

**Reprint  
as at 18 November 1950**



**Balclutha Borough Vesting and  
Empowering Act 1950**

Local Act    1950 No 12  
Date of assent    17 November 1950  
Commencement    17 November 1950

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

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**An Act to vest certain lands in the Balclutha Borough and to empower the Council to deal with such lands**

**Preamble**

Whereas by a notice published in the *Gazette* of 28 January 1897 Reserve No 5, Town of Balclutha, containing an area of 1 acre, was permanently reserved as a public recreation ground: And whereas by Orders in Council published in the *Gazette* of 20 May 1897 the said reserve was declared to be subject to the provisions of the Public Domains Act 1881, and the control thereof was vested in the Balclutha Borough Council (in this Act referred to as **the Council**) as the Balclutha Domain Board:

And whereas by section 61 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1922 an area of 5 perches of the said reserve was declared to be an endowment for municipal purposes and to be vested in the Council in trust for those purposes, and another area of 15 perches of the said reserve was declared to be dedicated as a public street:

And whereas the remainder (in this Act referred to as **the Domain**) of the said reserve has continued to be controlled as a public domain by the Council acting as a Domain Board: And whereas a portion of the area of 5 perches hereinbefore referred to is used and required for street purposes and it is desirable that the said portion should be dedicated as a public street, and that the remainder should be declared to be a reserve for municipal purposes:

And whereas the area of 15 perches hereinbefore referred to is now found on survey to contain an area of 15 perches and 32-hundredths of a perch:

And whereas only a small portion of that area is required for street purposes, and it is desirable that the remaining portion should be closed as a street and declared to be a reserve for municipal purposes:

And whereas the Balclutha Municipal Offices and Chambers are situated on the domain:

And whereas a portion of the domain is used for street purposes, and it is desirable that the said portion should be dedicated as a public street:

And whereas the remainder of the domain could be more conveniently managed, administered and dealt with as a municipal reserve than as a public domain, and it is desirable that the said remainder should be declared to be a reserve for municipal purposes accordingly:

And whereas portion of a bowling green used and occupied by the Balclutha Bowling Club is situated on the domain and the remaining portion is situated on a public street known as River Terrace:

And whereas portion of the tennis courts used and occupied by the Balclutha Tennis Club is situated on the domain, and the remaining portion is situated on the said River Terrace:

And whereas there has been constructed on the said River Terrace a pavilion which is used by the bowling club and the tennis club hereinbefore referred to:

And whereas, because of certain flood protection works proposed to be executed, it will be necessary to move the said pavilion and it may be necessary to alter the situation of the bowling green and tennis courts:

And whereas the said clubs are desirous of obtaining a lease of the respective areas proposed to be used and occupied by each of them when the situation of the bowling green and tennis courts is altered:

And whereas it is desirable that portion of River Terrace should be closed and declared to be a reserve for municipal purposes: And whereas it is desirable that all the areas proposed to be declared reserves for municipal purposes as aforesaid should be vested in the Corporation of the Borough of Balclutha without power of sale but with certain powers of leasing as hereinafter appears.

**1 Short Title**

This Act may be cited as the Balclutha Borough Vesting and Empowering Act 1950.

**2 Cancellation of reservation over Balclutha Domain**

The reservation for the purposes of a public recreation ground and domain over the lands described in Schedules 1 and 2 and the vesting in the Balclutha Domain Board of the control of the said lands are hereby cancelled.

**3 Land dedicated as street**

The land described in Schedule 1 is hereby dedicated as a public street.

**4 Land declared municipal reserve**

The land described in Schedule 2 is hereby declared to be a reserve for municipal purposes.

**5 Street closed and declared municipal reserve**

The dedication as a public street of the land described in Schedule 3 is hereby cancelled, and the said land is hereby declared to be a reserve for municipal purposes.

**6 Municipal endowment declared municipal reserve**

The reservation as an endowment for municipal purposes over the land described in Schedule 4 and the vesting of that land

in the Council in trust for those purposes are hereby cancelled, and the said land is hereby declared to be a reserve for municipal purposes.

**7 Municipal endowment dedicated as street**

The reservation as an endowment for municipal purposes over the land described in Schedule 5 and the vesting of that land in the Council in trust for those purposes are hereby cancelled, and the said land is hereby dedicated as a public street.

**8 Portion of street closed and declared municipal reserve**

Notwithstanding anything contained in the Public Works Act 1928, or in any other Act, that portion of River Terrace described in Schedule 6 is hereby closed as a public road or street, and the said portion is hereby declared to be a reserve for municipal purposes.

**9 Vesting of lands**

The lands described in Schedules 2, 3, 4, and 6 are hereby declared to be vested in the Corporation of the Borough of Balclutha in trust for municipal purposes without power of sale.

**10 Leasing powers of Borough Council**

Subject to the provisions of any agreement for the time being in force between the Council and any local authority or public body for the time being responsible for river protection works in the Lower Clutha River, the Council may from time to time lease any part or parts of the lands referred to in the last preceding section for any period not exceeding 21 years to any voluntary organisation within the meaning of the Physical Welfare and Recreation Act 1937 at such rent, nominal or otherwise, and upon such terms and conditions, as it thinks fit, and may accept a surrender of any such lease.

**11 Provisions as to compensation if land required for river protection works**

Notwithstanding anything contained in this Act or in the Public Works Act 1928 or in any other Act, if at any time any of the land referred to in this Act is required by any local authority or public body for the time being responsible for river protection works in the Lower Clutha River, no compensation shall be payable for the taking of the land or injurious affection or damage thereto, except for improvements that existed on 1 August 1950.

**12 Issue of titles**

The District Land Registrar for the Land Registration District of Otago shall, on application being made to him in that behalf and on the deposit of such plan or plans as he may require, issue a certificate or certificates of title under the Land Transfer Act 1915 in the name of the Corporation of the Borough of Balclutha over the whole or any part or parts of the lands described in Schedules 2, 3, 4, and 6.

**13 Repeal**

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

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### **Schedule 1**

#### **Domain land dedicated as street**

All that area containing 5.17 perches, more or less, being part of Reserve No 5, Town of Balclutha: as the same is more particularly delineated on a plan lodged in the Office of the Chief Surveyor at Dunedin under Number 11393, and thereon coloured blue.

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### **Schedule 2**

#### **Domain land declared reserve for municipal purposes**

All that area containing 3 roods 14.25 perches, more or less, being part of Reserve No 5, Town of Balclutha: as the same is more particularly delineated on the plan lodged and numbered as aforesaid, and thereon coloured red.

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### **Schedule 3**

#### **Public street declared reserve for municipal purposes**

All that area containing 15.22 perches, more or less, being part of a street through Reserve No 5, Town of Balclutha: as the same is more particularly delineated on the plan lodged and numbered as aforesaid, and thereon coloured green and bordered dark green.

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### **Schedule 4**

#### **Municipal endowment declared reserve for municipal purposes**

All that area containing 4.25 perches, more or less, being part of Reserve No 5, Town of Balclutha: as the same is more particularly delineated on the plan lodged and numbered as aforesaid, and thereon coloured red and bordered dark red.

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**Schedule 5**

**Municipal endowment dedicated as street**

All that area containing 0.75 perch, more or less, being part of Reserve No 5, Town of Balclutha: as the same is more particularly delineated on the plan lodged and numbered as aforesaid, and thereon coloured blue.

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**Schedule 6**

**Street closed and declared reserve for  
municipal purposes**

All that area containing 1 acre 25.65 perches, more or less, being portion of a street called River Terrace adjoining Reserve No 5, Town of Balclutha: as the same is more particularly delineated on the plan lodged and numbered as aforesaid, and thereon coloured green.

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## **Notes**

### **1 *General***

This is a reprint of the Balclutha Borough Vesting and Empowering Act 1950. The reprint incorporates all the amendments to the Act as at 18 November 1950, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

### **2 *Status of reprints***

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

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

### **3 *How reprints are prepared***

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

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

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

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

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

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

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

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

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