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Local Legislation Act 1946

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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 1946.

*County councils***2 Further extending period of appointment of
Commissioner for County of Matakaoa***[Repealed]*

Section 2: repealed (with effect on 18 November 1950), on 1 December 1950, by section 7(2) of the Local Legislation Act 1950 (1950 No 79).

**3 Authorising the Raglan County Council to grant lease of
certain land to the Plunket Society at a peppercorn rental**

- (1) The Raglan County Council (in this section referred to as the **Council**) is hereby authorised to lease to the Royal New Zealand Society for the Health of Women and Children, Incorporated, commonly known as the Plunket Society, or to the Royal New Zealand Society for the Health of Women and Children (Hamilton Branch), Incorporated, all that area of land situated in the Township of Raglan, containing 22 perches and six-tenths of a perch, more or less, being Lot 7 on a plan deposited in the Land Registry Office at Auckland as Number 7731, and being portion of Allotment 24, Section 9, of the Township of Raglan, and being the whole of the land comprised and described in certificate of title, Volume 245, folio 71, Auckland Registry, without complying with the provisions of section 8 of the Public Bodies' Leases Act 1908, for the term of 21 years, with a right of renewal of the said lease for a further term of 21 years thereafter, upon such terms as the Council may agree with the lessee, and, if the Council shall so decide, at a nominal or peppercorn rental.
- (2) This section is in substitution for section 5 of the Local Legislation Act 1944, and that section is hereby accordingly repealed.

**4 Authorising Hutt County Council to sell portion of
drainage reserve**

Whereas the Corporation of the Chairman, Councillors, and Inhabitants of the County of Hutt is seized of an estate in fee simple for the purposes of drainage works in the land described in subsection (3):

And whereas Edgar Francis Kain, of Wellington, Merchant (in this section referred to as the **purchaser**), owns parcels of land

adjacent to and on either side of the said piece of land but is denied legal access from one to the other of them by reason of the interposition of the said piece of land:

And whereas in order to provide such access the Hutt County Council (in this section referred to as the **Council**) desires to sell the said piece of land to the purchaser for the consideration hereinafter appearing but reserving to the Council the right to lay, construct, and maintain water pipes and sewer and other drains over the said piece of land and any other rights necessary for or incidental to the exercise of such right:

And whereas it is expedient that the Council should be authorised to sell the said piece of land:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act or rule of law the Council may sell the land described in subsection (3) to the purchaser freed and discharged from all trusts, reservations, and restrictions affecting the same, other than the reservation to the Council hereinafter appearing, in consideration of the purchaser paying to the Council the sum of 5 pounds and granting to the Council the right to lay, construct, and maintain water pipes and sewer and other drains over certain adjoining land owned by the purchaser and any other rights necessary for or incidental to the exercise of such right.
- (2) Part 3 of the Servicemen's Settlement and Land Sales Act 1943 shall not apply to any contract or agreement entered into between the Council and the purchaser for the sale of the said piece of land.
- (3) The land to which this section relates is particularly described as follows:

All that area in the Wellington Land District, Hutt County, containing an area of 1 perch and forty-six hundredths of a perch, more or less, situated in Block XVI, Belmont Survey District, being Part Section 22, Harbour District, on a plan deposited in the office of the District Land Registrar at Wellington, numbered 1714, and being part of the land comprised in certificate of title, Volume 470, folio 101, Wellington Registry: bounded, commencing at a point on the south-western boundary of Lot 1 on a plan numbered 10773

deposited as aforesaid, distant 23 links from the westernmost corner of that lot; thence along right lines bearing $138^{\circ}39'25''$ distance 30.3 links; bearing $229^{\circ}40'$ distance 30.3 links; bearing $318^{\circ}48'$ distance 30.3 links; and bearing $49^{\circ}40'$ distance 30.3 links, to the point of commencement; be the aforesaid admeasurements a little more or less.

5 Authorising Coromandel County Council to recoup its General Account out of loan moneys in respect of moneys advanced for housing purposes

Whereas the Coromandel County Council (in this section referred to as the **Council**) applied to the Local Government Loans Board for sanction to the raising of a loan of 5,000 pounds to be known as the Workers Dwellings Loan 1946 (in this section referred to as the **loan**):

And whereas in anticipation of the necessary authority being granted to the raising of the loan the Council expended the sum of 1,600 pounds 10 shillings out of the General Account of the County Fund for the purposes of the loan:

And whereas it is expedient to authorise the Council out of the proceeds of the loan, when raised, to refund to the said General Account the sum of 1,600 pounds 10 shillings as aforesaid:

Be it therefore enacted as follows:

The Council is hereby authorised, out of the proceeds of the loan when raised, to refund to the said General Account the sum of 1,600 pounds 10 shillings advanced thereout for the purpose of carrying out and completing any of the works in respect of which the loan is to be raised.

6 Authorising Waikato County Council to classify and rate certain lands in respect of clearance of Onetea Stream

Whereas the Waikare Drainage District (in this section referred to as the **drainage district**) is a district for drainage constituted under section 168 of the Counties Act 1920, situated in the County of Waikato:

And whereas the drainage district is administered by the Waikato County Council (in this section referred to as the **Council**):

And whereas the Onetea Stream, which is situated in the drainage district, is a navigable river within the meaning of the Land Drainage Act 1908 and the Public Works Act 1928:

And whereas the Council is desirous of contributing towards the cost of clearing and improving the said Onetea Stream and maintaining the same:

And whereas it is desirable that the contribution of the Council towards the cost of the said works should be levied on the lands to be benefited by those works:

And whereas doubts have arisen as to the powers of the Council to classify the lands in the drainage district for benefit derived from the said works and to levy a rate thereon for the purpose of paying the Council's contribution to the said works:

Be it therefore enacted as follows:

- (1) The Council is hereby authorised to classify the lands in the drainage district according to the benefit derived from the said works in manner provided by section 173 of the Counties Act 1920, and to make and levy a separate rate on such lands as provided by section 171 of the Counties Act 1920, and to exercise in respect of the said Onetea Stream all the powers mentioned in the Counties Act 1920, as fully and effectually as if the said works were drainage works within the meaning of that Act.
- (2) The powers conferred by this section may only be exercised during a period sufficient to recover the amount of the contribution made by the Council towards the cost of the said works or during a period of 5 years from the passing of this Act, whichever is the less.

City and borough councils

7 Validating certain expenditure incurred by Christchurch City Council

The expenditure by the Christchurch City Council of the sum of 300 pounds towards the purchase of 3 000 copies of the booklet entitled "Christchurch: Tourist Centre of the South Island," is hereby validated and declared to have been lawfully incurred.

8 Authorising Kaitangata Borough Council to grant renewals of certain leases

Whereas by memorandum of lease dated 28 November 1923, and registered in the Land Registry Office at Dunedin under Number 5653, the Mayor, Councillors, and Burgesses of the Borough of Kaitangata (in this section referred to as the **Corporation**) leased all that parcel of land situate in the Town of Kaitangata containing 14 perches and three-tenths of a perch, more or less, being Allotment 5 on plan of subdivision of Section 7, Block 31, Plan Number 812, deposited in the Land Transfer Office, Dunedin, and being all the land comprised and described in certificate of title, Volume 132, folio 118, Otago Registry, to George Middlemass and David Middlemass, both of Kaitangata, builders, as tenants in common in equal shares for a term of 21 years from 8 October 1923 with a perpetual right of renewal for further terms of 21 years:

And whereas by a certain memorandum of lease bearing date 28 November 1923, and registered in the Land Registry Office at Dunedin as Number 5654, the Corporation leased all that parcel of land situate in the Town of Kaitangata containing 14 perches and three-tenths of a perch, more or less, being Allotment 1 on plan of subdivision of Section 7, Block 31, Plan Number 812, deposited in the Land Transfer Office, Dunedin, to the said George Middlemass and the said David Middlemass, as tenants in common in equal shares for a term of 21 years from 8 October 1923 with a perpetual right of renewal for further terms of 21 years:

And whereas by a certain memorandum of transfer bearing date 22 September 1924 and registered in the Land Registry Office at Dunedin as Number 88168, the said George Middlemass transferred all his estate and interest in the aforesaid leases and in the lands affected thereby to the said David Middlemass:

And whereas by a certain memorandum of transfer bearing date 7 November 1930 and registered in the Land Registry Office at Dunedin as Number 106530, the said David Middlemass transferred his estate and interest in all that parcel of land situate in the Town of Kaitangata containing 14 perches and three-tenths of a perch, more or less, being part of Allotments 1

and 5 on plan of subdivision of Section 7, Block 31, Plan Number 812, deposited in the Land Transfer Office, Dunedin, and being part of the lands comprised in certificate of title, Volume 132, folio 118, Otago Registry, and part of the land comprised in the said memoranda of leases, Registered Numbers 5653 and 5654, to Henry Owens, of Kaitangata, miner:

And whereas by a certain memorandum of transfer bearing date 30 June 1936 and registered in the Land Registry Office at Dunedin as Number 117981, the said David Middlemass transferred all that parcel of land situate in the Town of Kaitangata containing 14 perches and three-tenths of a perch, more or less, being Part of Allotments 1 and 5 on plan of subdivision of Section 7, Block 31, Plan Number 812, deposited in the Land Transfer Office, Dunedin, and being part of the land comprised in certificate of title, Volume 132, folio 118, Otago Registry, and being the balance of the land comprised in the said memoranda of leases, Registered Numbers 5653 and 5654, to James Fitzgerald Owens, of Kaitangata, billiard saloon proprietor:

And whereas the said Henry Owens and the said James Fitzgerald Owens inadvertently omitted to take the necessary steps before the expiry of the said leases to obtain new leases of the land leased to them:

And whereas the Kaitangata Borough Council (in this section referred to as the **Council**) is desirous of granting to the said Henry Owens and the said James Fitzgerald Owens new leases of the lands previously vested in the said Henry Owens and the said James Fitzgerald Owens respectively in a form approved by the Council, and providing for perpetual rights of renewal for successive periods of 21 years:

Be it therefore enacted as follows:

- (1) The Council is hereby authorised and empowered to grant to the said Henry Owens a new lease of the lands previously held by him as lessee for a term of 21 years from the date of the expiry of the term of the said memoranda of leases, Registered Numbers 5653 and 5654, such new lease to be in a form approved by the Council and to provide for perpetual rights of renewal for successive periods of 21 years.

- (2) The Council is hereby authorised and empowered to grant to the said James Fitzgerald Owens a new lease of the lands previously held by him as lessee for a term of 21 years from the date of the expiry of the term of the said memoranda of leases, Registered Numbers 5653 and 5654, such new lease to be in a form approved by the Council and to provide for perpetual rights of renewal for successive periods of 21 years.
- (3) The Council is hereby authorised and empowered to execute all such deeds and documents and do all such other things as may be necessary for the effective granting of the new leases to the said lessees.

9 Empowering certain Borough Councils to make grants to Dunedin Development Council, Incorporated

The Councils of the Boroughs of St Kilda, Port Chalmers, Mosgiel, West Harbour, and Green Island are hereby respectively authorised from time to time during a period of 5 years from the passing of this Act to make out of their general revenues such annual grants or other donations, as may to the respective Councils seem proper, to the society known as the Dunedin Development Council, Incorporated, in furtherance of the objects of the said society as contained in its rules.

10 Authorising a payment by the Crown to the Port Chalmers Borough Council

- (1) The payment to the Port Chalmers Borough Council of the sum of 50 pounds to be made out of the Housing Account under section 29 of the Housing Act 1919 for the land described in subsection (3) is hereby authorised and may lawfully be made.
- (2) The said sum of 50 pounds shall be applied by the Council in and towards the purchase or acquisition and the expenses of and incidental to the purchase or acquisition of other lands within the Borough of Port Chalmers or elsewhere, to be held in trust for the same purposes as the said land.
- (3) The land to which this section relates is particularly described as follows:
All that area containing by admeasurement 1 rood, more or less, being Section 363, Town of Port Chalmers, bounded on

the north by Section 362, 250 links; on the east by Meridian Street, 100 links; on the south by Section 364, 250 links; and on the west by Section 376, 100 links; be all the aforesaid linkages more or less.

11 Authorising the Waitara Borough Council to enter into an agreement with Thomas Borthwick and Sons (Australasia), Limited, with respect to water supply

Notwithstanding anything contained in the Municipal Corporations Act 1933 or any other Act, the Waitara Borough Council (in this section referred to as the **Council**) is hereby authorised and empowered to enter into an agreement with Thomas Borthwick and Sons (Australasia), Limited, a company duly incorporated in England (in this section with its successors and assigns referred to as the **company**) for the supply of water by the Council to the company at its meat-killing and freezing works within the Borough of Waitara for a term of 30 years commencing from such date and upon and subject to such terms and conditions as may be mutually agreed upon between the Council and the company.

12 Validating expenditure incurred by Wellington City Council in converting premises at Oriental Bay for use as a hostel and absolving such premises from liability in respect of rates

- (1) The expenditure by the Wellington City Council, acting for and on behalf of the Corporation of the Mayor, Councillors, and Citizens of the City of Wellington, of a sum not exceeding 5,000 pounds in equipping, altering, renovating, maintaining, and repairing the temporary buildings formerly used by the United States Navy and situate on part of the Boat Harbour at Oriental Bay, in the City of Wellington, for use as a hostel is hereby validated.
- (2) Any lease or occupation of the aforesaid portion of the Boat Harbour at Oriental Bay, in the City of Wellington, pursuant to the terms of the agreement to lease dated 26 June 1946 made between the Wellington Harbour Board and His Majesty the King shall not make such premises rateable property, and dur-

ing any such occupation or lease no rates shall be levied or payable thereon.

13 Authorising remission of rates by Gisborne Borough Council

Whereas the Gisborne Borough Council (in this section referred to as the **Council**) is desirous of obtaining authority to remit arrears of rates amounting to the sum of 50 pounds 1 shilling and 8 pence, being the rates for the year ending on 31 March 1947 (in this section referred to as the **said rates**) the said rates being levied by the Council and being 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 Lot 1, Deposited Plan 3003, of 6A Fitzherbert Street, situated in Fitzherbert Street, in the Borough of Gisborne, and numbered 3228 on the District Valuation Roll for that Borough:

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 50 pounds 1 shilling and 8 pence being the total amount of the said rates, and to absolve the said Association and the said lands from liability in respect thereof.

14 Authorising Dunedin City Council to make an *ex gratia* payment in respect of a contract

Whereas by an agreement dated 12 November 1943 and made between Wilkins and Davies Construction Company (in this section referred to as the **contracting firm**) of the one part, and the Mayor, Councillors, and Citizens of the City of Dunedin (in this section referred to as the **Corporation**) of the other part, the contracting firm agreed with the Corporation to execute and complete by 9 May 1944 the work of raising the Mahinerangi dam at Waipori to 113 feet at the price mentioned in the agreement and according to the plans, specifications, and conditions thereto attached:

And whereas by an agreement dated 14 December 1943 and made between Wilkins and Davies Construction Company, Limited (in this section referred to as the **company**) of the one part, and the Corporation of the other part, the company agreed with the Corporation to execute and complete by 23 May 1944 the work of the construction of a road bridge at the top end of Lake Mahinerangi at the price mentioned in the agreement and according to the plans, specifications, and conditions thereto attached:

And whereas John Leonard Wilkins is now the sole proprietor of the contracting firm and the principal shareholder of the company:

And whereas the completion of the said works by the contracting firm and the company has been delayed for over 2 years:

And whereas the company and the contracting firm allege that owing to the impossibility of obtaining priority for the said works, the calling up for military service of the said John Leonard Wilkins, the shortage of skilled and other labour, adverse weather conditions, other circumstances beyond their control and the consequent delay in the completion of the said works, they have suffered considerable loss:

And whereas the Corporation having made full inquiry into the matter is satisfied that substantial losses have in fact been incurred by the company and the contracting firm:

And whereas the said John Leonard Wilkins has applied to the Dunedin City Council to make an *ex gratia* payment in respect of the loss incurred by him under the said respective agreements:

And whereas the said Council, being satisfied as aforesaid, is desirous of making a payment of 10,000 pounds to the said John Leonard Wilkins:

Be it therefore enacted as follows:

The Dunedin City Council is hereby empowered to pay the sum of 10,000 pounds to the said John Leonard Wilkins by way of *ex gratia* payment in respect of the loss incurred by him under the said respective agreements.

15 Provision with respect to payment of compensation moneys to Hamilton City Council

Whereas by Proclamation published in the *Gazette* of 6 May 1943 Allotments Numbers 184 to 189 inclusive of the Town of Hamilton East, vested in the Mayor, Councillors, and Burgesses of the Borough of Hamilton as an endowment in aid of the Borough funds, were taken for a public work by the Minister of Works:

And whereas the compensation agreed to be paid for the said lands amounting to 600 pounds was paid to and is now held by the Public Trustee under the provisions of section 92 of the Public Works Act 1928:

And whereas the Hamilton City Council (in this section referred to as the **Council**) has lately taken proceeding to acquire under the provisions of the Public Works Act 1928 Lots 2 and 3 on a plan deposited in the Land Transfer Office at Auckland, under Number 27803, being part of Allotments Numbers 11 and 11A of the Hamilton West Town Belt, as an addition to the Hamilton City Depot and have agreed to pay the sum of 500 pounds as compensation for that land:

And whereas it is desirable that part of the moneys held by the Public Trustee as aforesaid should be applied in payment of the said compensation of 500 pounds and the costs and expenses incurred by the Council in acquiring the land but there is no authority in law whereby such moneys may be so applied:

Be it therefore enacted as follows:

- (1) The Public Trustee is hereby authorised and directed to pay to the Council out of the moneys held by him as aforesaid such sum as may be necessary to pay the said compensation of 500 pounds and the costs and expenses of the said Council in acquiring the said Lots 2 and 3, being a sum not exceeding the amount of the moneys so held by the Public Trustee as aforesaid.
- (2) The Council is hereby authorised to apply the moneys received from the Public Trustee under subsection (1) in payment of the compensation for the lands proposed to be taken as aforesaid and in and towards the costs and expenses incurred in acquiring the said Lots 2 and 3 or to reimburse the District Fund of

the said Council in respect of any such compensation, costs, and expenses paid out of such Fund prior to the passing of this Act.

- (3) The Public Trustee shall not be bound or concerned to see or inquire whether the said moneys are expended solely for the purposes authorised by this section.

16 Authorising Napier Borough Council to raise a special loan or special loans in respect of Beacon's Aerodrome

Whereas by Proclamation dated 11 June 1945 and published in the *Gazette* of 14 June, the lands therein described (in this section referred to as the **said lands**) were taken under the provisions of the Public Works Act 1928 for an aerodrome and were vested in the Mayor, Councillors, and Burgesses of the Borough of Napier:

And whereas by Order in Council issued pursuant to the Local Authorities Empowering (Aviation Encouragement) Act 1929, dated 5 June 1946 and published in the *Gazette* of 13 June, consent was given to the establishment and maintenance of an aerodrome by the Napier Borough Council (in this section referred to as the **Council**) on the said lands:

And whereas in anticipation of the taking of the said lands and of the authority to establish and maintain an aerodrome thereon, and subsequently thereto, the Council has expended out of its District Fund Account a sum exceeding 2,100 pounds in capital works for the establishment of an aerodrome on the said lands:

And whereas it is necessary that further capital works in the erection and construction of buildings, improvements, and equipment and the provision of further facilities on such aerodrome should be carried out:

And whereas a claim for compensation under the Public Works Act 1928 for the taking of the said lands and for injurious affection to adjoining lands has been made by the owner of the fee simple and further claims for compensation may be made by other parties having a limited interest in the said lands:

And whereas it is desirable that the Council be authorised to raise a special loan or special loans as hereinafter mentioned:

Be it therefore enacted as follows:

The Council may from time to time, under and subject to the provisions of the Local Bodies' Loans Act 1926, by special order and without taking the steps prescribed by sections 9 to 13 of that Act raise a special loan or special loans for all or any of the following purposes:

- (a) a sum not exceeding 2,100 pounds to be applied in repayment to the District Fund Account of the Council of moneys already expended in capital works on the said aerodrome:
- (b) a sum not exceeding 5,000 pounds for further capital works in the erection or construction of buildings, improvements, and equipment and the provision of further facilities on the said aerodrome, including the costs of raising the loan:
- (c) such sum or sums as shall be awarded by a Compensation Court or shall be agreed upon between the claimant or claimants and the Council as compensation for loss arising out of the taking of the said lands and the construction and operation of the said aerodrome, including any claim or claims for injurious affection including all costs and expenses arising out of or incidental to the hearing or settlement of any claim or claims for compensation, and of raising the loan.

17 Authorising a payment by the Crown to the Raetihi Borough Council

- (1) The payment to the Raetihi Borough Council of the sum of 38 pounds to be made out of the Housing Account under section 29 of the Housing Act 1919 for the land described in subsection (3) is hereby authorised and may lawfully be made.
- (2) The said sum of 38 pounds shall be applied by the Council in and towards the purchase or acquisition and the expenses of and incidental to the purchase or acquisition of other lands within the Borough of Raetihi or elsewhere to be held in trust for the same purposes as those on which the said land has heretofore been held by the Council.
- (3) The land to which this section relates is particularly described as follows:

All that parcel of land containing 1 rood, more or less, situate in the Borough of Raetihi, being Section 234 of Block IX of the Township of Raetihi, and being part of the land described in certificate of title, Volume 321, folio 269, Wellington Registry.

18 Authorising Dunedin City Council to transfer a sum from Tramways Accident Fund

The Dunedin City Council is hereby authorised to transfer a sum or sums not exceeding in all 20,000 pounds from its Tramways Accident Fund to the Council's District Fund Account No 4 for the purpose of the purchase of motor omnibuses or other passenger-transport vehicles.

19 Validating rates of Kaitangata Borough Council for year ending on 31 March 1947

Whereas the Kaitangata Borough Council (in this section referred to as the **Council**) failed to comply, in respect of the rating year commenced on 1 April 1946 and ending on 31 March 1947, with all the requirements of the law relating to the making and levying of rates and on 21 August 1946 made and delivered demands in writing for payment of the rates for the said period:

And whereas a large proportion of the said rates has now been paid by divers ratepayers and it is advisable in the public interest and to prevent injustice to validate the said rates and to empower the Council to recover the balance thereof:

Be it therefore enacted as follows:

- (1) The rate book wherein the said rates are recorded in and for the said period shall be deemed to have been compiled in accordance with law and to be and to have been valid and effectual accordingly.
- (2) The rates made and levied or which the Council purported to make and levy in and for the said period as appearing in the said rate book shall be valid and shall be deemed to have been valid from 31 May 1946, the date when the Council purported to make and levy the same.
- (3) The demands made by the Council for payment of such rates shall be and be deemed to have been valid, and the said rates

shall be recoverable by the Council by action notwithstanding the non-compliance with any condition whatsoever precedent to the making or levying of such rates or any irregularity, mistake, or omission in the form or manner of making or levying the same or otherwise, and valid demands upon all persons liable for the said rates shall be deemed to have been duly made and delivered in accordance with law, on 21 August 1946.

- (4) Nothing in this section shall be deemed to affect the power of the Council under subsection (2) of section 57 of the Rating Act 1925 to correct errors (if any) existing in the said rate book on 31 May 1946.
- (5) The additional charge of 10 per centum chargeable in respect of the said rates under the provisions of section 76 of the Rating Act 1925 may be added to all rates remaining unpaid at the expiration of 6 months and 14 days from the passing of this Act and not otherwise and shall be payable and recoverable accordingly; but such additional charge of 10 per centum shall not be recoverable until the Council shall have publicly notified that the same will be added.
- (6) Judgment in any action for the recovery of the amount of the said rates may be given at any time within 3 years after the passing of this Act.
- (7) Any subsidy that would have been payable to the Council in respect of rates collected by the Council for the said period if those rates had in fact been lawfully made and levied shall be payable accordingly.

20 Authorising payment to Dargaville Borough Council from Gas Works Depreciation Fund for repair of wharf

- (1) The Public Trustee is hereby authorised to pay to the Dargaville Borough Council the sum of 3,500 pounds from the fund held by the Public Trustee and known as the Dargaville Borough Council Gas Works Depreciation Fund.
- (2) The said sum may be expended by the Council for the purpose of paying the cost of repairing and reconditioning the Dargaville Town wharf but for no other purpose.

- (3) The Public Trustee shall not be bound or concerned to see or inquire whether the said moneys are expended solely for the purposes authorised by this section.

21 Authorising Auckland City Council to raise a special loan of £34,000

The Auckland City Council is hereby authorised and empowered to borrow an amount not exceeding 34,000 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, for the purpose of meeting the cost of the purchase and installation of vehicle actuated traffic signals at 10 street intersections in the City of Auckland, and the costs, if any, incurred by the Council in raising that loan.

Road Board

22 Making provision for adjustment of boundaries of road districts in Waiheke Island and matters incidental thereto
[Repealed]

Section 22: repealed, on 1 April 1957, by section 453(1) of the Counties Act 1956 (1956 No 64).

Harbour Boards

23 Provision with respect to sale of land by Napier Harbour Board to Crown for housing purposes

Whereas the Napier Harbour Board (in this section referred to as the **Board**) is the registered proprietor of an estate in fee simple in all that parcel of land situated in the Hawke's Bay Land District, Borough of Napier, containing by admeasurement 193 acres and 39 perches, more or less, part of Te Whare-O-Maraenui Block and part of Section 13R, Block IV, Heretaunga Survey District, being the Lot Numbered 1 on Deposited Plan Number 7251 and being part of the land comprised and described in certificate of title, Volume 99, folio 93, Hawke's Bay Registry, as the same is delineated on plan marked MD 8497 deposited in the office of the Marine Department at Wellington, and thereon edged green:

And whereas the Board holds the said land upon trust under the Napier Harbour Board Act 1874:

And whereas by that Act the lands described therein are deemed to be reserves within the meaning of and subject to the Public Reserves Act 1854, and are now subject to the Public Reserves, Domains, and National Parks Act 1928:

And whereas the Board is desirous of selling the said land to the Crown for the purposes of the Housing Act 1919:

And whereas the Board is desirous of applying the purchase money in respect of the said land amounting to the sum of 22,078 pounds 9 shillings and 3 pence in and towards the cost of constructing such further harbour works at Napier as may hereafter be approved by the Minister of Marine:

Be it therefore enacted as follows:

- (1) Notwithstanding the provisions of any Act the Board may sell the said land to the Crown for the purposes of the Housing Act 1919, freed and discharged from the trusts, reservations, and restrictions affecting the same.
- (2) The payment of the purchase price for the said land—namely, the sum of 22,078 pounds 9 shillings and 3 pence from the Public Works Account, Vote Housing Construction, to the Board is hereby authorised and may be lawfully made.
- (3) The Board may expend the whole of the said sum in and towards the cost of constructing such further harbour works at Napier as may hereafter be approved by the Minister of Marine.

24 Authorising Bluff Harbour Board to raise redemption loan and validating certain matters

Whereas the sum of 3,100 pounds, being part of a loan raised by the Bluff Harbour Board (in this section referred to as the **Board**) and known as The Bluff Harbour Board Loan No 7, 1931, of 12,000 pounds (in this section referred to as the **said loan**), became repayable on 1 February 1942 and the Board applied the whole of the sinking fund of the said loan—namely, the sum of 2,934 pounds nine shillings and 4 pence, together with the sum of 165 pounds ten shillings and 8 pence from the

Harbour Fund of the Board—in repayment of the said part of the said loan:

And whereas the remaining part of the said loan—namely, the sum of 8,900 pounds—became repayable on 1 August 1942 and the Board arranged with certain holders of debentures for a total sum of 5,100 pounds in the said loan to leave their debentures in the hands of the Board on the understanding that debentures in a redemption loan to be raised by the Board would be issued to them:

And whereas the Board obtained the money to repay the balance of the said remaining part of the said loan amounting to the sum of 3,800 pounds by receiving from certain persons sums of money amounting in the total to the last-mentioned sum on a similar understanding:

And whereas the Board, before it had received sufficient money as aforesaid to enable it to repay the said balance, applied a further sum of 1,800 pounds from its Harbour Fund for that purpose and later repaid that sum to the said Harbour Fund:

And whereas the Board agreed to pay and has been paying interest on all debentures left with the Board and sums received as aforesaid at the rate of 3.5 per centum per annum:

And whereas it is desirable that such of the aforesaid acts of the Board as were not authorised by law should be validated and that the Board should be authorised to raise a redemption loan in respect of the said loan, and that until the Board raises the loan it should be empowered to continue to pay such interest:

Be it therefore enacted as follows:

- (1) The debentures in the said loan left with the Board by the holders thereof and the sums of money received by the Board as aforesaid, such debentures and sums of money amounting in all to a total value of 8,900 pounds, shall be deemed to have been lawfully accepted by the Board on the respective dates on which the debentures or sums of money were left with the Board or received by it, as the case may be.
- (2) The Board shall be deemed to have been authorised by law to pay interest on all the debentures and sums of money mentioned in the last preceding subsection at the rate of 3.5 per

centum per annum from the respective dates on which such debentures or sums were either left with the Board or received by it, and the Board is hereby authorised to continue to pay such interest until such time as the Board raises a redemption loan with respect to the said loan.

- (3) The payment of the sum of 1,800 pounds by the Board to its Harbour Fund in reimbursement of the similar amount used from the said Fund for redemption purposes shall be deemed to have been lawfully made.
- (4) Notwithstanding anything heretofore done or omitted to be done by the Board in relation to the repayment of the said loan, the Board is hereby authorised, subject to the prior consent of the Local Government Loans Board, to raise a redemption loan of 8,900 pounds.

25 Authorising raising of special loan of £2,200 by Wairau Harbour Board

Whereas the Wairau Harbour Board (in this section referred to as the **Board**) is desirous of repairing and renewing certain wharves at Blenheim, and for such purpose desires to borrow the sum of 2,200 pounds:

Be it therefore enacted as follows:

- (1) The Board is hereby authorised to raise a special loan of 2,200 pounds, to be known as the Wharves Repair Loan 1946, for the purpose of repairing and renewing certain wharves at Blenheim, and may also out of the proceeds of the loan refund to its Harbour Fund Account all moneys advanced thereout before the passing of this Act and meet any liability already incurred on account of the cost of carrying out and completing the said works.
- (2) As security for the said loan the Board shall have full power and authority to execute a mortgage over that piece of land containing 1 acre 11 perches, more or less, situate in the Borough of Blenheim, being Lot 1 on Deposited Plan No 666, and being part of Section 46, District of Opawa.
- (3) The provisions of the Wairau Harbour Board Loan and Enabling Act 1916 shall apply to such loan, and, if repayment of the loan is not secured by pledging any special rate, the

said loan may be raised by special order and without taking the steps prescribed by sections 9 to 13 of the Local Bodies' Loans Act 1926.

Electric-power Board

26 Authorising raising of a loan of £20,000 by Grey Electric-power Board, and validating certain expenditure

Whereas by Order in Council dated 15 February 1916 and published in the *Gazette* of 24 February, the Reefton Electric Light and Power Company, Limited (in this section referred to as the **company**), was authorised to erect and maintain electric lines for lighting, power, and heating purposes within the area of supply described in the said Order in Council:

And whereas by agreement dated 23 March 1945 made between the company of the one part and the Grey Electric-power Board (in this section referred to as the **Board**) of the other part, the company agreed to sell and the Board to purchase for the sum of 20,000 pounds (in this section referred to as the **purchase price**) the license to erect and maintain electric lines and all other assets of the company, subject, however, to the issue of an Order in Council pursuant to section 76 of the Electric-power Boards Act 1925, authorising the said purchase and subject also to the consent of the Land Sales Court to the said purchase and to the consent of the Local Government Loans Board to the raising by the Board of a loan to provide the purchase price:

And whereas such Order in Council authorising the said purchase has been issued, and the consent of the Land Sales Court to the said purchase has been granted:

And whereas by a Proclamation dated 26 March 1946 and published in the *Gazette* of 28 March (in this section referred to as the **Proclamation**), the boundaries of the Grey Electric-power District were altered so as to include therein the area described in the schedule of the Proclamation (in this section referred to as the **said area**):

And whereas, owing to the urgent demand for the supply of electric power within the said area, the Board, with the consent of the company, pending the issue of the Proclamation, ex-

pended in erecting and maintaining electric lines and supplying electric power within the said area the sum of 6,983 pounds 14 shillings and 2 pence:

And whereas it is desirable that the Board be authorised to borrow the sum of 20,000 pounds to provide the purchase price, and that the expenditure by the Board in the said area of the said sum of 6,983 pounds 14 shillings and 2 pence be validated:

Be it therefore enacted as follows:

- (1) The Board is hereby authorised to raise under the Local Bodies' Loans Act 1926, by special order and without taking the steps prescribed by sections 9 to 13 of that Act, a special loan of 20,000 pounds to provide the purchase price.
- (2) All electric lines and other electric works constructed, and all things done and moneys expended by the Board in respect of the said area, at any time or times prior to the date of the Proclamation shall be deemed to have been lawfully constructed, made, done, or expended, and shall have effect as if at all such times the said area had been included in the Grey Electric-power District.

Hospital Board

27 Authorising lease of Hill Jack Memorial Home to Otago Hospital Board

Whereas the Children's Rest Home (Residential Nurseries), Incorporated (in this section referred to as the **Society**) is seized of an estate in fee simple in all that parcel of land containing 1 acre 1 rood 32 perches and eighty-two hundredths of a perch, more or less, being Allotments 17 and 18 and parts of Allotments 14, 15, 16, and 19 on the plan of the Township of Linden deposited in the Deeds Register Office at Dunedin as No 85, being also part of Section 2, Block III, Upper Kaikorai Survey District, and being the balance of the land included in certificate of title, Volume 201, folio 182, Otago Registry:

And whereas the said land and the buildings thereon (known as the Hill Jack Memorial Home) have, with the exception of 1 garage, been in the legal occupation of the Otago Hospital

Board (in this section referred to as the **Board**) pursuant to the Hospital Accommodation Emergency Regulations 1940:

And whereas, in consequence of the revocation of the said regulations, the said legal occupation of the Board has been terminated:

And whereas it is expedient that the Board, with the consent of the Society, should remain in occupation of the said land and that the Society should be empowered to lease or let the said land to the Board:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act, or in the rules of the Society, or otherwise howsoever, the Society may let or lease the said land and the said buildings or any part or parts thereof to the Board, and the Board may accept the same for any term or terms of years at such rent and subject to such covenants and conditions as may mutually be agreed upon between the Board and the Society.
- (2) Throughout the term or currency of such letting or leasing the Society, in addition to or in lieu of the manner of providing accommodation for children as provided by its rules, may arrange or become responsible for the payment, either in whole or part, for their board and lodging with any suitable person or persons.

Affecting 2 or more classes of public bodies

28 Special provision with respect to transfer of doctor's residence to Hikurangi Town Board by Whangarei Hospital Board

[Repealed]

Section 28: repealed, on 1 December 1961, by section 29(9) of the Local Legislation Act 1961 (1961 No 127).

29 Validating grant of easement by Hutt Park Committee to Lower Hutt City Council

Whereas the Hutt Park Committee constituted under the Hutt Park Act 1907 (in this section referred to as the **Committee**), at the request of the Lower Hutt City Council (in this section referred to as the **Council**) has, by a certain Memorandum of

Transfer dated 26 July 1946, granted to the Corporation of the Mayor, Councillors, and Citizens of the City of Lower Hutt (in this section referred to as the **Corporation**) the right to sink wells and lay pipes on or under that part of the freehold land vested in the Committee described in subsection (2) and other incidental rights in respect of that land:

And whereas the Council on behalf of the Corporation has sunk wells and laid pipes accordingly:

And whereas the Committee has no authority to grant such an easement and it is expedient that the execution of the said transfer by way of Grant of Easement should be validated:

Be it therefore enacted as follows:

- (1) The action of the Committee in granting an easement to the Corporation for the purposes and upon the terms stated in the said Memorandum of Transfer in respect of the land described in subsection (2) is hereby validated and the said Grant of Easement shall be deemed to have been lawfully made, executed and given and shall take effect according to its tenor.
- (2) The land to which this section relates is particularly described as follows:

All that area of land situate in the City of Lower Hutt containing 1 rood 29 perches and seventeen one-hundredths of a perch, more or less, being part of Section 12 of the Hutt District, Block XIV, Belmont Survey District, and being part of the land comprised in certificate of title, Volume 411, folio 55, Wellington Registry, as the same is more particularly delineated on the plan thereof drawn on the said Memorandum of Transfer and thereon coloured pink.

Miscellaneous

30 Authorising Hawke's Bay Rabbit Board to pay a certain sum to the Central Hawke's Bay Rabbit Board

Whereas by an Order in Council dated 7 February 1945, which came into force on 16 February 1945, the boundaries of the Hawke's Bay Rabbit District were altered and redefined:

And whereas by an Order in Council dated 26 March 1945 the Central Hawke's Bay Rabbit District was constituted and

the boundaries of the area comprised therein were defined and declared a rabbit district:

And whereas such area comprised an area excluded from the Hawke's Bay Rabbit District by the first-recited Order in Council:

And whereas the Hawke's Bay Rabbit Board, for the purpose of assisting the Central Hawke's Bay Rabbit Board, is desirous of paying out of its funds the sum of 650 pounds to the latter Board:

And whereas it is desirable that the Hawke's Bay Rabbit Board should be authorised and empowered to pay the said amount to the Central Hawke's Bay Rabbit Board:

Be it therefore enacted as follows:

The Hawke's Bay Rabbit Board is hereby authorised and empowered to pay to the Central Hawke's Bay Rabbit Board the sum of 650 pounds.

31 Authorising the Marlborough Coast Rabbit Board to transfer certain funds and property to the Kekerangu Rabbit Board

Whereas by an Order in Council dated 27 December 1945, which came into force on 18 January 1946, the boundaries of the Marlborough Coast Rabbit District were altered and redefined:

And whereas by Order in Council dated 13 March 1946 the Kekerangu Rabbit District was constituted, and the boundaries of the area comprised therein were defined and declared a rabbit district:

And whereas such area comprised an area excluded from the Marlborough Coast Rabbit District by the first-recited Order in Council:

And whereas the Marlborough Coast Rabbit Board, for the purpose of assisting the Kekerangu Rabbit Board, is desirous of paying out of its funds the sum of 5,000 pounds to the latter Board:

And whereas the Marlborough Coast Rabbit Board is also desirous of handing over to the Kekerangu Rabbit Board certain goods and working-plant valued at the sum of 188 pounds:

And whereas it is desirable that the Marlborough Coast Rabbit Board should be authorised and empowered to pay the said amount and to hand over the said goods and plant to the Kekerangu Rabbit Board:

Be it therefore enacted as follows:

The Marlborough Coast Rabbit Board is hereby authorised and empowered to pay to the Kekerangu Rabbit Board the sum of 5,000 pounds and to hand over to that Board the said goods and working-plant valued at the sum of 188 pounds.

32 Authorising the trustees of the Kaitangata Athenaeum to grant renewal of a lease

[Repealed]

Section 32: repealed, on 27 November 1970, by section 5(5) of the Reserves and Other Lands Disposal Act 1970 (1970 No 121).

33 Provision with respect to filling vacancy on Ohai Railway Board

[Repealed]

Section 33: repealed, on 29 January 1972, by section 4 of the Ohai Railway Board Amendment Act 1971 (1971 No 15 (L)).

34 Authorising purchase of motor omnibuses by Auckland Transport Board

Whereas the Auckland Transport Board (in this section referred to as the **Board**) in the year 1933 transferred to a firm carrying on business under the name of Transport Bus Services certain motor omnibus services in the city and suburbs of Auckland which the Board had theretofore been carrying on:

And whereas the said firm subsequently transferred its business, including the said services, to a company called Transport Bus Services, Limited (in this section referred to as the **company**), and the company continued to carry on such services under and in terms of certain agreements made with the Board and purchased a number of motor omnibuses for the said services:

And whereas the term of the last agreement between the Board and the company expired on 1 October 1946:

And whereas it has been agreed between the Board and the company that the Board shall purchase and acquire from the company 15 motor omnibuses acquired by the company as aforesaid at a price which represents, in the opinion of the Board and the company, the market value thereof:

And whereas, by reason of certain provisions in the said agreements as aforesaid, the Board is in doubt as to whether it can lawfully pay such price:

Be it therefore enacted as follows:

The Board is hereby authorised and empowered to purchase and acquire from the company such number of motor omnibuses as has been or may be agreed on between the Board and the company at such price as has been or may be agreed on between the Board and the company as representing the true market value of the said motor omnibuses, and to make in connection with such transaction such incidental arrangements as may be agreed on between the Board and the company.

35 Authorising Hawke's Bay Rabbit Board to pay a certain sum to the Waipawa-Ngaruroro Rabbit Board

Whereas by Order in Council dated 14 November 1945, which came into force on 23 November 1945, the boundaries of the Hawke's Bay Rabbit District were altered and redefined:

And whereas by an Order in Council dated 10 April 1946 the Waipawa-Ngaruroro Rabbit District was constituted and the boundaries of the area comprised therein were defined and declared a rabbit district:

And whereas such area comprised an area excluded from the Hawke's Bay Rabbit District by the first recited Order in Council:

And whereas the Hawke's Bay Rabbit Board, for the purpose of assisting the Waipawa-Ngaruroro Rabbit Board, is desirous of paying out of its funds the sum of 300 pounds to the latter Board, and it is desirable that such expenditure should be authorised:

Be it therefore enacted as follows:

The Hawke's Bay Rabbit Board is hereby authorised and empowered to pay to the Waipawa-Ngaruroro Rabbit Board the sum of 300 pounds.

36 Authorising Hawke's Bay Rabbit Board to pay a certain sum to the Northern Hawke's Bay Rabbit Board

Whereas by Order in Council dated 15 August 1945, which came into force on 24 August 1945, the boundaries of the Hawke's Bay Rabbit District were altered and redefined:

And whereas by an Order in Council dated 24 October 1945 the Northern Hawke's Bay Rabbit District was constituted and the boundaries of the area comprised therein were defined and declared a rabbit district:

And whereas such area comprised an area excluded from the Hawke's Bay Rabbit District by the first recited Order in Council:

And whereas the Hawke's Bay Rabbit Board, for the purpose of assisting the Northern Hawke's Bay Rabbit Board, is desirous of paying out of its funds the sum of 300 pounds to the latter Board, and it is desirable that such expenditure should be authorised:

Be it therefore enacted as follows:

The Hawke's Bay Rabbit Board is hereby authorised and empowered to pay to the Northern Hawke's Bay Rabbit Board the sum of 300 pounds.

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Notes

1 *General*

This is a reprint of the Local Legislation Act 1946. The reprint incorporates all the amendments to the Act as at 29 January 1972, 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)*

Ohai Railway Board Amendment Act 1971 (1971 No 15 (L)): section 4
Reserves and Other Lands Disposal Act 1970 (1970 No 121): section 5(5)
Local Legislation Act 1961 (1961 No 127): section 29(9)
Counties Act 1956 (1956 No 64): section 453(1)
Local Legislation Act 1950 (1950 No 79): section 7(2)
