstown Borough Council**

*[Repealed]*

Section 20: repealed, on 18 November 1992, by section 6(1) of the Local Legislation Act 1992 (1992 No 103).

**21 Authorising Te Puke Borough Council to refund to District Fund Account from loan money**

Whereas before the Te Puke Borough Council (in this section referred to as the **Council**) obtained authority to raise a loan of 45,000 pounds to be known as the Water Supply Loan No 2 1962 (in this section referred to as the **loan**), the Council expended out of its District Fund Account for certain purposes for which the loan was to be raised money amounting in the aggregate to the sum of 7,211 pounds and 5 pence:

And whereas authority has since been obtained to the raising of the loan:

And whereas the Council is desirous of refunding the said sum to its District Fund Account out of the proceeds of the loan but has no authority to do so:

Be it therefore enacted as follows:

The Council is hereby authorised and empowered to refund the sum of 7,211 pounds and 5 pence to its District Fund Account out of the proceeds of the loan.

**22 Authorising Timaru City Council to use certain land for cemetery purposes**

- (1) Notwithstanding the provisions of section 60 of the Cemeteries Act 1908, and without complying with section 52 of that Act, the Timaru City Council is hereby authorised and empowered to use for cemetery purposes the land firstly described in subsection (2) of this section, and to acquire and use for cemetery purposes the land secondly described in the said subsection (2).

- (2) The land to which this section relates is particularly described as follows:

Firstly, all that area in the City of Timaru containing 1 rood, more or less, being Lot 113 on a plan deposited in the Land Registry Office at Christchurch as No 263, and being the whole of the land comprised and described in certificate of title, Volume 59, folio 158, Canterbury Registry.

Secondly, all those areas in the City of Timaru containing together 2 roods, more or less, being Lots 109 and 112 on a plan deposited in the Land Registry

Office at Christchurch as No 263, and being the whole of the land comprised and described in certificates of title, Volume 37, folio 255, and Volume 38, folio 284, Canterbury Registry.

**23 Authorising Upper Hutt Borough Council to transfer certain land to Wellington Free Ambulance Service (Incorporated)**

*[Repealed]*

Section 23: repealed, on 18 November 1992, by section 6(1) of the Local Legislation Act 1992 (1992 No 103).

**24 Validating variation of terms of raising certain loan money by Waipukurau Borough Council**

*[Repealed]*

Section 24: repealed, on 18 November 1992, by section 6(1) of the Local Legislation Act 1992 (1992 No 103).

**25 Authorising Westport Borough Council to reclaim certain tidal land**

Whereas the Mayor, Councillors, and Citizens of the Borough of Westport (in this section referred to as the **Corporation**) is desirous of reclaiming certain tidal land from the sea:

And whereas it is expedient that the Corporation be authorised to reclaim that land and that provision be made for the vesting in the Corporation for municipal purposes of certain portions of the land so reclaimed:

Be it therefore enacted as follows:

- (1) Notwithstanding anything in section 175 of the Harbours Act 1950, but subject to the provisions of sections 176 to 182 of that Act, the Corporation is hereby empowered and authorised to reclaim from the sea the land shown coloured blue and red on the plan marked MD 11403, deposited in the Head Office of the Marine Department at Wellington, the said land being tidal land in the Oro-waiti River.
- (2) This section shall be deemed a special Act for the purposes of the Harbours Act 1950.
- (3) For the purposes aforesaid the Corporation may enter into any contract with any person for the execution of all or any works which may be necessary or expedient in or about the reclamation of the land aforesaid upon such terms and subject to such conditions as may seem proper and reasonable to the Corporation.
- (4) The Governor-General may, by Order in Council, vest in the Corporation for municipal purposes, such portions of the land shown coloured blue on the said plan as are from time to time reclaimed from the sea, and upon such vesting any trusts, reservations, and restrictions theretofore affecting the land vested shall be deemed to be cancelled.

- (5) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

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**Legislation Act 2019 requirements for secondary legislation made under this section**

<b>Publication</b>	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Act.*

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Section 25(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

**26 Authorising Tawa Borough Council to refund to District Fund Account from loan money**

*[Repealed]*

Section 26: repealed, on 18 November 1992, by section 6(1) of the Local Legislation Act 1992 (1992 No 103).

*Harbour boards*

**27 Validating expenditure incurred by Marlborough Harbour Board in connection with the opening of its new wharves**

*[Repealed]*

Section 27: repealed, on 18 November 1992, by section 6(1) of the Local Legislation Act 1992 (1992 No 103).

**28 Authorising Napier Harbour Board to grant a lease**

*[Repealed]*

Section 28: repealed, on 18 November 1992, by section 6(1) of the Local Legislation Act 1992 (1992 No 103).

**29 Provision with respect to certain agreements entered into by Wellington Harbour Board with the Crown**

Whereas Her Majesty the Queen acting through the Minister of Railways (in this section referred to as the **Minister**) desired the Wellington Harbour Board (in this section referred to as the **Board**) to provide at the Port of Wellington part of the ferry terminal facilities required for a car-rail ferry service to be operated by the Government of New Zealand between the ports of Wellington and Picton:

And whereas the Board undertook with the Minister that the Board would construct and provide part of the ferry terminal facilities at the Port of Wellington:

And whereas by the Wellington Harbour Board Loan and Empowering Act 1959 (in this section referred to as the **Act**) the Board was authorised, subject to the provisions of the Harbours Act 1950, to construct terminal facilities for a car-rail ferry service on certain land:

And whereas after the passing of the Act it was found that the said facilities could be more suitably located elsewhere, namely at Aotea Quay wharf at the Port of Wellington:

And whereas the said facilities have now been constructed as shown on NZR Plan Number LO 18160:

And whereas the location of the facilities is not that specified in the Act:

And whereas the terminal building forming part of the facilities is partly on land of the Board and partly on railway land:

And whereas, in consideration of the provision of the facilities by the Board, the Minister undertook to pay to the Board and the Board undertook to receive certain payments for the use of the facilities by the Minister and his vessels and for services to be rendered and rights granted by the Board:

And whereas the Minister and the Board have entered into 2 agreements, each dated 3 July 1963, for the purpose of giving effect to their respective undertakings and to certain other ancillary matters, and copies of the agreements (in this section referred to as the **2 agreements**) have been deposited in the office of the Minister under Numbers NZR 581 and 582:

And whereas it is desirable to validate the acts, matters, and things already done by the Board as aforesaid in providing its part of the said terminal facilities, and to authorise the Board and the Minister to carry out the terms and conditions of the 2 agreements, and to do all acts, matters, and things provided for therein:

Be it therefore enacted as follows:

- (1) Notwithstanding the provisions of section 3 of the Act or the provisions of any other Act or rule of law, the construction of the said terminal facilities at the Aotea Quay wharf, including among other things the construction of part of the terminal building on railway land, is hereby validated and declared to have been lawful.
- (2) Notwithstanding the provisions of section 5 of the Act or the provisions of any other Act, the expenditure of any money borrowed under the Act on the construction of the said terminal facilities is hereby validated and declared to have been lawful.
- (3) Notwithstanding anything contained in the Harbours Act 1950 or in any other Act, the Minister and the Board are hereby authorised to make and receive respectively the payments provided for in the 2 agreements, and the Board is authorised to grant to the Minister the rights therein mentioned, and the Minister and the Board shall be deemed always to have been authorised and empowered to enter into the 2 agreements, which are hereby declared to have been lawfully entered into and to have full force and effect according to their tenor.

**30 Authorising expenditure by the Whangarei Harbour Board in connection with opening ceremony**

*[Repealed]*

Section 30: repealed, on 18 November 1992, by section 6(1) of the Local Legislation Act 1992 (1992 No 103).

*Catchment boards*

**31 Validating refund to land owners from loan money by Southland Catchment Board**

*[Repealed]*

Section 31: repealed, on 18 November 1992, by section 6(1) of the Local Legislation Act 1992 (1992 No 103).

**32 Further provision with respect to rating of certain land in Wairarapa Catchment District**

Whereas by section 28 of the Local Legislation Act 1955 (as amended by section 44 of the Local Legislation Act 1959 and section 41 of the Local Legislation Act 1962) it was provided that the classifications for rating purposes of the land in the former Kahutara, South Wairarapa, and Te Ore Ore River Districts, as in force on 31 May 1956, and the proportions fixed in relation thereto, should be continued in force until 31 March 1966:

And whereas new classifications of the land in the former Kahutara and South Wairarapa River Districts have now been adopted by the Wairarapa Catchment Board (in this section referred to as the **Board**):

And whereas the Board has made and levied rates on the land in the former Kahutara and South Wairarapa River Districts for the year ending with 31 March 1964, according to the new classifications, but had no authority to do so:

And whereas it is desirable that the action of the Board be validated:

Be it therefore enacted as follows:

- (1) The action of the Board in making and levying rates in the former Kahutara and South Wairarapa River Districts for the year ending with 31 March 1964, according to a classification list made under the Soil Conservation and Rivers Control Act 1941 and signed by a Magistrate on 18 June 1963, is hereby validated and the said rates are hereby declared to have been lawfully made and levied.

(2), (3) *Amendment(s) incorporated in the Act(s).*

*Drainage boards**[Repealed]*

Heading: repealed, on 18 November 1992, pursuant to section 6(1) of the Local Legislation Act 1992 (1992 No 103).

**33 Validating the application of certain loan money by Raupo Drainage Board***[Repealed]*

Section 33: repealed, on 18 November 1992, by section 6(1) of the Local Legislation Act 1992 (1992 No 103).

**34 Validating refund to General Account from loan money by Christchurch Drainage Board***[Repealed]*

Section 34: repealed, on 18 November 1992, by section 6(1) of the Local Legislation Act 1992 (1992 No 103).

**35 Validating *ex gratia* payment by North Shore Drainage Board***[Repealed]*

Section 35: repealed, on 18 November 1992, by section 6(1) of the Local Legislation Act 1992 (1992 No 103).

*Affecting 2 or more classes of public bodies***36 Authorising Gisborne City Council to enter into an agreement with certain local authorities with respect to Gisborne Aerodrome**

Whereas the Gisborne City Council, the Cook County Council, the Uawa County Council, the Waiapu County Council, and the Waikohu County Council (in this section referred to as the **local authorities**), pursuant to section 31 of the Finance Act (No 3) 1944, have entered into an agreement (in this section referred to as the **principal agreement**) with Her Majesty the Queen acting by and through the Minister of Works (in this section referred to as the **Minister**) and the Minister in Charge of Civil Aviation, for the development of the aerodrome at Gisborne to the standard necessary for use by Fokker Friendship Aircraft by the construction of a sealed runway and associated works (in this section referred to as the **works**):

And whereas the cost of the works is to be shared equally between the Crown and the local authorities:

And whereas the local authorities' half share of such cost is to be apportioned between them as follows: Gisborne City Council, 24 forty-eighths: Cook County Council, 12 forty-eighths: Uawa County Council, 2 forty-eighths: Waiapu County Council, 3 forty-eighths: Waikohu County Council, 7 forty-eighths:

And whereas the Uawa County Council and the Waikohu County Council agreed to pay their respective shares on demand in cash, and the Gisborne City Council, the Cook County Council, and the Waiapu County Council, agreed that the Gisborne City Council should raise a loan or loans to meet their shares of the cost:

And whereas on 7 May 1963, the Local Authorities Loans Board sanctioned the raising by the Gisborne City Council of a loan of 89,375 pounds to be known as the Gisborne Airport Loan 1963:

And whereas the Gisborne City Council, the Cook County Council, and the Waiapu County Council propose to enter into an agreement (in this section referred to as the **subsidiary agreement**) whereby the costs of raising that loan and any further loans required and the annual charges thereon will be shared between them in the following proportions: Gisborne City Council, eight-thirteenths: Cook County Council, four-thirteenths: Waiapu County Council, one-thirteenth:

And whereas doubts have arisen as to the powers of the Gisborne City Council, the Cook County Council, and the Waiapu County Council to enter into and be bound by the subsidiary agreement:

And whereas it is desirable to remove those doubts:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act or rule of law, the Gisborne City Council, the Cook County Council, and the Waiapu County Council are hereby authorised and empowered to enter into and perform their several obligations under the subsidiary agreement, which shall be binding on all the parties thereto.
- (2) The subsidiary agreement may provide—
  - (a) for the payment to the Gisborne City Council by any other party to the subsidiary agreement of any contribution payable by that party under that agreement, either in one sum, or by instalments spread over any period, or by yearly or other payments as and when the costs of the local authorities under the principal agreement are ascertained:
  - (b) for the payment to the Gisborne City Council by any other party to the subsidiary agreement in respect of money payable by that party of interest at such rate as the Minister of Finance approves:
  - (c) for the giving by any party to the subsidiary agreement of security for the payment of any money payable by that party under that agreement:
  - (d) for such other terms and conditions as may be mutually agreed upon and which are in the opinion of the Minister incidental to the general arrangement.
- (3) For the purpose of providing any money to be paid or expended under the principal agreement by the Gisborne City Council or any other local authority

which is a party to the subsidiary agreement, the Gisborne City Council may from time to time borrow money by way of special loan under the Local Authorities Loans Act 1956 pursuant to a special order, and, notwithstanding anything contained in section 34 of that Act, without the prior consent of the ratepayers.

- (4) Where the contributions to be paid by any local authority to the Gisborne City Council under the subsidiary agreement are not all to be paid within the financial year in which the subsidiary agreement is entered into, those contributions or so much thereof as consist of principal shall be paid upon and subject to such terms and conditions as the Minister of Finance thinks fit, and nothing in Part 1 of the Local Authorities Loans Act 1956, or in the Local Authorities Empowering (Aviation Encouragement) Act 1929, shall apply to such contributions.
- (5) For the purpose of providing any contribution to be paid by any local authority to the Gisborne City Council under the subsidiary agreement, such local authority shall, in addition to any other rating power, have power to make, levy, and collect a rate over the whole of its district or over any defined part or parts thereof which, in its opinion, will be particularly benefited by the works.
- (6) If default is made by a local authority for more than 14 days in payment of the whole or part of any contribution due by it under the subsidiary agreement, the amount in respect of which default has been made, together with interest thereon at the rate of 5 pounds per centum per annum or at such other rate as may be provided by the subsidiary agreement, shall be recoverable as a debt due by the local authority in default to the Gisborne City Council.
- (7) A certificate under the hand of the Town Clerk of the Gisborne City Council shall, until the contrary is proved, be sufficient evidence of the amount in respect of which default has been made as aforesaid and of the date on which it was payable.

**37 Provision with respect to an agreement entered into by the Hamilton City Council and certain local authorities as to Hamilton Airport**

*[Repealed]*

Section 37: repealed, on 18 November 1992, by section 6(1) of the Local Legislation Act 1992 (1992 No 103).

**38 Authorising Hutt Valley Electric Power and Gas Board to transfer certain land to Petone Borough Council and to sell or lease certain land**

*[Repealed]*

Section 38: repealed, on 18 November 1992, by section 6(1) of the Local Legislation Act 1992 (1992 No 103).

**39 Validating an agreement entered into between Manurewa Borough Council and Auckland Metropolitan Drainage Board**

*[Repealed]*

Section 39: repealed, on 18 November 1992, by section 6(1) of the Local Legislation Act 1992 (1992 No 103).

**40 Validating an agreement between Nelson City Council and other local authorities as to establishment of museum**

*[Repealed]*

Section 40: repealed, on 10 December 1976, by section 22(10) of the Local Legislation Act 1976 (1976 No 160).

**41 Provision with respect to an agreement entered into by Tauranga City Council and certain other local authorities with respect to Tauranga Aerodrome**

Whereas by deed dated 31 August 1961 (in this section referred to as the **principal deed**), made between Her Majesty the Queen acting by and through the Minister in Charge of Civil Aviation, of the one part, and the Mayor, Councillors, and Citizens of the City of Tauranga (in this section referred to as the **Corporation**), of the other part, the parties agreed to share equally the cost of the purchase of certain land required for the purpose of extending the area of the Tauranga Aerodrome, the expenses incidental thereto, the costs of maintaining and managing the said aerodrome, and the costs of any further capital works agreed upon by them:

And whereas by deed dated 1 December 1961 (in this section referred to as the **subsidiary deed**), made between the Corporation, of the one part, and the Chairman, Councillors, and Citizens of the County of Tauranga, the Mayor, Councillors, and Citizens of the Borough of Mount Maunganui, and the Mayor, Councillors, and Citizens of the Borough of Te Puke (in this section referred to as the **local authorities**), of the other part, the parties agreed to contribute towards the Corporation's share of the said costs and expenses upon a basis of estimated population as set forth in the subsidiary deed:

And whereas it was further agreed by the parties that the Corporation should raise a loan of 30,000 pounds to be known as the Tauranga Borough Council Aerodrome Loan 1960 (in this section referred to as the **loan**) to meet the Corporation's share of the said costs and expenses, and that all annual charges in respect of that loan and all annual charges in respect of any further loans raised by the Corporation to meet the said costs and expenses should be borne and paid by the parties upon the basis of estimated population as set forth in the subsidiary deed:

And whereas by Order in Council made on 21 December 1960, consent was given to the raising by the Corporation of the loan:

And whereas doubts have arisen as to the powers of the local authorities to enter into and be bound by the provisions of the subsidiary deed:

And whereas it is desirable to remove those doubts:

Be it therefore enacted as follows:

- (1) Notwithstanding anything in any other Act or rule of law, the subsidiary deed shall be deemed to be and to have always been lawful.
- (2) The local authorities are hereby authorised and shall be deemed always to have been authorised to contribute to all annual loan charges for interest and debt repayment in respect of the loan and any future loans to be raised by the Corporation for the development and maintenance of the Tauranga Aerodrome in the shares and proportions and in the manner set forth in the subsidiary deed.
- (3) For the purpose of providing any money to be paid or expended under the principal deed by the Corporation, the Corporation may from time to time, borrow money by way of special loan under the Local Authorities Loans Act 1956, pursuant to a special order, and, notwithstanding anything contained in section 34 of that Act, without the prior consent of the ratepayers.
- (4) Where the contributions to be paid by a local authority to the Corporation under the subsidiary deed are not all to be paid within the financial year in which the subsidiary deed is entered into, those contributions, or so much thereof as consist of principal, shall be paid upon and subject to such terms and conditions as the Minister of Finance thinks fit, and nothing in Part 1 of the Local Authorities Loans Act 1956, or in the Local Authorities Empowering (Aviation Encouragement) Act 1929, shall apply to such contributions.
- (5) For the purpose of providing any contribution to be paid by a local authority to the Corporation under the subsidiary deed, such local authority shall, in addition to any other rating power, have power to make, levy, and collect a rate over the whole of its district, or over any defined part or parts thereof which, in its opinion, will be particularly benefited by the works.
- (6) If default is made by a local authority for more than 14 days in payment of the whole or part of any contribution due by it under the subsidiary deed, the amount in respect of which default has been made together with interest thereon at the rate of 5 pounds per centum per annum or at such rate as may be provided by the subsidiary deed, shall be recoverable as a debt due by the local authority in default to the Corporation.
- (7) A certificate under the hand of the Town Clerk of the Tauranga City Council shall, until the contrary is proved, be sufficient evidence of the amount in respect of which default has been made as aforesaid, and of the date on which it was payable.

**42 Authorising Wellington City Council to transfer certain portions of street to Wellington Harbour Board**

Whereas the Wellington Harbour Board (in this section referred to as the **Board**) is authorised by the Wellington Harbour Board Loan and Empowering Act 1961 to construct and carry out, among other things, the extension of Clyde Quay Wharf, complete with shed, to provide facilities for overseas passengers and cargo and including the formation of a car-parking area:

And whereas for the purposes of carrying out those works the Board requires the fee simple of 2 pieces of land now vested in the Wellington City Council (in this section referred to as the **Council**) as street, being those portions of street more particularly described in subsection (3):

And whereas the Council has agreed with the Board to take the necessary steps under the Municipal Corporations Act 1954, to stop the said portions of street:

And whereas the Council has agreed upon completion of the said stopping to transfer the stopped portions to the Board without payment of any compensation:

And whereas it is desirable that the Council be authorised to complete the transfer to the Board:

Be it therefore enacted as follows:

- (1) The Council is hereby authorised and empowered, upon the said portions being stopped as street as aforesaid, to transfer the same to the Board in fee simple without the Board making any payment of compensation to the Council therefor.
- (2) The District Land Registrar for the Wellington Land Registration District is hereby authorised, on the deposit of such plans as he may require, to accept such documents for registration, 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.
- (3) The portions of street to which this section relates are more particularly described as follows:

Those portions of street to be stopped in the Wellington Land District, situated in the City of Wellington, containing firstly, 26 perches and 36 one-hundredths of a perch, more or less, being part Chaffers Street passing through Reserve K and adjoining Lots 22 and 23, DP 4798, and part of the land in DP 7468; and secondly, 38 perches and 27 one-hundredths of a perch, more or less, being the unnamed street approach to Clyde Quay Wharf passing through Reserve K and adjoining Lot 23, DP 4798, and part of the land in DP 7468; the said portions of street being more particularly defined and shown coloured green on Survey Office Plan numbered 25690 lodged in the Office of the Chief Surveyor at Wellington.

**43 Validating agreement entered into between Manukau County Council and Auckland Metropolitan Drainage Board**

*[Repealed]*

Section 43: repealed, on 18 November 1992, by section 6(1) of the Local Legislation Act 1992 (1992 No 103).

*Miscellaneous provisions*

*[Repealed]*

Heading: repealed, on 18 November 1992, pursuant to section 6(1) of the Local Legislation Act 1992 (1992 No 103).

**44 Authorising Flaxbourne Rabbit Board to refund to General Account from loan money**

*[Repealed]*

Section 44: repealed, on 18 November 1992, by section 6(1) of the Local Legislation Act 1992 (1992 No 103).

## Local Legislation Act 1976

Public Act	1976 No 160
Date of assent	10 December 1976
Commencement	10 December 1976

### 1 Short Title

This Act may be cited as the Local Legislation Act 1976.

### *Miscellaneous*

### 22 Nelson Provincial Museum Trust Board: validation of amendment to agreement by contributing Councils

- (1) The agreement dated 24 August 1976, a certified copy of which is recorded in the Department of Internal Affairs at Wellington as number 105/887, between the local authorities specified in subsection (9) (in this section referred to as the **contributing Councils**) is hereby validated and declared to have been lawfully made; and the actions of the contributing Councils in entering into the new agreement are hereby validated and declared to have been lawful.
- (2) The agreement specified in section 40 of the Local Legislation Act 1963, relating to the establishment and control of a museum for the Provincial District of Nelson, (in this section, as amended by the agreement specified in subsection (1), referred to as the **said agreement**) is hereby declared to have been on and from 24 August 1976 and to continue to be valid and binding upon the contributing Councils, and upon the Waimea County Council as successor to the former Murchison County Council, according to its tenor.
- (3) The contributions payable under the said agreement by the contributing Councils shall continue to be paid to the Nelson City Council (in this section referred to as the **Council**) and shall continue to be paid by the Council into the special account known as the Museum Account.
- (4) The Executive Committee constituted pursuant to the said agreement shall continue to prepare vouchers for all expenses incurred by it and shall, at the end of every month, submit the vouchers duly certified as payable by the Chairman of the Committee to the Council, which shall be responsible for the payment out of the Museum Account of those expenses.
- (5) All donations and gifts for the Museum, including any bequests or the proceeds of any devises or bequests, that may be received by the Nelson Provincial Museum Trust Board constituted pursuant to the said agreement (in this section referred to as the **Board**) or by the said Executive Committee or by the Council shall be paid into the special account known as the Gifts Account which shall continue to be kept by the Council; and the funds in that account shall continue to be used for the general purposes of the Museum:

provided that no money in the Gifts Account shall be expended except pursuant to a resolution of the Board:

provided also that any property of any kind that is or has been given or held upon trust for a particular purpose shall be used only for that purpose.

- (6) It shall be lawful for the Nelson Institute, a body corporate constituted under the Nelson Institute Act 1907, to transfer all or any of its museum exhibits to the Board.
- (7) While the said agreement remains in force, the Council may, from time to time, make bylaws for the purpose of regulating, controlling, or prohibiting any act, matter, or thing in connection with the control, management, maintenance, or use of the museum:
- provided that no such bylaw shall have any force or effect unless and until it has been approved by a resolution of the Board, which approval may be proved by the production of a copy of the resolution with a certificate thereon purporting to be signed by the Chairman and any 2 members of the Board.
- (8) Part 29 of the Municipal Corporations Act 1954 shall apply to all bylaws made under subsection (7).
- (9) The contributing Councils comprise:
- (a) the Nelson Borough Council:
  - (b) the Motueka Borough Council:
  - (c) *[Repealed]*
  - (d) the Richmond Borough Council:
  - (e) the Waimea County Council:
  - (f) the Golden Bay County Council.
  - (g) *[Repealed]*
- (10) *Amendment(s) incorporated in the Act(s).*
- (11) Notwithstanding subsection (10), all bylaws made pursuant to section 40(6) of the Local Legislation Act 1963 that were in force immediately before the commencement of this section shall continue in force, and may be amended or revoked, as if they were made pursuant to subsection (7).

Section 22(9)(c): repealed, on 23 September 1983, by section 6(2) of the Local Legislation Act 1983 (1983 No 8).

Section 22(9)(g): repealed, on 23 September 1983, by section 6(2) of the Local Legislation Act 1983 (1983 No 8).

## Notes

### **1** *General*

This is a consolidation of the Local Legislation Act 1963 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

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

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

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

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### **4** *Amendments incorporated in this consolidation*

Secondary Legislation Act 2021 (2021 No 7): section 3

Stamp Duty Abolition Act 1999 (1999 No 61): section 7

Local Legislation Act 1992 (1992 No 103): section 6(1)

Local Legislation Act 1976 (1976 No 160): section 22(10)