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Local Legislation Act 1937

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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.

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 1937.

County Councils

2 Extending powers of Hutt County Council under section 7 of the Local Legislation Act 1936

Whereas by section 7 of the Local Legislation Act 1936, the Hutt County Council (hereinafter called the **Council**) was authorised and empowered to raise a special loan on the terms and conditions set out in the said section for the purpose of constructing public roads in the Whareroa Riding of the Hutt County to provide suitable access to certain of the allotments of land more particularly delineated and shown on a plan deposited in the office of the District Land Registrar at Wellington as Number 2397, and to subdivisions of such allotments:

And whereas the Council desires to obtain authority to extend such roads to provide suitable access to certain other allotments of land fronting the old Wellington to Foxton Coach Route more particularly shown and delineated on a plan deposited in the office of the District Land Registrar at Wellington as Number 5853, and to subdivisions of such allotments:

Be it therefore enacted as follows:

The provisions of the said section 7 and the powers and authorities therein contained shall, with the necessary modifications, be deemed to extend to and be applicable in respect of those allotments of land, fronting the old Wellington to Foxton Coach Route, more particularly delineated and shown on the plan deposited in the office of the District Land Registrar at Wellington as Number 5853, and to subdivisions of such allotments:

provided that if the consent in writing of three-fourths of the total number of ratepayers whose properties will, in the opinion of the Council, benefit from the works authorised by this section and by the said section 7 is not obtained, the provisions of the said section 7 shall enure and continue to be operative as if this section had not been passed.

3 Provision with respect to advances made to ratepayers by Inglewood County Council under sections 26 and 27 of Finance Act 1931 (No 4)

Whereas the Inglewood County Council (hereinafter called the **Council**), in pursuance of the provisions of section 26 and section 27 of the Finance Act 1931 (No 4), undertook in relief of unemployment the metalling of certain roads in the County of Inglewood—namely, Makara, Kupara, Salisbury, Taramokou, and Pukeho Roads—and applied the funds of the respective ridings of the said county in which the said roads are situated in payment of the works so undertaken under agreements made with a number of owners and occupiers of lands which derived benefit from the said works for the repayment to the Council of the cost of such works by instalments over a period of 5 years:

And whereas the Council expended in carrying out such works sums amounting in the aggregate to 809 pounds, and has received from the said owners and occupiers towards repayment thereof sums amounting in the aggregate to 588 pounds 14 shillings and 8 pence:

And whereas the above-mentioned sum of 588 pounds 14 shillings and 8 pence was charged to produce a greater amount than was lawfully required to produce instalments payable at 31 March 1936:

And whereas certain of the instalments have been paid by the various ratepayers, and it is desirable to authorise the Council to make certain refunds:

And whereas a balance of 367 pounds 10 shillings and 10 pence was still outstanding under the said agreements at 31 March 1936 after all instalments due at that date had been paid in full:

And whereas the Council, in exercise of the powers conferred on it in that behalf by Part 2 of the Local Authorities Interest Reduction and Loans Conversion Act 1932–33 and section 7 of the Local Authorities Interest Reduction and Loans Conversion Amendment Act 1934, respectively, has converted the whole of the loan indebtedness of the Inglewood County convertible thereunder, and as security therefor has made a consolidated special rate over the rateable property in the said county on a differential basis over the various ridings of the

said county, and has also made and levied a similar rate to produce the annual charges payable in respect of all the non-convertible securities of the said county:

And whereas by reason of the operations aforesaid the said owners and occupiers are now liable for the payment of the annual charges in respect of loan moneys for which they were previously not liable, and they have obtained no relief in respect of their liability for payment of the said 367 pounds 10 shillings and 10 pence:

And whereas it is just and equitable that they should be relieved from such liability:

Be it therefore enacted as follows:

The Council is hereby authorised and empowered to write off the said sum of 367 pounds 10 shillings and 10 pence, and to make refunds of sums amounting in the aggregate to 147 pounds 5 shillings and 6 pence, and to discharge the said owners and occupiers from liability for payment of any instalments henceforth to become due in respect thereof under the agreements hereinbefore referred to.

4 Validating certain expenditure incurred by Kairanga County Council

The expenditure by the Kairanga County Council during the financial year ended on 31 March 1936 of the sum of 17 pounds and 8 pence in connection with the opening ceremony of the new Fitzherbert Bridge at Palmerston North, and of the sum of 31 pounds and 11 pence during the financial year ended on 31 March 1937 in connection with the ceremony of the inauguration of the Trunk Air Service from Palmerston North to Dunedin, is hereby validated and declared to have been lawfully made.

5 Validating payment of compassionate allowance by Paparua County Council

The payment made by the Paparua County Council out of its General Fund during the financial year ended on 31 March 1937 of a sum of 300 pounds as a compassionate allowance to Emily May Maginness, the widow of George Maginness,

formerly County Clerk and Engineer to the said Council, is hereby validated and declared to have been lawfully made.

6 Authorising the Patea County Council to incur expenditure on publication of an historical booklet

The Patea County Council is hereby authorised to expend a sum or sums, not exceeding in all 100 pounds, in connection with the preparation, publication, advertising, and sale of a book dealing with the history of the County of Patea and matters incidental thereto.

7 Authorising Waitotara County Council to expend moneys on providing access for certain ratepayers

Whereas it is expedient that authority should be given to the Waitotara County Council to improve the facilities available to ratepayers and others desiring to cross the Wanganui River by providing, erecting, and maintaining or contributing to the cost of providing, erecting, and maintaining punts, boats, wire cables, or cages and other facilities for crossing the said river:

Be it therefore enacted as follows:

- (1) The Waitotara County Council is hereby authorised and empowered to expend moneys out of its funds in payment of—
 - (a) the cost of providing, erecting, repairing, or maintaining punts, boats, wire cables, cages, and such other facilities as may be necessary to provide means of crossing the Wanganui River in order to give better access to the properties of ratepayers on the right bank of the said river; and
 - (b) subsidies to ratepayers who provide or have provided punts, boats, wire cables, or cages for such purposes.
- (2) The expenditure hereby authorised shall be made out of the funds apportioned to the riding wherein is situate the property of any ratepayer benefiting from the work, and shall be deemed a proper expenditure out of such funds notwithstanding that such expenditure is incurred in relation to any work not wholly within the county.

8 Authorising Waimarino County Council to levy certain special rates over certain ridings of the county

Whereas portion of the district of the Upper Wangaehu Road Board has been merged in the district of the Waimarino County Council (hereinafter called the **Council**):

And whereas portion of the district of the Ohakune Borough Council has been merged in the district of the Council:

And whereas the Council is under a liability to pay certain sums in respect of loans formerly secured on the lands so merged:

And whereas the Council has converted the whole of its convertible securities and has levied a consolidated special rate in respect of its convertible securities as well as a consolidated special rate in respect of its non-convertible securities:

And whereas the ratepayers in the areas so merged are liable for rates levied to meet interest and other charges on such loans in addition to such consolidated special rates:

And whereas it is expedient to authorise the Council to spread the annual charges in respect of its liabilities under such loans over the whole of the respective ridings in which the said merged areas are situate:

Be it therefore enacted as follows:

Notwithstanding anything to the contrary in any Act or order it shall be and be deemed to have been lawful for the Council by resolution to determine that as on and from 1 April 1936 the special rates made and levied to provide the annual charges on the liabilities of the Council in respect of the loans formerly secured on the areas so merged shall be made and levied, in respect of the first-mentioned area, over the whole of the rateable property in the Karioi Riding of the county, and in respect of the second-mentioned area, over the whole of the rateable property in the Ohakune Riding of the county, and such special rates shall be made and levied according to the terms of any such resolution.

9 Validating certain expenditure with respect to loan of £10,000 raised by Waiapu County Council

Whereas the Waiapu County Council (hereinafter called the **Council**), pursuant to a poll of ratepayers held on 20 January 1926, was authorised to raise and did raise a special loan of 10,000 pounds (hereinafter referred to as the **said loan**) for the purpose of constructing certain roads within part of the County of Waiapu:

And whereas, in the loan proposals submitted to the ratepayers, it was proposed that the said sum of 10,000 pounds should be allocated as follows:

- (a) the sum of 1,000 pounds for the purpose of making a road over the Kai Inanga Hill;
- (b) the sum of 2,000 pounds for the purpose of making a road to give approach to the Rotokautuku Bridge on the south bank of the Waiapu River; and
- (c) the sum of 7,000 pounds for the purpose of making a road between the Rotokautuku Bridge and Tikitiki on the northern bank of the Waiapu River:

And whereas the Council expended the sum of 1,003 pounds 9 shillings on the purposes set out in paragraph (a), the sum of 243 pounds 15 shillings and 6 pence on the purposes set out in paragraph (b), and the sum of 8,023 pounds 8 shillings on the purposes set out in paragraph (c):

And whereas it is desirable that the expenditure incurred by the Council in excess of the amounts set out in the loan proposals in respect of the purposes specified in paragraphs (a) and (c) should be validated:

Be it therefore enacted as follows:

The expenditure by the Council of the sum of 3 pounds 9 shillings in excess of the amount specified in the loan proposals in respect of the purposes specified in paragraph (a), and of the sum of 1,023 pounds 8 shillings in excess of the amount specified in the loan proposals in respect of the purposes specified in paragraph (c), is hereby validated and declared to have been lawfully made.

10 Authorising payment of compassionate allowance by Levels County Council

The Levels County Council is hereby authorised to pay a sum not exceeding 210 pounds as a compassionate allowance to the widow of Thomas Black, formerly Engineer of the Council.

11 Further extending period of appointment of Commissioner for County of Matakaoa

[Repealed]

Section 11: repealed, on 30 August 1940, by section 2(2) of the Local Legislation Act 1940 (1940 No 16).

City and Borough Councils

12 Provision with respect to payment of compensation by Auckland City Council

Whereas by Proclamation dated 11 February 1931, and published in the *Gazette* of 19 February 1931, the land described in subsection (2) was taken under the provisions of the Public Works Act 1928 and vested in the Corporation of the Mayor, Councillors, and Citizens of the City of Auckland:

And whereas the fee simple of the said land was at the date of such Proclamation vested in Harold Percy Burton, a member of the Auckland City Council (hereinafter called the **Council**):

And whereas no claim for compensation in respect of the taking of the said land was made within the period of 5 years as limited by section 45 of that Act, and all right to such compensation has by virtue of that section ceased to exist:

And whereas the Council and the said Harold Percy Burton are agreed that the fair value of the said land is the sum of 50 pounds, which sum the Council is desirous of paying as compensation in respect of such taking, and it is desired to authorise such payment:

Be it therefore enacted as follows:

- (1) Notwithstanding anything contained in any Act, the Council may pay to the said Harold Percy Burton the sum of 50 pounds as compensation in respect of the taking of the land hereinafter described, and the said Harold Percy Burton shall not be dis-

qualified for being a member of the Council by reason of accepting such payment.

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

All that piece of land situated in the City of Auckland, containing 20 perches, more or less, being part of Allotment 10 of Section 3 of the suburbs of Auckland, situated in Block XVI, Waitemata Survey District, and shown coloured blue on a plan lodged in the Survey Office at Auckland under Number 25985.

13 Validating expenditure of portion of loan raised by Auckland City Council in constructing access roads

Whereas the Auckland City Council (hereinafter called the **Council**), pursuant to a poll of the ratepayers of the City of Auckland taken on 25 June 1936, was authorised to borrow a sum of 377,000 pounds for the purposes of drainage and street works within the city, the extension of Nelson Street and the purchase of necessary land therefor, the erection of public conveniences, the cleaning and relining of water mains, the construction of a waterworks reservoir and depot, and an abattoir administration block, and the cost of raising the loan:

And whereas the Council, after having raised an amount of 200,000 pounds, being portion of the said sum of 377,000 pounds, expended portion thereof in providing access roads for waterworks purposes in the Waitakere Ranges:

And whereas the raising of portion of the said loan for the purpose of providing such access roads was approved by the Local Government Loans Board upon giving its consent to the raising of the said loan but was not specified in the proposals submitted to the ratepayers:

And whereas it is desirable to validate the action of the Council in utilising portion of the said loan moneys for such purpose:

Be it therefore enacted as follows:

It shall be and be deemed to have been lawful for the Council to expend a sum not exceeding 9,000 pounds, being portion of the said loan of 377,000 pounds, for the purpose of providing and making the said access roads.

14 Validating payment of compassionate allowances by Christchurch City Council

The payments by the Christchurch City Council during the financial year ended on 31 March 1937 of the sum of 117 pounds to the widow of the late Edward John Polson, a former employee of the Council, and of the sum of 150 pounds to the widow of the late William Henry Greenwood, a former employee of the Council, as compassionate allowances are hereby validated and declared to have been lawfully made.

15 Validating expenditure by Devonport Borough Council on jubilee celebrations

The expenditure by the Devonport Borough Council out of its District Fund Account of the sum of 145 pounds 4 shillings and 4 pence in connection with the expenses of the celebrations commemorating the 50th anniversary of the constitution of the Borough of Devonport is hereby validated and declared to have been lawfully made.

16 Authorising remission of rates by Gisborne Borough Council

Whereas the Gisborne Borough Council (hereinafter called the **Council**) is desirous of obtaining authority to remit arrears of rates amounting to 40 pounds 3 shillings and 7 pence, being the rates for the year ended on 31 March 1936, and rates amounting to 40 pounds 7 shillings and 10 pence for the year ended on 31 March 1937, and also rates amounting to 38 pounds 8 shillings and 4 pence for the current year ending on 31 March 1938 (hereinafter collectively referred to as the **said rates**), the said rates being levied by the Council and due and payable by the Gisborne and East Coast Young Men's Christian Association, Incorporated, in respect of that piece of land situated in the Borough of Gisborne, containing 1 rood 36 perches, being 1 of 1 of 130 of 6A Fitzherbert Street, situated in the Borough of Gisborne:

And whereas the Council has no legal authority to make such remission:

Be it therefore enacted as follows:

The Council is hereby authorised to remit the sum of 118 pounds 19 shillings and 9 pence, being the total amount of the said rates, and to absolve the said Association and the said lands from liability in respect thereof.

17 Authorising Huntly Borough Council to acquire certain land for cemetery purposes

Whereas the Huntly Borough Council has the control and management of the Huntly Cemetery, containing 5 acres, more or less, situated within the Borough of Huntly (hereinafter called the **borough**), and being Allotment No 14A of the Parish of Taupiri:

And whereas the Council is desirous of extending the said cemetery by the acquisition of a certain piece of land in the borough, containing 3 roods and 1 perch, more or less, being part of Allotment 14B of the said parish adjoining the northern boundary of the cemetery:

And whereas it is expedient to authorise the Council to make the aforesaid extension to the said cemetery:

Be it therefore enacted as follows:

The said Council may for the purpose of extending the existing Huntly Cemetery acquire the said piece of land and use it for cemetery purposes.

18 Provision with respect to the transfer of a sum of £400 by the Kaiapoi Borough Council from its Housing Loan Account to its District Fund Account

- (1) The transfer by the Kaiapoi Borough Council (hereinafter called the **Council**) of the sum of 400 pounds from its Housing Loan Account to its District Fund Account for the purpose of meeting in part the cost of the erection of a dwelling on a reserve vested in the Council is hereby validated and declared to have been lawfully made.
- (2) The amount so transferred shall be refunded by the Council to its Housing Loan Account from its District Fund Account by 4 equal payments, one such payment to be made in each financial year during the period of 4 years commencing on 1 April 1937.

19 Authorising raising of a loan of £4,000 by Patea Borough Council for restoring and extending water-supply and drainage systems

- (1) The Patea Borough Council is hereby authorised and empowered by special order, and without taking the steps prescribed by sections 9 to 13 of the Local Bodies' Loans Act 1926, to raise a special loan, not exceeding in the aggregate the sum of 4,000 pounds, for the purpose of meeting the cost of restoring and extending the water-supply and drainage systems in the Borough of Patea.
- (2) The Council may out of the proceeds of such loan refund to its General Account all moneys heretofore or hereafter advanced from that account to meet the cost of carrying out such works.

20 Authorising Port Chalmers Borough Council to raise a special loan for drainage works

Whereas the Port Chalmers Borough Council (hereinafter called the **Council**), in compliance with a requisition under the Health Act 1920, has carried out certain drainage works at Mussel Bay in the Borough of Port Chalmers:

And whereas for the purpose of paying for such works the Council raised a special loan of 1,750 pounds, but that sum was not sufficient for the purpose for which the loan was raised:

And whereas a further sum of 525 pounds has been expended by the Council in order to complete the said drainage works:

Be it therefore enacted as follows:

- (1) The Council may for the purpose of meeting the cost of completing the said drainage works borrow an amount not exceeding in the aggregate a sum of 525 pounds, by way of special loan under the Local Bodies' Loans Act 1926, by special order, and without taking the steps prescribed by sections 9 to 13 of that Act.
- (2) The Council may out of the proceeds of such loan refund to its General Account all moneys advanced thereout, whether before or after the passing of this Act, on account of the cost of the said drainage works.

21 Authorising expenditure of certain sums held in trust by Petone Borough Council

Whereas the Petone Borough Council (hereinafter called the **Council**) holds sums of money amounting to 67 pounds 8 shillings and 3 pence (hereinafter referred to as the **said moneys**) in trust for the following purposes—namely, Labour Day Carnival, Band Rotunda, Cottage Hospital, and Early Settlers' Memorial:

And whereas the said moneys cannot now be applied to the purposes for which they were received:

And whereas the several donors of the said moneys cannot now be ascertained and it is impracticable to make refunds to such donors:

And whereas it is expedient that the Council should be authorised to expend the said moneys for a purpose other than those for which the said moneys are held in trust:

Be it therefore enacted as follows:

The existing trusts for which the said moneys are held by the Council are hereby discharged and the Council is authorised to expend the said moneys in or towards the cost of the construction of a new entrance to North Park in the Borough of Petone as a memorial to the late David McKenzie, a former Mayor of the Borough.

22 Authorising Rangiora Borough Council to raise a special loan for erection of improvements on endowment land

Whereas the Corporation of the Borough of Rangiora is the registered proprietor of an estate in fee simple in 800 acres of land, more or less, situate in the Spaxton Survey District, in the County of Ashburton, being Reserve Number 2380, the land comprised in a grant under the Municipal Corporations Act 1876 and being all the land comprised in certificate of title, Volume 60, folio 126 (Canterbury Land Registry), on which is erected a dwellinghouse and other buildings:

And whereas the Rangiora Borough Council (hereinafter called the **Council**) is desirous of building a new dwellinghouse and other buildings on the said land in place of the present dwellinghouse situate thereon:

And whereas it may be expedient for the purpose of preserving, maintaining, or improving the said land, or the buildings or improvements now or hereafter erected thereon, for the Council to expend further moneys:

Be it therefore enacted as follows:

The Council is hereby empowered and authorised—

- (a) to make, erect, construct, and maintain on the said land a dwellinghouse, and such other suitable buildings for farming purposes or incidental thereto, and such other improvements of a permanent nature as the Council may think fit for the purposes aforesaid:
- (b) to borrow by way of special loan under the Local Bodies' Loans Act 1926, but without taking the steps prescribed by sections 9 to 13 of that Act, a sum not exceeding 1,200 pounds on the security of a special rate over all rateable property within the Borough of Rangiora, and to expend out of the money so raised the amount required by the Council to pay for the cost of the erection and construction of such building or buildings and for any expenses incidental thereto, and any charges or expenses incurred in connection with the raising of the loan:
- (c) to use any surplus moneys which may be available out of moneys borrowed under the last preceding paragraph, after payment thereout of the expenditure thereby authorised, for or towards the carrying out of any of the objects and purposes authorised by paragraph (a):
- (d) to pay out of the District Fund Account of the Council such sum or sums as it may be necessary, in the opinion of the Council, to expend for all or any of the objects and purposes authorised by paragraph (a).

23 Making provision with respect to expenditure by Wanganui City Council of moneys received from sale of land

Whereas by Proclamation published in the *Gazette* on 17 June 1937, all those pieces or parcels of land situate in the City of Wanganui, containing 4 acres 1 rood 11 perches and six-tenths

of a perch, and 36 perches, parts of Reserve “L”, City of Wanganui, and 1 acre 1 rood 12 perches and eighty-seven hundredths of a perch, being part of Reserve “L” aforesaid (part being Lots 8 and 9 and part Lot 10, Deeds Plan 293, situate in Block V, Westmere Survey District (City of Wanganui), (SO 3251), in the Wellington Land District: as the same are delineated on plan marked PWD 95945, deposited in the office of the Minister of Public Works at Wellington, and thereon edged red, and forming part of the Town Belt of the City of Wanganui, were pursuant to the powers conferred by the Public Works Act 1928 and section 32 of the Statutes Amendment Act 1936 taken by the Crown for housing purposes as from and after 21 June 1937:

And whereas at that date the said lands formed part of the Town Belt Reserve of the City of Wanganui, and were vested in the Mayor, Councillors, and Citizens of the City of Wanganui (hereinafter called the **Corporation**) for an estate in fee simple upon trust for municipal purposes:

And whereas by section 156 of the Municipal Corporations Act 1933, it is provided that where land is vested in a municipal corporation in trust for any particular purpose or purposes, whether by or pursuant to any Act or any deed of trust or otherwise howsoever, all moneys paid on the sale of such land and received as the purchase money thereof must be applied in or towards the purchase of other lands to be held for the same purposes as affected the land taken or sold:

And whereas the Wanganui City Council (hereinafter called the **Council**) is desirous of expending the purchase money paid or payable in respect of the lands above described for various purposes in and about the City of Wanganui, and for the improvement thereof and not wholly in acquiring other lands for municipal purposes as provided by the last-mentioned Act:

Be it therefore enacted as follows:

The Council may expend the whole or any part of the moneys received in respect of the taking of such land for such 1 or more of the following purposes as the Council may determine by resolution:

- (a) in the purchase or acquisition of lands for municipal purposes:

- (b) in the purchase or acquisition of recreation grounds, sports grounds, and playgrounds, in addition to or in extension or enlargement of recreation grounds, sports grounds, or playgrounds now existing in the City of Wanganui:
- (c) in the purchase of public gardens or ornamental or other grounds in addition to or in enlargement or extension of public gardens, ornamental or other grounds now existing in the City of Wanganui:
- (d) in the purchase of grounds or lands for public reserves, domains, or national parks pursuant to the provisions of the Public Reserves, Domains, and National Parks Act 1928, in addition to or extension or enlargement of any public reserves, domains, or national parks now existing in the City of Wanganui:
- (e) in the erection, construction, and finishing of pavilions, hutments, grandstands, dressing sheds, shelter sheds, appointments, lighting appliances, or other conveniences on any lands now held by the Corporation for recreation, enjoyment, or sport, and whether held by the Corporation under the Public Reserves, Domains, and National Parks Act 1928 or otherwise howsoever.

24 Wellington City Council authorised to contribute towards cost of the Plimmerton–Paremata bridge

Whereas the Wellington City Council has agreed to pay the sum of 268 pounds to the Hutt County Council in connection with the cost of constructing the Plimmerton–Paremata bridge in consideration of the Hutt County Council having agreed to contribute the sum of 537 pounds towards the cost of the Thorndon Overbridge connecting Waterloo Quay Extension with the Hutt Road in the City of Wellington:

And whereas such contribution of 537 pounds was duly authorised by section 66 of the Local Legislation Act 1936 and it is desirable that the Wellington City Council, in pursuance of the said agreement, be authorised to make such payment of 268 pounds:

Be it therefore enacted as follows:

The Wellington City Council is hereby authorised and empowered to pay to the Hutt County Council the sum of 268 pounds, to be expended by the Hutt County Council towards the cost of construction of the Plimmerton–Paremata bridge.

25 Authorising Bluff Borough Council to refund and to remit certain rates

[Repealed]

Section 25: repealed, on 1 July 2003, by section 138(1) of the Local Government (Rating) Act 2002 (2002 No 6).

26 Provision with respect to instalment of sinking fund in regard to loan of £8,400 raised by Napier Borough Council

Whereas the Corporation of the Borough of Napier (hereinafter called the **Corporation**) borrowed under the Local Bodies' Loans Act 1926 a sum of 8,400 pounds by way of a loan, called the Napier Land Purchase and Reclamation Loan (1927) of £8,400, for the purpose of purchasing a certain piece of land, containing 6 acres 3 roods 19 perches and three-fifths of a perch, being part of Te Whare-O-Maraenui Block and part of Ahuriri Lagoon Reserve, and filling up, reclaiming, levelling, roading, and draining the same, and purchasing plant in connection therewith:

And whereas the said loan was converted under the Local Authorities Interest Reduction and Loans Conversion Act 1932–33, pursuant to Conversion Order dated 12 February 1934, published in the *Gazette* of 15 February 1934:

And whereas the Public Trustee was appointed the Commissioner of the Sinking Fund established in respect of the loans converted and consolidated pursuant to the said Conversion Order, under which the Corporation is liable to make annual payments to the Sinking Fund Commissioner on 1 April in each year:

And whereas during the year ended on 31 March 1936 the Corporation, pursuant to paragraph (b) of subsection (6) of section 20 of the Finance Act 1934, paid to the Public Trustee as Sinking Fund Commissioner under the said Conversion Order the

sum of 2,109 pounds, being moneys received by the Corporation in respect of the sale of portions of the said land:

And whereas the Corporation paid in full the sinking fund instalment due on 1 April 1936, and in respect of the instalment due on 1 April 1937 the Corporation paid a sum less by 2,109 pounds than the amount it was required to pay under the said Conversion Order:

And whereas it is expedient that the said sum of 2,109 pounds paid to the Public Trustee as aforesaid should be applied in part satisfaction of the liability of the Corporation in respect of such last-mentioned instalment:

Be it therefore enacted as follows:

The said sum of 2,109 pounds paid during the year ended on 31 March 1936 shall be deemed to have been paid in part satisfaction of the annual instalment of the sinking fund due on 1 April 1937, and shall be applied by the Public Trustee accordingly, and the Corporation shall not be liable to make any further payment into the sinking fund in respect of the said instalment.

27 Provisions with respect to disqualification of councillor of Borough of Napier

Notwithstanding anything contained in the Local Authorities (Members' Contracts) Act 1934 or in any other Act, the payment by the Napier Borough Council of the respective sums of 13 pounds 16 shillings and 8 pence and 25 pounds 9 shillings and 2 pence to the Government Tourist Bureau, Napier, during the financial year ended on 31 March 1937 in respect of travelling expenses, shall be deemed to have been lawfully made, and Clarence David Cox, who is the Napier agent of the said bureau, shall not be disqualified or be deemed to have been disqualified for being a member of the said Council by reason of the payments of the said sums to the said bureau or by reason of his being concerned or interested in the contract or contracts in respect of which the payments were made, nor shall he be deemed to have committed an offence by reason of having done any act as a member of the Council while concerned or interested in such contract or contracts.

28 Authorising Auckland City Council to remit or refund drainage and water rates in certain cases

The Auckland City Council may refund or remit the drainage rates and any part of the water rates made and levied by it during the period commencing on 1 June 1933 and ending on 31 May 1938, and paid or payable by any ratepayer in respect of any property situate in the City of Auckland that is distant more than 100 feet from a public drain or from the sea or which the Council decides cannot be conveniently connected with the drainage system of the city.

29 Section 34 of Reserves and other Lands Disposal and Public Bodies Empowering Act 1920 (relating to Nelson Park, Hastings), amended

Whereas pursuant to section 34 of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1920, the Corporation of the Borough of Hastings (therein and hereinafter called the **Corporation**) acquired the pieces of land therein described for the purposes of a recreation ground and an open space for the use of the public of Hastings:

And whereas it is expedient to remove the limitation imposed by the said section 34 in respect of the period during which it was thereby made lawful for the Corporation to let or lease the said lands for the purpose of sport or to charge the public for admission to the said lands prior to or during the progress of any match, game, or sports meeting played or held thereon:

Be it therefore enacted as follows:

- (1) Notwithstanding the provisions of section 34 of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1920, the powers conferred on the Corporation by that section may be exercised whether or not the Corporation is for the time being under any liability in respect of the purchase price of the land so acquired.
- (2) *Amendment(s) incorporated in the Act(s).*

30 Provision for deduction and payment by Thames Borough Commissioner of certain legal expenses

The Thames Borough Commissioner is hereby authorised to deduct *pro rata* from the interest payable to the Thames Harbour Board debenture holders, as at 1 April 1938, the amount of the fees due and payable by the said debenture holders to Stewart Hardy, the solicitor who acted as representative of debenture holders in the negotiations with the Thames Harbour Board arising out of the Thames Harbour Board Loans Adjustment Act 1932–33 and its amendments, and with the Thames Borough Advisory Committee in relation to various matters affecting Thames, and to pay the amount so deducted to the said Stewart Hardy.

31 Authorising Rotorua Borough Council to raise a special loan for purchase of property to be held as an endowment

Whereas Elizabeth Ann Seddon-Johnson, of Rotorua, widow, by her last will, probate whereof was granted out of the Supreme Court of New Zealand, Wellington Judicial District, on 1 September 1936, to the Public Trustee for the Dominion of New Zealand, after providing for sundry legacies, directed the Public Trustee to stand possessed of the residue of her estate upon trust for the Mayor, Councillors, and Burgesses of the Borough of Rotorua (hereinafter called the **Corporation**), to be used for or towards the erection of a new wing to the Rotorua Public Library:

And whereas the Corporation has raised a loan for the purpose of erecting a combined Municipal Theatre, Library, and Council Chambers:

And whereas the residue of the estate of the said Elizabeth Ann Seddon-Johnson consists of a shop property fronting 2 of the main business areas in the Town of Rotorua, the title to which property is a thermal springs Crown lease:

And whereas the Rotorua Borough Council (hereinafter called the **Council**) desires to submit a proposal to the ratepayers of the Borough of Rotorua that a loan be raised sufficient to pay the legacies mentioned in the said will and thereafter that a transfer be accepted to the Corporation from the Public Trustee

of the said Crown lease and that the same be held upon the trusts and subject to the powers hereinafter contained:

And whereas there is no legal authority to enable the Corporation to acquire the said Crown lease or the Council to submit such a proposal to the ratepayers aforesaid:

And whereas it is desirable that such authority be provided:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act, the Corporation may acquire the leasehold land described in subsection (3) as an endowment for the maintenance and benefit of a public library in the Borough of Rotorua, and the Council may for such purpose borrow a sum not exceeding 8,300 pounds by way of special loan under the Local Bodies' Loans Act 1926, and may apply any loan so raised for the purpose of paying all legacies aforesaid, the Public Trustee's costs of administration of the estate of the said Elizabeth Ann Seddon-Johnson, the costs of raising the loan, the cost of and incidental to the transfer to the Corporation of the said Crown lease (including the cost of and incidental to the removal of any encumbrance or encumbrances affecting the said lease), and the costs of and incidental to the acquisition of a freehold title to the whole or any part of the said land under the provisions in that behalf contained in the Rotorua Town Lands Act 1920. The amount of the said loan unexpended after the payments authorised by the foregoing provisions of this section have been made shall be applied by the Council in improving or extending the building accommodation and other facilities of the library portion of the proposed new municipal building aforesaid and in payment of expenses incidental thereto.
- (2) *[Repealed]*
- (3) The land hereinbefore referred to is particularly described as follows:

All that parcel of land in the Auckland Land District, containing by admeasurement 1 rood 24 perches, more or less, being Sections 13 and 14, Block XVI, Town of Rotorua, and being the whole of the land comprised and described in Thermal Springs Crown Lease Number 56, recorded in register book

Volume 73, folio 111, Auckland Registry, subject to memoranda of sublease registered numbers 8808, 9889, and 15905.

Section 31(2): repealed, on 14 November 2006, by section 6 of the Rotorua Library Trust Fund Variation Act 2006 (2006 No 2 (L)).

Town Board

32 Fixing date for commencement of farmland roll for Taradale Town District

Notwithstanding anything in the Urban Farm Land Rating Act 1932, the farmland roll made under that Act for the Taradale Town District, as signed by the Judge of the Assessment Court for that Town District on 10 October 1935, shall, for all purposes, be deemed to have come into force on 1 April 1934, and no sooner.

Harbour Boards

33 Authorising Auckland Harbour Board to make a donation to the Auckland Young Men's Christian Association

The Auckland Harbour Board is hereby empowered to expend out of its Harbour Fund the sum of 50 pounds as a donation to the fund being raised by the Auckland Young Men's Christian Association (Incorporated) for the purpose of paying off the existing debt on its building and providing funds for extension work.

34 Validating certain expenditure incurred by Auckland Harbour Board in respect of certain miscellaneous matters

The expenditure by the Auckland Harbour Board during the financial year ended on 30 September 1937 of—

- (a) the sum of 238 pounds 1 shilling and 10 pence in arranging a suitable reception on the arrival of the Pan-American Airways clipper on the first survey flight from San Francisco to New Zealand, and in the entertainment of the pilots and crew of the clipper at a luncheon held in the Board's office;
- (b) the sum of 25 pounds as a donation to the Auckland Chamber of Commerce towards the entertainment of

the delegates attending the Chamber of Commerce Conference in January 1937; and

(c) the sum of 183 pounds on account of compassionate allowances made to Bernard Victor George Eady (20 pounds), Florence Victoria Francis (24 pounds), Edwin Albert Rossnol (39 pounds), John Cole (50 pounds), and Cuthbert Leathart (50 pounds),—

is hereby validated and declared to have been lawfully incurred.

35 Validating remission of dues by Auckland Harbour Board in respect of United States training ship “California State”
Notwithstanding anything to the contrary in any Act or bylaw governing or controlling the Auckland Harbour Board, the remission by the Board of a sum of 17 pounds 12 shillings and 10 pence for shipping wharfage dues and a sum of 20 pounds 3 shillings and 3 pence for port charges incurred by the United States training ship “California State” is hereby validated.

36 Validating certain expenditure incurred by Auckland Harbour Board in connection with entertainment of visiting football teams
The expenditure by the Auckland Harbour Board during the financial year ended on 30 September 1937, of the sum of 25 pounds in the entertainment of the South African and New Zealand Rugby Football Teams at a Harbour Excursion, is hereby validated and declared to have been lawfully incurred.

Road Board

37 Validating expenditure by Mount Roskill Road Board in respect of membership in Municipal Association of New Zealand, Incorporated
The expenditure by the Mount Roskill Road Board of—firstly, the sum of 15 pounds 1 shilling, being membership subscriptions to the Municipal Association of New Zealand, Incorporated, in respect of the financial years ended on 31 March 1936 and 31 March 1937; and secondly, the sum of 30 pounds 4 shillings and 10 pence on account of the expenses of the rep-

representatives of the Board in attending the annual conference of such Association in March 1937, is hereby validated and declared to have been lawfully made.

Electric Power Boards

38 Validating variation of conditions of balance of loan of £10,000 raised by Ashburton Electric-power Board

Whereas by Order in Council made under the Local Government Loans Board Act 1926 on 22 October 1936, the Ashburton Electric-power Board (hereinafter called the **Board**) was authorised to raise a loan of 10,000 pounds, being portion of a loan known as “Special Loan, 1929, of 85,000 pounds”, subject to the determinations as to borrowing and repayment thereof therein set out:

And whereas by Order in Council of the same date the said determinations were varied in respect of a loan of 5,000 pounds, being part of the said loan of 10,000 pounds, in the manner therein set out:

And whereas the Board, in further exercise of the authority conferred upon it by the first-mentioned Order in Council, raised a further loan of 5,000 pounds (hereinafter referred to as the **said loan**), being the balance of the loan of 10,000 pounds, upon and subject to the same terms and conditions as authorised for the former loan of 5,000 pounds, but omitted to obtain in respect thereof an Order in Council authorising the variation of the conditions prescribed by the first-mentioned Order in Council:

And whereas it is desirable that the raising of the said loan by the Board upon and subject to the said terms and conditions be validated:

Be it therefore enacted as follows:

- (1) Notwithstanding the determinations as to borrowing and repayment set out in the first-mentioned Order in Council, it shall be lawful and be deemed to have been lawful for the Board to raise the said loan of 5,000 pounds upon terms of making the same repayable by 4 instalments of principal of 900 pounds, 1,100 pounds, 1,400 pounds, and 1,600 pounds, respectively, with interest thereon at the rate of 3 pounds 10 shillings per

centum per annum, the first such instalment to be paid on the fifth anniversary of the raising of the said loan and subsequent instalments at intervals of 5 years thereafter.

- (2) In lieu of the sinking-fund payments to be made pursuant to the first-mentioned Order in Council it shall be lawful and be deemed to have been lawful for the Board to make in respect of the said loan to the sinking fund to be established for the repayment thereof an annual contribution of 180 pounds, such amount to be increased each year by a sum equivalent to 3 pounds 10 shillings per centum of all repayments of principal made as provided in subsection (1), calculated up to and including the previous repayment.

39 Authorising Waimea Electric-power Board to issue debentures and complete contract for purchase of undertaking of the Waimea Electric Supply and Manufacturing Company, Limited

Whereas in 1933 the Waimea Electric-power Board (hereinafter called the **Board**) entered into a contract with the Waimea Electric Supply and Manufacturing Company, Limited (hereinafter called the **company**), for the purchase of the undertaking of the company as defined in the said contract for the sum of 22,000 pounds:

And whereas by the said contract it was provided that the Board should execute and deliver to the company debentures for 22,000 pounds, to be secured upon such undertaking and the revenues therefrom and to be of such number and of such amounts (totalling 22,000 pounds) as the company should require:

And whereas such contract contained provisions for the company re-entering and taking possession of the undertaking and for the Board delivering up the undertaking to the company in the events specified in the said contract:

And whereas the Board was authorised by a poll of ratepayers to raise a loan of 22,000 pounds for the purpose of acquiring the said undertaking:

And whereas by an Order in Council (hereinafter referred to as the **said Order in Council**), made on 21 July 1933 under the

provisions of the Local Government Loans Board Act 1926, consent was given to the raising of the loan of 22,000 pounds upon the terms and conditions therein provided:

And whereas the company agreed to accept interest on the said sum of 22,000 pounds at the rate prescribed by the said Order in Council and interest at such rate has been paid by the Board to the company but the Board has not executed or delivered to the company the debentures for the said sum of 22,000 pounds and has not completed the purchase of the said undertaking:

And whereas the Board has paid to the company the sum of 3,000 pounds in part payment of the said purchase money:

And whereas the company has agreed to reduce the said purchase money by 1,000 pounds and to accept debentures for 18,000 pounds bearing interest at the rate prescribed in the said Order in Council for the respective amounts and payable on the respective dates set out in subsection (4) in full satisfaction of the balance of the purchase money payable by the Board under the said contract, and the Board and the company have also agreed that on completion of the said purchase the provisions of the said contract for the company re-entering and taking possession of the said undertaking and for the Board delivering up the undertaking to the company shall have no further force or effect:

And whereas it is expedient to empower the Board to issue such debentures as aforesaid for the purpose of completing the purchase of the said undertaking:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act, the Board is hereby empowered to issue debentures for 18,000 pounds upon the security of the said undertaking as defined in the said contract and the revenues therefrom, such debentures to bear interest at the rate prescribed in the said Order in Council and to be for the respective amounts and to be payable on the respective dates set out in subsection (4), and the provisions of the said Order in Council shall be deemed to be varied accordingly.
- (2) Upon the completion of the said purchase the provisions of the said contract shall have no further force or effect.

- (3) The payments heretofore made by the Board on account of purchase money and for interest are hereby validated.
- (4) The respective dates and amounts referred to in subsection (1) are as follows:
 - 30 November 1938, 800 pounds:
 - 30 November 1939, 800 pounds:
 - 30 November 1940, 900 pounds:
 - 30 November 1941, 900 pounds:
 - 30 November 1942, 900 pounds:
 - 30 November 1943, 1,000 pounds:
 - 30 November 1944, 1,100 pounds:
 - 30 November 1945, 1,100 pounds:
 - 30 November 1946, 1,100 pounds:
 - 30 November 1947, 1,200 pounds:
 - 30 November 1948, 1,200 pounds:
 - 30 November 1949, 1,300 pounds:
 - 30 November 1950, 1,300 pounds:
 - 30 November 1951, 1,400 pounds:
 - 30 November 1952, 1,400 pounds:
 - 30 November 1953, 1,600 pounds.

40 Making provisions with respect to purchase by the Crown of portion of the electric works of the Grey Electric-power Board

- (1) In this section **Board** means the Grey Electric-power Board constituted under the Electric-power Boards Act 1925, and **Minister** means the Minister of Public Works.
- (2) Notwithstanding anything to the contrary in any Act, the Governor-General may by Order in Council authorise the purchase by the Minister of any electric works or part thereof owned by the Board, and thereupon the Board shall have power to sell any such electric works to the Minister subject to such conditions (if any) as may be imposed by the Governor-General in such Order.
- (3) The Order in Council under the last preceding subsection shall fix the date for the completion of the purchase to which it relates.

- (4) The Minister is hereby empowered to pay out of moneys appropriated by Parliament for the purpose the purchase price of the works as determined in subsection (7).
- (5) On the date fixed as aforesaid for the completion of the purchase, the lands and other property, whether real or personal, comprised in the electric works so purchased by the Minister from the Board shall become vested in His Majesty the King for the estate or interest for which they were held by the Board, subject, however, to all charges, encumbrances, or other estates or interests then affecting the same.
- (6) If the land or any part thereof which pursuant to this section is vested in the Crown is subject to the provisions of the Land Transfer Act 1915, the District Land Registrar for the district shall, on the application of the Minister, register His Majesty the King as the proprietor thereof, and for the purposes of this section the certificate of the Minister that any property is vested in the Crown by virtue of this section shall be accepted by the District Land Registrar as sufficient evidence of the fact so certified.
- (7) The purchase price of the electric works purchased pursuant to this section shall be determined at the value appearing in the Board's accounts as at 31 March 1936, decreased by the amount of the provision for depreciation actually made as at that date in the said accounts in respect of such works, and further decreased by the amount of the provision for depreciation required to be made in such accounts up to the date fixed for the completion of the purchase in the Order in Council referred to in subsection (2), and increased by the amount of any expenditure on such works from 31 March 1936 to the date fixed for the completion of the purchase:
provided that no such expenditure shall be included in the purchase price unless the Minister has approved of such expenditure having been incurred.
- (8) In the event of any dispute arising as to the amount of such expenditure that should properly be included in the purchase price the question shall be determined by the Audit Office, and the decision of that Office in any such dispute shall be final.

- (9) Of the purchase price as determined as aforesaid the sum of 15,000 pounds may, when received by the Board, be utilised for the expenditure in connection with the capital works in respect of which a loan of that amount was sanctioned by the Local Government Loans Board on 14 October 1937, and the balance shall be paid by the Minister to the Public Trustee as Sinking Fund Commissioner of the Board's loans, and thereupon the following provisions shall apply:
- (a) the amount so paid shall be credited by the Public Trustee to a consolidated sinking fund, to which shall be transferred all other sinking fund moneys held by the Public Trustee on behalf of the Board. Notwithstanding anything to the contrary in section 42 of the Local Bodies' Loans Act 1926, the moneys paid to the Public Trustee in respect of the purchase price of the said electric works may be invested by him in such securities as may be approved by the Minister of Finance:
 - (b) except as provided in the next succeeding paragraph, it shall not be necessary for the Board to make any further payment to the said sinking funds:
 - (c) the Board shall in each and every financial year commencing with the year ending on 31 March 1939, pay to the consolidated sinking fund such annual contributions as may be determined by the Minister of Finance as being necessary to provide at the date of maturity for the complete liquidation of all the Board's loans outstanding as at 31 March 1937:
 - (d) the principal moneys secured by any debentures executed by the Board and for which the Board is still liable when the consolidated sinking fund is established shall be paid by the Public Trustee as and when they become due out of the moneys in the consolidated sinking fund: provided that the Public Trustee may at the request of the Board pay off any such debentures before maturity date and may pay to the holder of any such debenture such amount, by way of premium or bonus, as may be determined by the Minister of Finance to be necessary to effect the repayment.

- (10) For the purposes of the proviso to subsection (3) of section 20 of the Electric-power Boards Amendment Act 1927, the amount which may be deducted from the amount of the charge for depreciation for the year ending on 31 March 1939 shall be the amount of sinking fund actually payable increased by the sum of 3,206 pounds in respect of debt outstanding as at 31 March 1937, notwithstanding that the sinking fund payments on account of such debt are not actually made. The sum of 3,206 pounds shall be reduced in each subsequent financial year after the year ending on 31 March 1939 by the amount of the interest previously payable on securities redeemable up to the end of such financial year.
- (11) The Governor-General may by Order in Council authorise the Board to borrow or to owe money by way of bank overdraft as at 31 March 1939, in excess of the limits laid down by section 3 of the Local Bodies' Finance Act 1921–22, to the extent and on the conditions set out in any such Order.

River and Drainage Boards

41 Authorising Hawke's Bay Rivers Board to pay a compassionate allowance

The Hawke's Bay Rivers Board is hereby authorised and empowered to pay out of its General Account the sum of 250 pounds as a compassionate allowance to Catherine Hannah Scullin, the widow of Phillip John Scullin, formerly overseer for the said Board.

42 Section 50 of the Local Legislation Act 1936 extended

Whereas it is enacted by section 50 of the Local Legislation Act 1936, that the Mangapu Drainage Board (hereinafter called the **Board**) is authorised to make and levy for the year ended on 31 March 1937 a general rate, not exceeding 3 pence in the pound, on the land classified in accordance with section 33 of the Land Drainage Act 1908 as "A" lands; a general rate, not exceeding 2 pence in the pound, on lands so classified as "B" lands; and a general rate, not exceeding 1 penny in the pound, on lands so classified as "C" lands:

And whereas it is expedient that the Board should be empowered to continue to rate on this basis for a further period:

Be it therefore enacted as follows:

The provisions of section 50 of the Local Legislation Act 1936, shall be deemed to be extended to authorise and to have authorised the Board to make and levy the general rates prescribed in subsection (2) of that section for the years ending respectively on 31 March 1938 and on 31 March 1939.

Fire Boards

43 Validating excess overdrafts incurred by Invercargill Fire Board, Masterton Fire Board, and Palmerston North Fire Board

Whereas in breach of paragraph (c) of subsection (2) of section 3 of the Local Bodies' Finance Act 1921–22, the Fire Boards mentioned in subsection (2) of this section respectively owed the sums specified in that subsection as at the year ended on 31 March 1937 on their General Accounts in excess of such part of the revenue for that year as remained outstanding and unpaid and properly payable into those accounts:

And whereas such expenditure was incurred by reason of increases in the amount of wages payable by the Boards subsequent to the approval of their estimated expenditure for that year:

And whereas it is expedient that the excess overdrafts incurred as aforesaid should be validated:

Be it therefore enacted as follows:

- (1) Notwithstanding the provisions of paragraph (c) of subsection (2) of section 3 of the Local Bodies' Finance Act 1921–22, it shall be deemed to have been lawful for the said Boards to have respectively owed the said sums as aforesaid.
- (2) This section relates to—
 - (a) the Invercargill Fire Board, in respect of the sum of 24 pounds 6 shillings and 4 pence;
 - (b) the Masterton Fire Board, in respect of the sum of 67 pounds 1 shilling and 1 penny; and
 - (c) the Palmerston North Fire Board, in respect of the sum of 482 pounds 2 shillings and 7 pence.

Hospital Board

44 Validating raising of a loan by North Canterbury Hospital Board and issue of debentures in connection therewith

Whereas the North Canterbury Hospital Board (hereinafter called the **Board**) on 27 June 1933, obtained the sanction of the Local Government Loans Board to the raising of a loan of 2,165 pounds to be known as “Nurses’ Home (Additional) Loan, 1933” (hereinafter referred to as the **said loan**), for the purpose of completing the erection of the Nurses’ Home at the Christchurch Hospital:

And whereas by Order in Council made on 10 July 1933, under section 3 of the Local Government Loans Board Act 1926, consent was given to the raising of the said loan:

And whereas at the date of the raising of the said loan the works in connection with the erection of the said Nurses’ Home had actually been completed, but the contractor for the same had not been fully paid:

And whereas by reason of the completion of the said works before the raising of the loan doubts have arisen as to the validity of the said loan and of the debentures issued to secure repayment of the same:

Be it therefore enacted as follows:

Notwithstanding the provisions of any enactment or rule of law, the action of the Board in raising the said loan is hereby validated and the debentures issued to secure repayment of the loan are hereby declared to be valid debentures enforceable according to the terms thereof.

Affecting 2 or more classes of public bodies

45 Authorising raising of joint loan by the Gisborne Borough Council and the Cook and Waikohu County Councils for aerodrome purposes

Whereas under the authority of section 9 of the Local Authorities Empowering (Aviation Encouragement) Act 1929 (hereinafter referred to as the **said Act**), the Gisborne Borough Council, the Cook County Council, and the Waikohu County Council (hereinafter referred to as the **said local authorities**)

established an aerodrome at Gisborne in accordance with the provisions of section 8 of the said Act:

And whereas for the purpose of improving the aerodrome it became necessary to acquire certain additional land:

And whereas the Gisborne Borough Council on behalf of the said local authorities has paid certain moneys from its General Account, and further liabilities have been incurred for the purpose of meeting the cost of the aforesaid works, amounting in all to a sum of 6,000 pounds:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the said Act, the said local authorities may raise a joint special loan in addition to any loan authorised by the said Act for an amount not exceeding 6,000 pounds for the purpose of meeting the cost of completing the establishment and equipment of an adequate aerodrome at Gisborne in accordance with the provisions of section 8 of the said Act.
- (2) The powers conferred by the last preceding subsection shall be exercised in accordance with the provisions of Part 2 of the Local Bodies' Loans Act 1926, but without taking the steps described in sections 9 to 13 of that Act, and otherwise in accordance with the procedure laid down in section 9 of the said Act.
- (3) Notwithstanding anything to the contrary contained in any Act, the expenditure already incurred by the Gisborne Borough Council out of its General Account, and the action of the Council in incurring further liability, in connection with the work in respect of which the joint special loan authorised by this section is to be raised are hereby validated.
- (4) The proceeds of the joint special loan to be raised under the authority of this section shall be applied towards the repayment to the General Account of the Gisborne Borough Council of all moneys heretofore or hereafter expended from that account for any of the purposes herein mentioned, and in payment of the further liabilities incurred in connection with such work.

46 Authorising certain local authorities to contract with Auckland City Council for the supply of water

- (1) Notwithstanding anything to the contrary in section 256 of the Municipal Corporations Act 1933, each of the local authorities specified in subsection (3) of this section may contract with the Auckland City Council for such supply of water as the local authority may require for all purposes for a period not exceeding 21 years, and without the period of such contract being previously approved by a poll of electors.
- (2) While any such contract is in force the provisions of subsection (3) of section 253 of the said Act shall not apply with respect to the supply of water in terms of such contract.
- (3) The local authorities to which this section relates are the following:
 - (a) the Henderson Town Board;
 - (b) the Mount Albert Borough Council;
 - (c) the Mount Eden Borough Council;
 - (d) the New Lynn Borough Council; and
 - (e) the Glen Eden Town Board.

47 Authorising certain local authorities to contribute to Wellington Branch of the New Zealand Free Ambulance Transport Service, Incorporated

The local authorities mentioned hereunder are authorised and empowered to pay to the New Zealand Free Ambulance Transport Service (Wellington District), Incorporated, in the year ending on 31 March 1938, such sums as they think fit, not exceeding in any case the respective amounts hereinafter specified, namely:

the Wellington Hospital Board, 1,000 pounds;
the Wellington Harbour Board, 300 pounds;
the Hutt County Council, 150 pounds; and
the Makara County Council, 86 pounds.

48 Validating payments by certain local authorities towards special fund established by Port Hills – Akaroa Summit Road Citizens' Committee

It shall be deemed to have been lawful for the Christchurch City Council, the Sumner Borough Council, and the Waimairi

County Council to expend sums amounting respectively to 1,000 pounds, 21 pounds, and 2 pounds 2 shillings, in contributing to the special fund established by the Port Hills – Akaroa Summit Road Citizens’ Committee for the purpose of liquidating mortgage and other liabilities contracted with respect to certain reserves and buildings vested in the Board of Trustees of the Port Hills – Akaroa Summit Road Public Trust, Incorporated, and for meeting the cost of completing the erection of buildings on any such reserves.

49 Provision with respect to construction of railway lines and sidings on certain de facto streets in the Borough of Lyttelton

Whereas the Lyttelton Harbour Board (hereinafter called the **Board**) has reclaimed from the sea certain lands described in the schedules of the Lyttelton Harbour Board Reclamation and Empowering Act 1910 and the Lyttelton Harbour Reclamation Validation Act 1929:

And whereas by section 12 of the Reserves and other Lands Disposal Act 1929, the Board was authorised under certain conditions in the said section set out to transfer and assure to the Corporation of the Borough of Lyttelton a certain part of the land so reclaimed as a public reserve under the Public Reserves, Domains, and National Parks Act 1928 for the use and recreation of the inhabitants of the said borough:

And whereas a large part of the remainder of the said reclaimed land has been let for the purpose of oil stores, and it is anticipated that the balance of the said reclaimed land will be put to similar uses:

And whereas under the Government Railways Act 1926, siding rights have been granted to the lessees of such oil stores and such sidings are connected with the government railway lines on the Lyttelton waterfront by certain feeder lines running along and over certain streets formed upon such reclaimed land and giving access to such oil stores, and it is contemplated that as and when further parts of such reclaimed land are let and occupied, and further streets giving access thereto are formed, further siding rights will be granted to the lessees of such land and further feeder lines will be laid

along and across such streets connecting such sidings with the government railways:

And whereas the Board is about to dedicate to the Lyttelton Borough Council (hereinafter called the **Council**) the said streets already formed, and it is necessary that provision should be made authorising the presence of such railway lines upon such streets and authorising the future maintenance of such railway lines:

And whereas the nature of the use of the said reclaimed lands is such as to necessitate the connection with the government railways of the said existing sidings and any sidings for which rights may be granted in the future, and the presence of the said feeder lines upon the said streets will be in keeping with the use to which the said reclaimed lands have been put:

And whereas the Council desires to accept dedication of the said streets with the said feeder lines constructed thereon and to grant to the Board and to all persons to whom siding rights have heretofore been or may hereafter be granted the right to construct and maintain upon the said streets any such feeder lines and sidings:

And whereas it is expedient in the public interest that the railway connection between the said reclaimed lands and the government railways should be preserved and maintained:

Be it therefore enacted as follows:

- (1) The Council is hereby authorised to grant to the Board and to all lessees of the Board the right to construct, maintain, and use (upon or subject to such terms as the Council shall consider necessary for the safety of the public) all such railway lines already laid or hereafter to be laid upon any street already formed or to be formed on the said reclaimed lands, and constituting feeder lines or sidings connecting the said lands with the government railways on the Lyttelton waterfront, for such time as the Minister of Railways shall permit such connection with the government railways.
- (2) All such feeder lines and sidings shall be constructed and maintained by the Board or its lessees in such manner as shall be approved by the Minister of Railways and the Council, and shall permit of the reasonable use in safety of the said

streets by the public, but the fact that the width of any of the said streets available for the traffic of the public is diminished by the presence of such railway lines shall not be deemed to constitute a public nuisance, and it shall be lawful for but not obligatory upon the Board and the Council, or either of them, if they or either of such bodies shall deem it necessary for the public safety, to fence off all or any of such parts of the said feeder lines or sidings as are not constructed level with the surface of the street.

- (3) Nothing herein contained shall be deemed to impose any liability on His Majesty the King or the Minister of Railways in respect of any accident arising out of the existence of the said railway lines on the said streets.

Miscellaneous

50 Authorising Petone and Lower Hutt Gas-lighting Board to raise a special loan for extension of its undertaking

Whereas the Petone and Lower Hutt Gas-lighting Board (hereinafter called the **Board**), constituted under the Petone and Lower Hutt Gas-lighting Act 1922, has heretofore raised loans for the purposes of supplying gas in its district, and as security for such loans has made and levied special rates over the whole of its district:

And whereas it is expedient that the Board, subject to the conditions hereinafter set out, should be authorised to raise further loans for the same purposes:

Be it therefore enacted as follows:

- (1) Subject to the provisions of this section, the Board may, by special order and without taking the steps prescribed in sections 9 to 13 of the Local Bodies' Loans Act 1926, raise a further special loan or loans, not exceeding in the aggregate 19,000 pounds, to provide additional moneys for the extension of its undertaking:

provided that no moneys shall be borrowed by special order under this section if, prior to the confirmation of the resolution to raise the loan by special order, not less than 5% of the ratepayers of the said district, by writing under their hands

delivered or sent by post to the Board, demand that a poll be taken on the proposal.

- (2) Every public notice of any resolution to which this section applies shall contain all the particulars referred to in section 10 of the Local Bodies' Loans Act 1926, and in addition shall contain a statement to the effect that a poll of the ratepayers is required to be taken if 5% of the ratepayers of the said district so demand by writing under their hands delivered or sent by post to the Board.
 - (3) In respect of any loan raised under the authority of this section the notice required to be given to the Minister of Finance under section 10 of the Local Government Loans Board Act 1926 shall not be given until after the confirmation of the resolution to raise the loan by special order.
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Notes**1 General**

This is a reprint of the Local Legislation Act 1937. The reprint incorporates all the amendments to the Act as at 14 November 2006, 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)*

Rotorua Library Trust Fund Variation Act 2006 (2006 No 2 (L)): section 6

Local Government (Rating) Act 2002 (2002 No 6): section 138(1)

Local Legislation Act 1940 (1940 No 16): section 2(2)
