

**Reprint  
as at 1 October 1948**



**Levin Borough Empowering  
(Playford Park) Act 1948**

Local Act    1948 No 10  
Date of assent    30 September 1948  
Commencement    30 September 1948

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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 constitute as a Public Domain certain land held by the Corporation of the Borough of Levin under the will of Henry Playford, to confer certain powers on the Corporation in connection therewith, and to vary accordingly the trusts created by that will**

### **Preamble**

Whereas Henry Playford, of Levin, farmer, died at Levin on 24 May 1936:

And whereas the said Henry Playford left a last will and testament bearing date 22 July 1930:

And whereas probate of the said will was on 25 June 1936 granted by the Supreme Court of New Zealand at Wellington to the Public Trustee of the Dominion of New Zealand, the executor and trustee appointed by the said will:

And whereas by paragraph 3 of the said will the testator devised to the Mayor, Councillors, and Burgesses of the Borough of Levin the land particularly described in Schedule 1 in the following terms—namely, “upon trust for all time as a motorists’ camping-ground for the use of the public free of charge except as to such facilities or conveniences as the said Corporation may install or supply, but otherwise subject to such regulations, conditions, and restrictions as the Levin Borough Council may from time to time prescribe and should the said Corporation not accept the foregoing gift within a period of twelve calendar months after notification thereof shall have been given to the said Borough Council by my Trustee or should the said land at any time after the said Corporation shall have accepted the foregoing gift for any cause cease to be used or available for the purposes and upon

the conditions aforesaid for a consecutive period of twelve calendar months then I give devise and bequeath all my said estate and interest in the said piece of land to the Palmerston North Hospital Board for the benefit of the Palmerston North Public Hospital”:

And whereas by paragraph 4 of the said will the testator devised and bequeathed the residue of his estate, including the land described in Schedule 2, after payment of his just debts, funeral and testamentary expenses, and all estate and succession duty payable in respect of his estate, upon trusts expressed as follows:

“(a) During such time as the said piece of land” (being that described in Schedule 1) “shall be held by the said Corporation upon and subject to the trusts in regard thereto set forth in the last preceding paragraph three hereof to pay the income arising therefrom to the said Corporation to be applied in and towards the upkeep maintenance and improvement of the said camping-ground and in and towards payment of any outgoings and charges in connection therewith in such manner in all respects as the Levin Borough Council shall think fit:

“(b) Subject to the foregoing provisions hereof upon trust for the Palmerston North Hospital Board for the benefit of the Palmerston North Public Hospital”:

And whereas the said Corporation has established and maintained as a motorists’ camping ground the land described in the said Schedule 1 in terms of the said will:

And whereas it is desirable that the said land should be made available for the use of the public as a recreation ground, sports ground, and gardens, as well as a motorists’ camping ground, freed and discharged from the trusts created by the said will:

And whereas the said land can be more efficiently administered for the aforesaid purposes as a public domain:

And whereas the annual income derived from the said residuary estate is inadequate for the purpose of developing, improving, and maintaining that land for the aforesaid purposes to a standard in keeping with modern requirements:

And whereas it is desirable that the capital as well as the income of the said residuary estate should be made available for the aforesaid purposes, and accordingly that the said residuary estate should be freed from the trusts attaching thereto and vested in the Corporation, with power for the Corporation to convert it into money and expend the net proceeds of such conversion in and towards the management, administration, and improvement of the said land for such purposes as aforesaid:

And whereas the Public Trustee and the Palmerston North Hospital Board have consented to the above-mentioned variations being made to the terms of the trust created by the will of the testator:

And whereas the objects of this Act are not obtainable otherwise than by legislation.

### **1 Short Title**

This Act may be cited as the Levin Borough Empowering (Playford Park) Act 1948.

### **2 Interpretation**

In this Act, unless the context otherwise requires,—

**Corporation** means the Corporation of the Mayor, Councillors, and Burgesses of the Borough of Levin

**Council** means the Levin Borough Council

**park** means Playford Park, described in Schedule 1

**testator** means Henry Playford, late of Levin, farmer, deceased

**the will** means the last will and testament of the testator, dated 22 July 1930.

### **3 Playford Park declared to be a public domain**

- (1) The land described in Schedule 1 is hereby declared to be reserved for recreation purposes and to be set apart under Part 2 of the Public Reserves, Domains, and National Parks Act 1928 as the Playford Park Domain.
- (2) The Council is hereby declared to be the Domain Board in respect of the park.

- (3) The lease in perpetuity referred to in the said Schedule 1 is hereby cancelled.
- (4) The District Land Registrar of the Land Registration District of Wellington is hereby authorised and directed to make such entries in the register and to do all such things as may be necessary to give effect to the provisions of this section.

**4 Minimum area for motorists' camping ground**

The Council shall set apart and at all times maintain as a motorists' camping ground an area of not less than 4 acres within the boundaries of the park.

**5 Vesting of residuary estate in Corporation**

The Public Trustee, after paying thereout all legal and other costs, charges, duties, and expenses incurred or payable by him in respect of the administration of the estate of the testator, and after retaining thereout all lawful commission or other charges for his services, shall forthwith convey, transfer, assure, and pay over to the Corporation all the real and personal property comprising the residuary estate of the testator as defined by the will, to be held by the Corporation free from the trusts and reservations imposed by the said will, but subject to any mortgages, encumbrances, or liens attaching thereto and subject to the provisions of this Act.

**6 Release of Public Trustee from duties under will**

Simultaneously with conveyance, assurance, and payment to the Corporation of the real and personal property constituting the residuary estate of the testator, the Corporation shall, upon being satisfied in that behalf, execute such deed as the Public Trustee may reasonably require releasing and discharging the Public Trustee from the duties imposed on him by the will in connection with that property, such deed to be prepared by the solicitors to the Public Trustee at the cost of the Corporation.

**7 Council may subdivide and road land in residuary estate**

Notwithstanding anything in the Municipal Corporations Act 1933 or any other Act, the Council may subdivide the land de-

scribed in Schedule 2 of this Act, or any part or parts thereof, into suitable building allotments, and lay out, form, and construct such roads and streets thereon as the Council thinks proper, and may for the purpose of developing the land as building allotments exercise all the powers conferred upon local authorities by the Municipal Corporations Act 1933 or any other enactment conferring powers upon local authorities.

## **8 Borrowing powers**

The Council may, by special order, and without taking the steps prescribed by sections 9 to 13 of the Local Bodies' Loans Act 1926, raise a special loan for the purpose of exercising any of the powers conferred by section 7 of this Act.

## **9 Council may sell land in residuary estate**

- (1) The Council is hereby authorised to sell all the land described in Schedule 2, or any part thereof, either by public auction, public tender, or private contract, or partly by one and partly by the other of such modes of sale, at such price or prices, and subject to such conditions as to title, time, or mode of payment of purchase money or otherwise as it thinks fit, and with or without a grant or reservation of rights of way, rights of water easement, drainage easements, or other rights and privileges of every description in relation to any of the allotments sold or any land remaining unsold, or any part thereof, or any other land vested in the Corporation, on such terms as it thinks fit; and to lease the said land or such part or parts thereof as shall for the time being remain unsold at such rents, for such terms, and subject to such conditions as the Council thinks fit; and to execute such agreements, transfers, leases, and other documents as may be required in connection with the sale or lease of the said land or any part thereof.
- (2) Nothing in this section shall be construed to derogate from the provisions of the Servicemen's Settlement and Land Sales Act 1943.

## **10 Recital evidence that sale lawful**

A recital in any transfer from the Corporation to any purchaser or purchasers of the land described in Schedule 2, or any part

or parts thereof, to the effect that the sale in respect of which such transfer is given is made in pursuance of the provisions of this Act shall be conclusive evidence that such sale is lawful.

**11 Expenses of subdivision and sale**

The Council is hereby authorised and empowered to defray out of the moneys arising from the sale of any allotment or land sold under this Act, and out of any moneys coming into its hands as part of the residuary estate of the testator, the costs and expenses of and incidental to the subdivision and sale of the said land or any part thereof, including the costs and expenses of and incidental to the laying off, formation, and construction of any roads or streets thereon, and any liabilities incurred pursuant to section 8.

**12 Disposal of any other property forming part of residuary estate**

If any part of the residuary estate of the testator, other than the land described in Schedule 2, transferred to the Corporation pursuant to this Act consists of property not in the form of money, the Council shall sell that property or otherwise convert it into money in such manner and on such terms as it thinks fit.

**13 Application of moneys under this Act**

Subject to the provisions of this Act, all moneys received by the Corporation pursuant to this Act shall form part of the funds of the Playford Park Domain Board and shall be applied accordingly.

**14 Will ceases to have effect**

Upon the passing of this Act the will shall cease to have any force or effect.

**15 Costs of Act**

All costs, charges, and disbursements of and incidental to the preparation and obtaining of this Act shall be paid out of

moneys coming into the hands of the Council pursuant to this  
Act.

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**Schedule 1  
Playford Park**

All that area in the Wellington Land District, situated in the Borough of Levin, containing by admeasurement 20 acres and 14 perches, more or less, being Section 68, Levin Village Settlement, Block I, Waiopahu Survey District, and being the whole of the land comprised in Lease in Perpetuity No 811, recorded in Volume 14A, folio 192, Wellington Registry.

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**Schedule 2  
Land included in testator's residuary  
estate**

All that area in the Wellington Land District, situated in the Borough of Levin, containing by admeasurement 12 acres 3 roods 32.72 perches, more or less, being part of Lot 2 and Lot 4 of Section 48 and Section 67A, Levin Village Settlement, Block I, Waiopahu Survey District, and being the residue of the land comprised in certificate of title, Volume 440, folio 8, Wellington Registry (subject to Part 13 of the Land Act 1924).

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**Notes****1 General**

This is a reprint of the Levin Borough Empowering (Playford Park) Act 1948. The reprint incorporates all the amendments to the Act as at 1 October 1948, 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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