

**Reprint
as at 18 December 1982**



**Cornwall Park Endowment and
Recreation Land Act 1982**

Private Act 1982 No 4
Date of assent 17 December 1982
Commencement 17 December 1982

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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.

and Development, the Auckland Regional Authority, and the One Tree Hill Borough Council have agreed that the land first described in Schedule 1 of this Act should cease to be subject to the additional powers set out in the deed of variation and that the land secondly and thirdly described in Schedule 1 of this Act should, with certain qualifications, become subject to those powers: And whereas those objects cannot conveniently be attained without the authority of Parliament.

1 Short Title

This Act may be cited as the Cornwall Park Endowment and Recreation Land Act 1982.

2 Interpretation

In this Act, unless the context otherwise requires,—

Board means the Cornwall Park Trust Board

Area 1, Area 2, and Area 3 mean, respectively, the land first, secondly, and thirdly described in Schedule 1

specified date means 1 January 1980.

3 Transfer of Board's powers

(1) Area 1 is hereby declared to be no longer subject to the powers conferred upon the Board in respect of endowment land by the deed of variation and shall remain as open park land in perpetuity.

(2) Area 2 and Area 3 are hereby declared to be subject to the powers referred to in subsection (1), but in exercising those powers the Board shall preserve the present character of Area 2 and Area 3, and to this end each shall continue to be used in essentially the same manner and for essentially the same purpose as at the specified date and to the extent authorised by the provisions of the One Tree Hill Borough Council's operative district scheme under the Town and Country Planning Act 1977 as they applied to Area 2 and Area 3 on the specified date, and no subsequent change in those provisions shall operate to extend the powers conferred on the Board by this subsection.

4 Adjustments to rating exemptions

The provisions for exemption from liability for the payment of rates contained in section 2 of the Cornwall Park Trustees Rating Exemption Act 1938 shall—

- (a) on and after 1 April 1982 apply to Area 1 as if that land were described in the Schedule of that Act:
- (b) continue to apply to Area 3 notwithstanding the change in the powers of the Board in respect of that land:
- (c) not apply to Area 2.

5 Private Act

This Act is hereby declared to be a private Act.

Schedule 1

- 1 All that piece of land containing 13.7393 hectares, more or less, being part Allotments 10 and 13, Section 12, Suburbs of Auckland, situated in Block I, Otahuhu Survey District, and shown marked "A" on Survey Office plan 55018. Part certificate of title 1012/215, North Auckland Registry.
 - 2 All that piece of land containing 5.1945 hectares, more or less, being part Allotments 19 and 21, Section 11, and part Allotments 8 and 8A, Section 12, Suburbs of Auckland, situated in Block I, Otahuhu Survey District, and shown marked "B" on Survey Office plan 55019. Part certificate of title 1012/215, North Auckland Registry.
 - 3 All that piece of land containing 8.5448 hectares, more or less, being part Allotment 19, Section 11, and part Allotment 8, Section 12, Suburbs of Auckland, situated in Block I, Otahuhu Survey District, and shown marked "C" on Survey Office plan 55019. Part certificate of title 1012/215, North Auckland Registry.
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Schedule 2
Terms of deed of variation of trust dated
7 April 1908

WHEREAS by memorandum of transfer of the Tenth day of June One thousand nine hundred and one the said John Logan Campbell transferred to David Limond Murdoch and the said Arthur Mielziner Myers Robert Hall and Alfred Seymour Bankart certain lands known as Cornwall Park and by Deed of Declaration of Trust of the said date the said David Limond Murdoch Arthur Mielziner Myers Robert Hall and Alfred Seymour Bankart did declare that they would hold the said land and all property at any time affected by the trusts of the said Deed now in recital upon the trusts in such deed severally declared: And whereas the said David Limond Murdoch has ceased to be a trustee under such declaration of trust and the said David Whamond Duthie is appointed trustee in his place: And whereas by memorandum of transfer of the Thirtieth day of March One thousand nine hundred and eight the said Donor transferred to the trustees the properties mentioned in the schedule hereto as an extension of the said Cornwall Park to be subject to all the trusts and powers mentioned in the said Deed of Trust of the Tenth day of June One thousand nine hundred and one: And whereas by the last mentioned deed of the Tenth day of June One thousand nine hundred and one it was declared that it should be lawful for the trustees for the time being of such deed during the lifetime of the Donor and with his consent and approval in writing to declare such supplementary further or additional trusts powers and provisions concerning any of the trust property or any part or parts thereof as the trustees and the said Donor might think fit: And whereas the parties hereto are desirous of declaring the further trusts and powers herein contained with regard to those pieces of land included in the said Transfer of the Thirtieth day of March One thousand nine hundred and eight and mentioned in the schedule hereto:

NOW IT IS HEREBY DECLARED AND AGREED that with regard to the lands mentioned in the Schedule hereto the trustees thereof for the time being shall have the following powers:

- 1 To let or lease the said lands or any part or parts thereof in such manner at such rent or rents for such term or terms and upon

- such conditions and subject to such reservations in all respects as to the said trustees may seem expedient.
- 2 To make allowances to and arrangements with tenants to accept surrenders of leases or tenancies to allow compensation for improvements or otherwise deal with any such lease or tenancy.
 - 3 If the said trustees should think necessary to grant rights of way over or form as roads any part or parts of the said land so as to give access to any public road or so as more conveniently to subdivide the same.
 - 4 To subdivide the said lands into such lots or sections as to the trustees may seem expedient.
 - 5 For all or any of the purposes aforesaid to expend money out of the income from the said Cornwall Park and any extension thereof as a whole or from any part thereof.
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Notes

1 *General*

This is a reprint of the Cornwall Park Endowment and Recreation Land Act 1982. The reprint incorporates all the amendments to the Act as at 18 December 1982, 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)*
