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Local Legislation Act 1954

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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 1954.

County Councils

2 Vesting certain land in Corporation of County of Rodney as recreation reserve

Whereas, by deed of trust dated 2 September 1912, James Dunning, of Cambridge, farmer, gave to John Morrison, orchardist, Henry Robert French, county clerk, and Benjamin Holmes McKinney, farmer, all of Warkworth (in this section referred to as the **trustees**), all that piece of land situate on the northern bank of the Mahurangi River near Warkworth containing by admeasurement 27 acres 3 roods, more or less, being all the land on Deposited Plan Number 7948 and all the land comprised and described in certificate of title, Volume 202, folio 91, Auckland Registry, upon the trusts set out in the said deed for a place of public recreation and enjoyment for the people of Mahurangi in the County of Rodney and to be known as the Mahurangi Park:

And whereas, by memorandum of transfer registered in the Land Registry Office at Auckland as Number 70410, the said James Dunning transferred all his estate and interest in the aforesaid land to the trustees:

And whereas, by a deed made on 20 March 1915, by the trustees of the first part, the said Henry Robert French, of the second part, and Thomas Henry Wilson, cement manufacturer, of Warkworth, of the third part, the said Henry Robert French was released and discharged from the trusts and powers reposed in and conferred on him by the said deed of trust and

the trustees appointed the said Thomas Henry Wilson to be a trustee under the said deed of trust in place of the said Henry Robert French:

And whereas, by memorandum of transfer registered as aforesaid under Number 85539, the trustees transferred all their estate and interest in the said land to the said John Morrison, Benjamin Holmes McKinney, and Thomas Henry Wilson:

And whereas the said Benjamin Holmes McKinney has since died, and the said John Morrison and Thomas Henry Wilson (in this section referred to as the **present trustees**) are the surviving trustees:

And whereas the sum of 98 pounds 3 shillings and 10 pence, together with interest thereon, being money collected by public subscription and interest, is vested in the present trustees as an endowment fund to develop the said Mahurangi Park:

And whereas the present trustees desire to vest the said land and endowment fund in the Chairman, Councillors, and Inhabitants of the County of Rodney (in this section referred to as the **Corporation**) for the purposes of the said trust, but the Corporation is not authorized to accept lands or money on the terms of the said trust:

And whereas the Corporation is prepared to accept the said land for the purposes of a recreation reserve pursuant to section 198 of the Counties Act 1920, as substituted by section 18 of the Counties Amendment Act 1949, and to administer the said endowment fund for the purpose of developing the said land as a recreation reserve pursuant to the said Act:

Be it therefore enacted as follows:

- (1) The Corporation is hereby authorized and empowered to accept a transfer to it of the said land to be held by it as a recreation reserve pursuant to section 198 of the Counties Act 1920, and to administer the said endowment fund for the purposes of and incidental to the said recreation reserve, and the present trustees are hereby authorized and empowered to make such transfers of land and money to the Corporation as aforesaid.
- (2) The Corporation and the present trustees are hereby authorized and empowered to execute all such deeds and documents and do all such other things as may be necessary for the effectual

vesting in the Corporation of the said land and money as aforesaid.

- (3) Upon the transfer of the said land and money to the Corporation, the present trustees shall be released and absolutely discharged from the trusts incidental to the said deeds of 2 September 1912 and 20 March 1915.

3 Authorizing raising of special loan by Franklin County Council

Whereas the Franklin County Council (in this section referred to as the **Council**), prior to the sanction of the Local Government Loans Board being given to the raising of a loan for roads, bridges, and buildings, expended out of its County Fund Account moneys in the erection of a bridge on the Papakura–Titi Main Highway:

And whereas the Local Government Loans Board has no authority to sanction the raising of a loan for the purpose of enabling the Council to refund the said moneys to its County Fund Account:

And whereas it is desirable that authority should be given for that purpose:

Be it therefore enacted as follows:

The Council is hereby authorized and empowered to borrow by way of special loan under the Local Bodies' Loans Act 1926 an amount not exceeding the sum of 10,000 pounds for the purpose of refunding to its County Fund Account all moneys applied by the Council as aforesaid in the erection of the said bridge.

4 Authorizing Patangata County Council to hold election for additional councillor

Whereas the Patangata County Council (in this section referred to as the **Council**) is desirous of increasing the number of members of the Council by the election of an additional representative of the electors of the Pourerere Riding of the Patangata County (in this section referred to as the **County**) but has no power to effect the increase until the next general election of the Council:

Be it therefore enacted as follows:

- (1) Any special order made by the Council prior to the next general election of councillors increasing the number of members of the Council from 10 to 11 and the number of councillors to be elected by the electors of the Pourerere Riding of the County from 1 to 2 shall, notwithstanding anything to the contrary in section 59 of the Counties Act 1920, come into force on a day to be named in the special order.
- (2) On the coming into force of any such special order, a vacancy shall be deemed to exist in the Council for the additional councillor to be elected by the electors of the Pourerere Riding of the County, and that vacancy shall be filled in the same manner as an extraordinary vacancy in the office of councillor.

5 Validating abolition of riding accounts by Piako County Council

Whereas the Piako County Council (in this section referred to as the **Council**) by special order passed on 21 February 1950, and confirmed on 21 March 1950, pursuant to section 2 of the Counties Amendment Act 1931, declared that sections 121 and 131 of the Counties Act 1920 should not apply to the Council: And whereas the Council omitted to forward to the Minister of Internal Affairs, as provided by the said section 2, a copy of the said special order with the appropriate certificate in order to enable the said special order to be gazetted and to take effect: And whereas the Council has acted upon the said special order in all respects as if the same had taken effect from 31 March 1950:

Be it therefore enacted as follows:

- (1) The said special order of the Council declaring that sections 121 and 131 of the Counties Act 1920 should not apply to the Council shall be deemed to have taken effect for all purposes, and the said sections 121 and 131 are hereby declared not to have applied to the Council as from 31 March 1950.
- (2) The actions of the Council in closing the separate riding accounts kept pursuant to subsection (3) of section 131 of the Counties Act 1920 by incorporating in the General Account of the County Fund the balances of the said separate accounts,

and in disbursing moneys on a whole county basis instead of a riding basis as from 31 March 1950, are hereby validated and declared to have been lawful.

- (3) The actions of the Council in making and levying all general rates over the county as a whole instead of separately in each riding for each of the years ending on 31 March 1951, 31 March 1952, 31 March 1953, 31 March 1954, and 31 March 1955 and in doing all things necessary preliminary thereto are hereby validated, and all such rates are hereby declared to have been lawfully made and levied and to be legally recoverable.

6 Authorizing raising of special loan by Manukau County Council

Whereas the Manukau County Council (in this section referred to as the **Council**), prior to the sanction of the Local Government Loans Board being given to the raising of a loan for waterworks purposes, expended out of its County Fund Account moneys amounting in the aggregate to the sum of 7,500 pounds in the purchase of certain waterworks from the Manurewa Borough Council:

And whereas the Local Government Loans Board has no authority to sanction the raising of a loan for the purpose of enabling the Council to refund the said sum to its County Fund Account:

And whereas it is desirable that authority be given for that purpose:

Be it therefore enacted as follows:

The Council is hereby authorized and empowered to borrow by way of special loan under the Local Bodies' Loans Act 1926 an amount not exceeding the sum of 7,500 pounds for the purpose of refunding to its County Fund Account all money applied by the Council as aforesaid in the purchase of the said waterworks.

7 Validating making and levying of certain rate by Kawhia County Council

Whereas, as on and from 1 April 1954, the Town District of Kawhia (in this section referred to as the **former Town District**) was merged in the County of Kawhia:

And whereas, because of the high rateable values of property in portion of the former Town District, the Kawhia County Council (in this section referred to as the **Council**) made and levied, during the year ending on 31 March 1955, a reduced general rate on the said property:

And whereas the Council acted without authority in making and levying the said rate, and it is desirable that the action of the Council be validated:

Be it therefore enacted as follows:

The action of the Council in making and levying, during the year ending on 31 March 1955, on property in portion of the former Town District, a reduced general rate of 7 pence in the pound on the unimproved value of the said property, is hereby validated, and the said rate is hereby declared to have been lawfully made and levied and to be legally recoverable.

City and Borough Councils

8 Validating certain expenditure incurred by Ashburton Borough Council

The expenditure by the Ashburton Borough Council during the financial year ended on 31 March 1954 of the sum of 371 pounds 2 shillings in celebration of the 75th anniversary of the Borough of Ashburton is hereby validated and declared to have been lawfully incurred and made.

9 Provision with respect to certain expenditure by Marton Borough Council in connection with anniversary celebrations

The Marton Borough Council (in this section referred to as the **Council**) is hereby authorized and empowered to expend out of its General Account a sum not exceeding 500 pounds for the purpose of celebrating and commemorating the 75th anniversary of the Borough of Marton, and any expenditure

heretofore incurred or made by the Council for that purpose is hereby validated and declared to have been lawfully incurred and made.

10 Authorizing Wellington City Council to transfer money from certain fund accounts to Tramway Account

The Wellington City Council is hereby authorized to transfer, as from 1 April 1954, to its Tramway Account from the fund accounts hereinafter named the sums following, that is to say:

- (a) from its Tramway and Power Supply Accident Fund Account, a sum not exceeding 15,000 pounds;
- (b) from its Electric Light and Power Supply Accident Fund Account, a sum not exceeding 75,000 pounds;
- (c) from its Electric Light and Power Supply Reserve Fund Account, a sum not exceeding 110,000 pounds; and
- (d) from its Electric Light and Power Supply Renewal Fund Account, a sum not exceeding 260,000 pounds.

11 Validating borrowing of certain loan money by Petone Borough Council

Whereas, on 25 March 1953, the Local Government Loans Board sanctioned the raising by the Petone Borough Council (in this section referred to as the **Council**) of a loan of 34,600 pounds, to be known as the Korokoro Sewerage Loan 1953 (in this section referred to as the **loan**), for the purpose of installing a sewerage service in Korokoro:

And whereas, contrary to the provisions of the Local Government Loans Board Act 1926, the Council, without first obtaining the consent of the Governor-General in Council, borrowed the sum of 10,000 pounds as part of the loan:

And whereas it is desirable that the action of the Council in borrowing the said sum of 10,000 pounds should be validated:

Be it therefore enacted as follows:

The action of the Council in borrowing the said sum of 10,000 pounds without first obtaining the consent of the Governor-General in Council is hereby validated, and the said moneys shall be deemed to have been lawfully borrowed.

12 Vesting certain land in Napier City Corporation

Whereas the owner of the land described in subsection (3) is unknown and cannot be found and it is desirable that the said land should be vested in the Mayor, Councillors, and Citizens of the City of Napier (in this section referred to as the **Corporation**):

Be it therefore enacted as follows:

- (1) The land described in subsection (3) is hereby declared to be vested in the Corporation for an estate in fee simple.
- (2) The District Land Registrar for the Land Registration District of Hawke's Bay is hereby authorized and directed to issue a certificate of title for the said land in the name of the Corporation for an estate in fee simple.
- (3) The land to which this section relates is more particularly described as follows:

All that piece of land situated in the City of Napier, containing by admeasurement 33 perches and four-tenths of a perch, more or less, being part of Suburban Section 17, Town of Napier: as the same is more particularly delineated on the plan lodged in the office of the Chief Surveyor, at Napier, under Number 2749, and thereon bordered red.

13 Provision with respect to refund of certain rates by Lower Hutt City Council

[Repealed]

Section 13: repealed, on 1 July 2003, by section 138(1) of the Local Government (Rating) Act 2002 (2002 No 6).

14 Validating certain borrowing by Lower Hutt City Council

Whereas the State Advances Corporation (in this section referred to as the **Corporation**) has, at the request of the Lower Hutt City Council (in this section referred to as the **Council**), and to assist the finances of the Council, advanced to the Council the sum of 22,500 pounds, which sum the Council has agreed to repay to the Corporation with interest at the rate of 4% per annum from 1 April 1953 by equal annual payments over a period of 3 years:

And whereas this advance constitutes borrowing by the Council and was made without statutory authority:

And whereas it is expedient to validate the action of the Council in receiving the advance and in paying interest thereon:

Be it therefore enacted as follows:

- (1) The action of the Council in accepting from the Corporation an advance of 22,500 pounds on 31 March 1953 is hereby validated, and the Council is hereby authorized to repay that advance, together with interest thereon at the rate of 4% per annum from 1 April 1953, by equal annual payments of 7,500 pounds, with interest calculated as aforesaid, on 1 April in each year over a period of 3 years.
- (2) The owing by the Council of the sums of 15,000 pounds and 7,500 pounds to the Corporation in respect of the advance referred to in subsection (1), for the years ending respectively on 31 March 1954 and 31 March 1955, shall not in either case be taken into account in determining the compliance or otherwise by the Council with the provisions of paragraph (c) of subsection (2) of section 3, or of section 9 of the Local Bodies' Finance Act 1921–22.

15 Validating certain special orders made by Upper Hutt Borough Council

Whereas the Upper Hutt Borough Council (in this section referred to as the **Council**), by special orders made on 13 April 1954, 27 April 1954, and 15 June 1954, resolved to permit the laying off of certain proposed streets of less than 66 feet in width in the Borough of Upper Hutt, subject to the condition that no building or part of a building should at any time be erected on land having a frontage to any of the said streets within a distance of 48 feet from the middle line of the street:

And whereas doubts have arisen as to whether the said special orders comply with the provisions of section 190 of the Municipal Corporations Act 1933, and it is desirable that the said special orders should be validated:

Be it therefore enacted as follows:

The said special orders made by the Council are hereby validated and deemed to have been lawfully made, and, notwith-

standing the provisions of section 190 of the Municipal Corporations Act 1933, the District Land Registrar for the Land Registration District of Wellington is hereby authorized and directed to deposit the said special orders in his office and to register against the title to all land affected thereby a memorandum under his hand accordingly.

16 Provision with respect to refund to Waterworks Account from loan moneys by Auckland City Council

Whereas, prior to authority being obtained to the raising of a loan of the sum of 333,000 pounds, known as the Waterworks Loan 1953, £333,000 (in this section referred to as the **loan**), the Auckland City Council (in this section referred to as the **Council**) expended out of its Waterworks Account, for certain purposes for which the loan was to be raised, moneys amounting in the aggregate to the sum of 26,856 pounds 11 shillings and 8 pence:

And whereas authority has since been obtained to the raising of the loan, and the Council is desirous of recouping its Waterworks Account out of the proceeds of the loan and it is expedient to make provision accordingly:

Be it therefore enacted as follows:

The Council is hereby authorized and empowered to refund to its Waterworks Account out of the proceeds of the loan a sum not exceeding 26,856 pounds 11 shillings and 8 pence.

17 Authorizing Hastings Borough Council to acquire shares in Hastings Gas Company Limited

Whereas the Hastings Gas Company Limited (in this section referred to as the **Company**) has been formed for the purpose of acquiring the gas-making plant in Hastings at present owned by the Napier Gas Company Limited, as the latter company has given notice of its intention to cease the manufacture of gas in Hastings:

And whereas the Hastings Borough Council (in this section referred to as the **Council**) is concerned to see that sufficient of the capital offered for subscription by the Company is sub-

scribed to enable the Company to commence business and carry on the supply of gas to citizens of Hastings:

And whereas the Council will be put to considerable expense if insufficient capital is subscribed and gas does not continue to be supplied in Hastings:

And whereas the Council is desirous of subscribing for and acquiring 50 shares in the Company:

Be it therefore enacted as follows:

The Council is hereby authorized to subscribe for and acquire 50 shares of 5 pounds each in the Company and to pay the calls thereon in advance or as and when calls thereon are made by the Company:

provided that the total expenditure by the Council in respect of the said shares shall not exceed the sum of 250 pounds.

18 Authorizing raising of special loan by Milton Borough Council

Whereas the Milton Borough Council (in this section referred to as the **Council**), prior to the sanction of the Local Government Loans Board being given to the raising of a loan for housing, land purchase, and equipment purposes, expended out of its District Fund Account moneys amounting in the aggregate to the sum of 600 pounds in the purchase of a dwellinghouse for Council purposes:

And whereas the Local Government Loans Board has no authority to sanction the raising of a loan for the purpose of enabling the Council to refund the said sum to its District Fund Account:

And whereas it is desirable that authority be given for that purpose:

Be it therefore enacted as follows:

The Council is hereby authorized and empowered to borrow by way of special loan under the Local Bodies' Loans Act 1926 an amount not exceeding the sum of 600 pounds for the purpose of refunding to its District Fund Account all moneys applied by the Council as aforesaid in the purchase of the said dwellinghouse.

19 Authorizing Balclutha Borough Council to sell certain lands

Whereas the lands firstly and secondly described in subsection (4) are vested in the Mayor, Councillors, and Burgesses of the Borough of Balclutha (in this section referred to as the **Corporation**) in trust as endowments for the municipality of Balclutha:

And whereas the Corporation is the registered proprietor of an estate in fee simple in the land thirdly described in subsection (4) to be held as the Harvey Memorial and Centennial Hall:

And whereas it is expedient to empower the Balclutha Borough Council (in this section referred to as the **Council**) to sell the said lands:

Be it therefore enacted as follows:

- (1) The Council may, without further authority than this section, sell the lands described in subsection (4), or any part of those lands, by public auction, public tender, private treaty, or otherwise, on such terms and subject to such conditions as it thinks fit, and on the sale of any such land any trust or reservation theretofore affecting the same shall be deemed to be cancelled.
- (2) The proceeds from all sales of the said lands shall be applied by the Council in or towards the purchase of other lands to be held in the name of the Corporation for the general purposes of the Borough of Balclutha.
- (3) The District Land Registrar for the Land Registration District of Otago is hereby authorized and directed to accept such documents for registration and to do all such other things as may be necessary to give effect to this section.
- (4) The lands to which this section relates are more particularly described as follows:

Firstly, all that parcel of land situate in the Town of Balclutha containing by admeasurement 1 rood, more or less, being Section 9, Block III, on the public map of the said Town deposited in the Office of the Chief Surveyor, at Dunedin, and being all the land comprised in certificate of title, Volume 79, folio 21, Otago Registry.

Secondly, all that parcel of land situate in the Town of Balclutha containing by admeasurement 1 rood, more or less, be-

ing Section 18, Block V, of the said Town and being all the land comprised in certificate of title, Volume 79, folio 26, Otago Registry.

Thirdly, all that parcel of land situate in the District of Clutha containing by admeasurement 20 perches, more or less, being all the land on Deposited Plan Number 5478, and being part of Section 5, Block XXXV, of the said District and being all the land comprised in certificate of title, Volume 302, folio 41, Otago Registry.

20 Provision with respect to expenditure of money by Waimate Borough Council in connection with 75th anniversary celebrations

The Waimate Borough Council (in this section referred to as the **Council**) is hereby authorized and empowered to expend out of its General Account a sum not exceeding 200 pounds for the purpose of celebrating and commemorating the 75th anniversary of the constitution of the Borough of Waimate, and any expenditure heretofore incurred or made by the Council for that purpose is hereby validated and declared to have been lawfully incurred and made.

21 Authorizing expenditure of certain money by Cromwell Borough Council for staff housing purposes

Whereas the Cromwell Borough Council (in this section referred to as the **Council**) keeps certain money derived from the sale of lands under section 156 of the Municipal Corporations Act 1933 in a separate account in the Council's books known as the Land Sales Account:

And whereas the Council is required to expend the said money in the purchase of other lands to be held for the same purposes as the lands sold:

And whereas the Council holds adequate lands for the purposes of the Borough of Cromwell and it is desirable to authorize the Council to utilize certain of the money in the Land Sales Account in the erection of staff houses:

Be it therefore enacted as follows:

Notwithstanding anything to the contrary in section 156 of the Municipal Corporations Act 1933, the Council is hereby authorized and empowered to expend from the Land Sales Account, towards the erection of staff houses, an amount not exceeding the sum of 1,000 pounds.

22 Authorizing Dunedin City Corporation to make *ex gratia* payment in respect of a contract to construct street works

Whereas, by an agreement dated 7 March 1950, made between McJorrow Bros. of Ashburton, contractors (in this section referred to as the **contractors**), 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 contractors agreed to form and construct a street known as the Albert Street Extension together with the Highgate Bridge and appurtenant works for a sum calculated in accordance with the schedule rates provided in the said agreement:

And whereas no provision was made in the said agreement to meet possible increases in labour and other charges:

And whereas between 15 February 1951 and 31 December 1953 the contractors incurred extraordinary increases in expenses over and above the schedule rates provided in the said agreement:

And whereas the Corporation, being satisfied that the extraordinary increases were not and could not reasonably have been contemplated by the contractors at the time the said contract was entered into, is desirous of making a payment of 9,935 pounds 10 shillings and 4 pence to the contractors by way of an *ex gratia* payment:

Be it therefore enacted as follows:

The Corporation is hereby authorized and empowered to pay the sum of 9,935 pounds 10 shillings and 4 pence to the contractors by way of compensation in respect of the extraordinary expenses incurred by them as aforesaid.

23 Authorizing Dunedin City Corporation to make *ex gratia* payment in respect of a contract to erect houses

Whereas, by an agreement dated 15 October 1953, made between M.B.M. Builders, of Fairfield, building contractors (in this section referred to as the **contractors**), 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 contractors agreed to erect 8 prefabricated houses for the sum of 8,705 pounds:

And whereas as a result of a general increase in wages there has been an increase in the wages, costs, and expenses payable by the contractors and there is no provision in the said agreement for variation of the contract price to cover the said increase:

And whereas the Council is desirous of compensating the contractors in respect of the loss incurred by reason of the said increase:

Be it therefore enacted as follows:

The Council is hereby authorized and empowered to pay the sum of 131 pounds 9 shillings and 2 pence to the contractors by way of compensation in respect of the loss incurred by the contractors.

24 Making provision with respect to excess overdraft of Dunedin City Council

Whereas the Dunedin City Council (in this section referred to as the **Council**) has from time to time, in respect of its Transport Department Account, borrowed moneys from its bankers by way of overdraft:

And whereas on 31 March 1954 the Council owed to its bankers by way of overdraft the sum of 328,225 pounds and 5 pence, which amount is in excess of the limit prescribed by paragraph (c) of subsection (2) of section 3 of the Local Bodies' Finance Act 1921–22:

And whereas it is expedient that the action of the Council in owing the moneys as aforesaid should be validated:

Be it therefore enacted as follows:

Notwithstanding anything to the contrary in the Local Bodies' Finance Act 1921–22, or in any other Act, the amount

by which the moneys owing by the Council to its bankers as at 31 March 1954 in respect of its Transport Department Account exceeds the limit prescribed by the said Act shall for all purposes be deemed to be lawfully owed by the Council as at that date.

Road Board

25 Provision with respect to purchase of wharf by Western Waiheke Road Board

Whereas the Western Waiheke Road Board (in this section referred to as the **Board**) is desirous of purchasing from the Devonport Steam Ferry Company Limited the Matiatia Wharf situated in Matiatia Bay, Waiheke Island, and of raising a loan for that purpose and for effecting improvements to the said wharf:

Be it therefore enacted as follows:

- (1) The Board is hereby authorized and empowered to purchase the said Matiatia Wharf from the said company at such price and upon such terms as may be agreed upon between the Board and the company and any agreements heretofore entered into by the parties in respect of the said purchase are hereby declared to be valid and binding on the parties and shall for all purposes be effective according to their tenor.
- (2) The Board may borrow by way of special loan under the Local Bodies' Loans Act 1926, and, notwithstanding the provisions of section 9 of that Act, without the prior consent of the ratepayers, an amount not exceeding the sum of 2,000 pounds for the purpose of purchasing the said wharf and effecting improvements thereto.
- (3) The Board is hereby authorized, out of the proceeds of the said loan, when raised, to refund to its General Account all money advanced thereout, whether before or after the passing of this Act, for the purposes for which the said loan is to be raised.

*Harbour Boards***26 Validating certain contract entered into by New Plymouth Harbour Board**

Whereas the New Plymouth Harbour Board, now the Taranaki Harbour Board (in this section referred to as the **Board**), on or about 15 June 1951, made a contract (in this section referred to as the **contract**) with C. L. F. Harlen Limited (in this section referred to as the **contractor**) for the supply of certain materials and the execution of certain work for the purposes of an improved electrical reticulation of the Newton King wharf:

And whereas, contrary to the provisions of section 131 of the Harbours Act 1950 (in this section referred to as the **said Act**), prior to the making of the contract, tenders were not called for by public notice:

And whereas, in making the contract, the provisions of sections 129 and 130 of the said Act were not complied with:

And whereas the contractor has supplied the materials and executed the work required to be supplied and executed under the contract and the total amount paid by the Board to the contractor in respect thereof is 5,797 pounds 7 shillings and 9 pence:

And whereas doubts have arisen with regard to the validity of the contract and the payment of 5,797 pounds 7 shillings and 9 pence thereunder:

And whereas it is desirable that the contract and the payment thereunder should be validated:

Be it therefore enacted as follows:

Notwithstanding anything contained in the said Act, or in any other Act, the action of the Board in entering into the contract and in paying the sum of 5,797 pounds 7 shillings and 9 pence thereunder is hereby validated and the contract shall be deemed to have been lawfully made and the sum of 5,797 pounds 7 shillings and 9 pence lawfully paid.

27 Authorizing Auckland Harbour Board to make certain donation

The Auckland Harbour Board is hereby authorized to expend from its Harbour Fund the sum of 500 pounds as a donation to the funds of the Friends of the Deaf, Incorporated, to be

used in the establishment of an institute to help the adult deaf-born people of Auckland to further their cultural, spiritual, and recreational needs.

Drainage Boards

28 Provision with respect to levying of excess general rates by Mangapu Drainage Board

Whereas, by section 50 of the Local Legislation Act 1936, as extended by section 42 of the Local Legislation Act 1937, section 41 of the Local Legislation Act 1939, section 28 of the Local Legislation Act 1942, section 29 of the Local Legislation Act 1947, and section 38 of the Local Legislation Act 1952, the Mangapu Drainage Board (in this section referred to as the **Board**) was authorized to make and levy on all rateable lands within the Mangapu Drainage District for certain years as set out in those sections, a general rate in excess of the maximum rate provided for in the Land Drainage Act 1908:

And whereas the Board desires to make and levy for the years ending on 31 March 1955, 31 March 1956, and 31 March 1957 a general rate, not exceeding 4 pence in the pound, on lands classified in accordance with section 33 of the Land Drainage Act 1908 as “A” lands; a general rate, not exceeding 3 pence in the pound, on lands so classified as “B” lands; and a general rate, not exceeding 2 pence in the pound, on lands so classified as “C” lands:

And whereas it is expedient that the Board should be empowered to levy general rates on the aforesaid basis:

Be it therefore enacted as follows:

The Board is hereby authorized and deemed to have been authorized to make and levy for the years ending on 31 March 1955, 31 March 1956, and 31 March 1957 a general rate, not exceeding 4 pence in the pound, on lands classified in accordance with section 33 of the Land Drainage Act 1908 as “A” lands; a general rate, not exceeding 3 pence in the pound, on lands so classified as “B” lands; and a general rate, not exceeding 2 pence in the pound, on lands so classified as “C” lands.

29 Authorizing levying of certain separate rates by Thames Valley Drainage Board

[Repealed]

Section 29: repealed, on 10 May 1956, by section 4(2) of the Land Drainage Amendment Act 1956 (1956 No 7).

Electric Power Board

30 Authorizing Taranaki Electric Power Board to raise a special loan for housing purposes

Whereas the Taranaki Electric Power Board (in this section referred to as the **Board**) has made application to the Local Government Loans Board for authority to raise a loan of 10,000 pounds to be known as the Staff Housing Loan 1954 (in this section referred to as the **proposed loan**):

And whereas, prior to sanction being given to the raising of the proposed loan, the Board has expended out of its Power Fund Account moneys amounting in the aggregate to the sum of 6,500 pounds for the purposes of the proposed loan:

And whereas the Local Government Loans Board has no authority to sanction the raising of that part of the proposed loan which relates to the purposes for which the said moneys have been expended:

And whereas it is desirable to authorize the Council to raise a special loan not exceeding the sum of 6,500 pounds for the purpose of recouping its Power Fund Account in respect of the moneys expended therefrom as aforesaid:

Be it therefore enacted as follows:

The Board is hereby authorized and empowered to borrow by way of special loan pursuant to the Local Bodies' Loans Act 1926 an amount not exceeding the sum of 6,500 pounds for the purpose of refunding to its Power Fund Account all moneys expended therefrom for the purposes of the proposed loan.

Hospital Boards

31 Varying terms of trust in respect of which T. G. Macarthy Home for Children is held by Wellington Hospital Board

Whereas the Wellington Hospital Board (in this section referred to as the **Board**) is registered as proprietor of an estate in

fee simple, firstly, in all that parcel of land situated in the Land Registration District of Wellington, containing by admeasurement 18 acres 2 roods 24 perches, more or less, comprising parts of Sections 37 and 185, Hutt District, being Lot 10 and part Lot 1 on Deposited Plan 1397, and other part of said Section 37 and part Section 48 of the Hutt District, and being the whole of the land comprised and described in certificate of title, Volume 221, folio 84, Wellington Registry, together with a right of way over the part delineated and coloured yellow on the plan on the said certificate of title; and, secondly, in all that parcel of land situated in the Land Registration District of Wellington, containing seven-tenths of a perch and being Lot 11, Deposited Plan 1397, part of Section 37, Hutt District, and all the land comprised and described in certificate of title, Volume 166, folio 48, Wellington Registry:

And whereas the said land was acquired by the Board and the buildings thereon were equipped out of moneys given to the Board by the Board of Governors of the Thomas George Macarthy Trust for the purpose of establishing an institution for convalescent children (in this section referred to as the **institution**):

And whereas, by an order of the Supreme Court made on 25 September 1936, the terms of the trust upon which the said land was held were varied whereby the Board was authorized to admit adult female convalescent patients to the institution as well as convalescent children, but in admitting patients to the institution children were to be given preference over adults:

And whereas it was also a term of the said order that the variation should not be held to limit or abrogate the powers given to the Board by section 34 of the Local Legislation Act 1931:

And whereas it is desirable that adult male convalescent patients should be admitted to the institution in addition to convalescent children and adult female convalescent patients:

Be it therefore enacted as follows:

- (1) The Board is hereby authorized to admit adult male convalescent patients to the institution as well as adult female convalescent patients and convalescent children:

provided that in admitting patients to the institution, children shall be given preference over adults.

- (2) Nothing in this section shall abrogate or limit the powers given to the Board by section 34 of the Local Legislation Act 1931.

32 Authorizing Wellington Hospital Board to supply steam to Wellington Society for the Relief of the Aged Needy

Whereas the Wellington Hospital Board (in this section referred to as the **Board**) has for a number of years supplied, free of charge, steam for heating purposes to the home of the Wellington Society for the Relief of the Aged Needy (in this section referred to as the **Society**) by means of a pipeline installed by and at the cost of the Board:

And whereas doubts have arisen as to the authority of the Board to provide that supply or to incur the expenditure thereby occasioned and it is desirable that the expenditure be validated and that the Board be empowered to continue that supply to the Society:

Be it therefore enacted as follows:

- (1) The supply by the Board, free of charge, of steam for heating purposes to the home of the Society, and the expenditure thereby incurred by the Board, are hereby validated and deemed to have been lawfully supplied and incurred.
- (2) The Board is hereby authorized and empowered to continue the aforesaid supply to the Society upon such terms and conditions as may be mutually agreed upon between the Board and the Society.

Catchment Board
[Repealed]

Heading: repealed, on 25 October 1956, pursuant to section 38(2) of the Local Legislation Act 1956 (1956 No 48).

33 Further extending period during which classifications for rating purposes of certain lands in North Canterbury Catchment District shall continue in force

[Repealed]

Section 33: repealed, on 25 October 1956, by section 38(2) of the Local Legislation Act 1956 (1956 No 48).

Affecting 2 or more classes of public bodies

34 Validating agreement made by Whangarei Borough Council and Onerahi Town Board with respect to water supply

Whereas the Whangarei Borough Council (in this section referred to as the **Council**) and the Onerahi Town Board (in this section referred to as the **Board**) entered into an agreement dated 4 May 1954, a certified copy of which agreement is recorded in the Department of Internal Affairs at Wellington as IA 105/531, whereby the Council agreed to supply and the Board agreed to take a supply of water upon the terms and conditions therein set out:

And whereas it is desirable to validate the said agreement:

Be it therefore enacted as follows:

Notwithstanding anything to the contrary in the Municipal Corporations Act 1933, or in any other Act, the Council and the Board are hereby and shall be deemed to have been at all times authorized and empowered to enter into the said agreement, which shall be binding on the parties thereto and shall for all purposes have effect according to its tenor.

35 Provision with respect to certain property vested in Opunake Borough Council

Whereas all property belonging to the Opunake Harbour Board which by section 6 of the Opunake Harbour Act 1938 was vested in the Mayor, Councillors, and Burgesses of the Borough of Opunake has been held by the Opunake Borough Council (in this section referred to as the **Borough Council**), in trust for the purpose of applying the revenue therefrom in liquidation of the liabilities of the Opunake Harbour Board:

And whereas the Taranaki Harbour Board has now assumed responsibility for the liabilities of the Opunake Harbour Board:

And whereas the Borough Council will accordingly hold all such property freed and discharged from the aforesaid trusts:

And whereas the Borough Council has agreed to pay a proportion of the future revenue from the said property to the Egmont County Council (in this section referred to as the **County Council**):

And whereas it is expedient that the capacity in which the Borough Council holds the said property should be clarified and that the Borough Council should be authorized to pay a proportion of future revenue to the County Council:

Be it therefore enacted as follows:

- (1) All property, whether real or personal, formerly belonging to the Opunake Harbour Board, and which, by section 6 of the Opunake Harbour Act 1938, was vested in the Borough Council, is hereby vested in the Borough Council in trust as a municipal endowment.
- (2) Upon application by the Borough Council it shall be the duty of the District Land Registrar or the Registrar of Deeds, as the case may be, and without payment of any fee, to make such entries in the appropriate registers recording the capacity in which the Borough Council holds the real property so vested.
- (3) The Borough Council shall be entitled and is hereby authorized to pay to the County Council such proportion of the revenue from the property so vested, or any other property purchased in substitution therefor, as may be agreed between those parties.

36 Authorizing Auckland Metropolitan Drainage Board to transfer Motukorea Island to Auckland City Corporation

Whereas the Auckland Metropolitan Drainage Board (in this section referred to as the **Board**) is registered as the proprietor of the lands described in subsection (2), being Motukorea Island, otherwise known as Brown's Island, situated in the Waitemata Harbour, for an estate in fee simple:

And whereas the Board has decided that the island is no longer required for the purposes for which it was purchased:

And whereas Sir Ernest Davis, a former Mayor of the City of Auckland, has indicated to the Board that, to enable the island to be set aside as a public reserve for the use and enjoyment of the public, he is prepared to pay to the Board the price at which it acquired the island, namely, 6,500 pounds, upon condition that the Board takes the necessary steps to effect the aforesaid result:

Be it therefore enacted as follows:

- (1) The Board is hereby empowered, upon payment to it of the sum of 6,500 pounds by Sir Ernest Davis, to transfer the land described in subsection (2) to the corporation of the Mayor, Councillors, and Citizens of the City of Auckland to be vested in that corporation as a public reserve under the Reserves and Domains Act 1953 for the use and enjoyment of the public.
- (2) The land to which this section relates is more particularly described as follows:

All that parcel of land situated in Blocks X and XI, Rangitoto Survey District, containing 148 acres, more or less, being the island of Motukorea, commonly known as Brown's Island: as the same is more particularly delineated on a plan deposited in the Land Registry Office at Auckland as Number 16315, and being all the land described in certificate of title, Volume 364, folio 284, Auckland Registry.

37 Provision with respect to expenditure of money by Waimate County Council and Waimate Borough Council in connection with centennial celebrations

The Waimate County Council and the Waimate Borough Council are hereby authorized and empowered to expend out of their General Accounts sums not exceeding 500 pounds in the case of each of the said Councils for the purpose of celebrating and commemorating the 100th anniversary of the arrival of the first white settler in the Waimate district, and any expenditure heretofore incurred or made by either of the said Councils for that purpose is hereby validated and declared to have been lawfully incurred and made.

38 Fixing date of next general elections of members of Auckland Electric Power Board, Auckland Transport Board, Christchurch Transport Board, and Christchurch Drainage Board

- (1) Notwithstanding anything contained in subsections (2) to (5) of section 4 of the Local Elections and Polls Act 1953, the next general elections of members of the Auckland Electric Power Board, the Auckland Transport Board, and the Christchurch Transport Board, and the next general elections of members for the several subdistricts of the Christchurch Drainage Dis-

trict, shall be held on the third Saturday in May, in the year 1955.

- (2) Notwithstanding anything contained in any Act, the Governor-General may, by Order in Council, alter any times or dates prescribed by law for the preparation of rolls for the said general elections, and for the election of the Chairman of any of the said Boards or of the Christchurch Drainage Board, and may make such other provisions as may be necessary to give full effect to this section.

Miscellaneous

39 Validating certain expenditure incurred by Auckland Milk Treatment Corporation

The expenditure by the Auckland Milk Treatment Corporation of the sum of 155 pounds in connection with a function on the occasion of the opening of a new building in October 1952 is hereby validated and declared to have been lawfully incurred.

40 Validating agreement made between Taranaki Rugby Football Union, Star Rugby Football Club, and New Plymouth City Council

Whereas by a memorandum of agreement dated 9 September 1954, a copy of which is deposited in the Department of Internal Affairs, at Wellington, under Number IA 174/354, made between the Taranaki Rugby Football Union Incorporated (in this section referred to as the **Union**) of the first part, the Star Rugby Football Club Incorporated (in this section referred to as the **Club**) of the second part, and the Corporation of the Mayor, Councillors, and Citizens of the City of New Plymouth (in this section referred to as the **Corporation**) of the third part, the Union agreed to transfer to the Corporation for the purposes of a gymnasium certain lands owned by the Union and situated in the City of New Plymouth, subject to the terms and conditions set out in the said agreement:

And whereas doubts have arisen as to the validity of the said agreement and it is desirable that it should be validated:

Be it therefore enacted as follows:

Notwithstanding anything contained in the Municipal Corporations Act 1933, or in any other Act, or in the rules of the Union or the Club respectively, or in any rule of law, the parties to the said agreement shall be deemed to have been at all times authorized and empowered to enter into and execute the said agreement which shall be binding on the parties thereto and shall for all purposes, without further authority than this section, be effective according to its tenor.

41 Authorizing Westshore Public Hall to borrow moneys

Whereas the Westshore Public Hall, a body duly incorporated under the Libraries and Mechanics Institute Act 1908 (in this section referred to as the **Corporation**), is the owner of an estate in fee simple of the land described in subsection (2), together with the building erected thereon:

And whereas the Corporation has incurred expenses amounting to approximately 500 pounds in connection with certain repairs, renovations, and improvements to the said building:

And whereas, in order to meet the said expenses, the Corporation desires to borrow an amount not exceeding the sum of 500 pounds on the security of the said land but doubts have arisen as to the powers of the Corporation to borrow moneys:

Be it therefore enacted as follows:

- (1) It shall be lawful for the Corporation to borrow, subject to the provisions of the Local Government Loans Board Act 1926, an amount not exceeding the sum of 500 pounds and to execute a memorandum of mortgage of the land described in subsection (2) as security for the moneys so borrowed, and the District Land Registrar of the Land Registration District of Hawke's Bay is hereby authorized and directed to register the said mortgage against the title to the said land.
- (2) The land to which this section relates is more particularly described as follows:

All that parcel of land containing 20 perches and thirty-five hundredths of a perch, more or less, being Lots 2, 4, and 5, on Deposited Plan Number 6705, and being part of Town Sections 53 and 54 of the Town of Westshore (Westshore Extension Number 20), and being also the whole of the land com-

prised and described in certificate of title, Volume 103, folio 21, Hawke's Bay Registry, together with the sewage rights and incidental rights relative to a septic tank on Lot 1 of the said Deposited Plan Number 6705 (part certificate of title, Volume 103, folio 22, Hawke's Bay Registry, appurtenant to the said Lot 5, created and reserved by Transfer 68641).

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Notes

1 *General*

This is a reprint of the Local Legislation Act 1954. The reprint incorporates all the amendments to the Act as at 1 July 2003, 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)*

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

Local Legislation Act 1956 (1956 No 48): section 38(2)

Land Drainage Amendment Act 1956 (1956 No 7): section 4(2)
