

**Reprint  
as at 6 October 1986**



**Hawke's Bay Hospital Board  
Empowering Act 1971**

Local Act    1971 No 2  
Date of assent    19 August 1971  
Commencement    19 August 1971

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**An Act to authorise the Hawke's Bay Hospital Board to dispose  
of certain land vested in the Board for particular purposes**

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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.

## Preamble

Whereas the land described in Schedule 1 was by Proclamation published in *Gazette* 1953, Vol III, at page 1538, taken under the Public Works Act 1928 and vested in the Hawke's Bay Hospital Board for an institution for the reception or relief of aged persons:

And whereas the said land is not now required by the Hospital Board for the said purpose and it is expedient that provision be made for the disposal of the said land.

Preamble: amended, on 6 October 1986, by section 2 of the Hawke's Bay Hospital Board Empowering Amendment Act 1986 (1986 No 7 (L)).

## 1 Short Title

This Act may be cited as the Hawke's Bay Hospital Board Empowering Act 1971.

## 2 Interpretation

In this Act, unless the context otherwise requires,—

**Hospital Board** means the Hawke's Bay Hospital Board, a Board constituted under the Hospitals Act 1957 and having its office at Napier

**Trust Board** means the Napier Community Trust Hospital, a Board incorporated as a trust board under Part 2 of the Charitable Trusts Act 1957 and having its registered office at Napier.

## 3 Authority to dispose

- (1) Notwithstanding the provisions of any other Act or any rule of law, it shall be lawful for the Hospital Board to set apart and make available the land described in Schedule 1 or any part thereof as a site for the erection and establishment by the Trust Board of a private hospital, as defined by the Hospitals Act 1957, to be conducted by the Trust Board, subject to the provisions of the said Act, and to lease the said land to the Trust Board for the said purpose at a peppercorn rental (but subject to the payment by the Trust Board of all rates, taxes, and other outgoings (if any) levied in respect of the said land) in perpetuity, or for such term as the Hospital Board thinks fit, and upon such conditions as the Hospital Board thinks fit. If

any such lease is for a term it may contain a perpetual right of renewal.

- (2) Notwithstanding anything in subsection (1), any such lease may confer on the Trust Board the right, with the consent of the Hospital Board, to sublet any part of the land comprised in the lease for a peppercorn rental to any charitable organisation, approved by the Hospital Board, for purposes similar to those for which the Trust Board is leasing the land, or for the purpose of providing a home for aged, infirm, or needy persons.
- (3) If at any time during the currency of any such lease—
  - (a) the land comprised in the lease ceases to be used by the Trust Board for a private hospital or the Trust Board uses the land or any part of the land in contravention of the conditions of the lease; or
  - (b) the Trust Board requests the Hospital Board to accept a surrender of the lease as to all or any part of the land comprised in the lease; or
  - (c) the Trust Board is required, pursuant to any condition contained in the lease, to surrender the lease as to any part of the land comprised therein—the Hospital Board may re-enter and take possession of the land and thereby determine the lease, or accept a surrender or partial surrender of the lease, as the case may be.
- (4) If at any time during the currency of any such sublease, the land comprised in the sublease ceases to be used by the charitable organisation for the purposes set out in subsection (2), the Hospital Board may re-enter and take possession of the land, and thereupon both the lease and the sublease shall be deemed to have been determined in respect of the land.
- (5) The District Land Registrar for the Land Registration District of Hawke's Bay is hereby authorised and directed to accept for registration such documents by way of lease or sublease or otherwise as may be necessary to give effect to this section.

Section 3(1): amended, on 6 October 1986, by section 3 of the Hawke's Bay Hospital Board Empowering Amendment Act 1986 (1986 No 7 (L)).

#### **4 Hospital Board may sell land to Trust Board**

- (1) Notwithstanding the provisions of section 3 or of any other Act or any rule of law, the Hospital Board may sell to the

Trust Board the fee simple of the land described in Schedule 2, without complying with section 40 of the Public Works Act 1981, at the current market value of the land at the time of sale as determined by a special valuation made by the Valuation Department.

- (2) Any sale under subsection (1) shall be on such terms and conditions as are determined by the Hospital Board, and the Hospital Board may sell the land—
- (a) for cash; or
  - (b) by allowing such part of the purchase price as it thinks fit to remain owing to the Hospital Board and be secured by a registerable mortgage of the land sold; or
  - (c) by entering into an agreement for sale and purchase with the Trust Board which provides for the Trust Board to enter into possession and to pay the purchase price by instalments before the land is transferred to the Trust Board.
- (3) The interest payable on any unpaid purchase money shall be at such rate as may be fixed by the Hospital Board at the time of sale and, if so provided for in any mortgage or agreement for sale and purchase, as may be fixed from time to time by the Hospital Board in accordance with any such provision.

Section 4: inserted, on 6 October 1986, by section 4 of the Hawke's Bay Hospital Board Empowering Amendment Act 1986 (1986 No 7 (L)).

## **5 Application of purchase money**

Where the fee simple of the said land is sold under section 4, the purchase money, and any interest on that money, shall be applied for such purposes as the Hospital Board thinks fit.

Section 5: inserted, on 6 October 1986, by section 4 of the Hawke's Bay Hospital Board Empowering Amendment Act 1986 (1986 No 7 (L)).

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### **Schedule 1**

Schedule 1 heading: replaced, on 6 October 1986, by section 5 of the Hawke's Bay Hospital Board Empowering Amendment Act 1986 (1986 No 7 (L)).

Six acres 3 roods, more or less, situated in the City of Napier being Section 13, Ahuriri Lagoon and being all the land in certificate of title, Volume D3, folio 977 (Hawke's Bay Registry).

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### **Schedule 2**

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Schedule 2: inserted, on 6 October 1986, by section 6 of the Hawke's Bay Hospital Board Empowering Amendment Act 1986 (1986 No 7 (L)).

All that piece of land containing 1.5649 hectares, more or less, situated in the City of Napier, being Lot 1, Deposited Plan 13525, and being also all of the land comprised and described in certificate of title, Volume H4, folio 181 (Hawke's Bay Registry).

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**Notes****1 General**

This is a reprint of the Hawke's Bay Hospital Board Empowering Act 1971. The reprint incorporates all the amendments to the Act as at 6 October 1986, 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)*

Hawke's Bay Hospital Board Empowering Amendment Act 1986 (1986 No 7  
(L))

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