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Local Legislation Act 1960

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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 1960.

*County councils***2 Authorising diversion of certain loan money by Masterton County Council**

Whereas by Order in Council made on 29 August 1955 consent was given to the raising by the Castlepoint County Council of a loan of 3,000 pounds to be known as the Mataikona Road Loan 1955 (in this section referred to as the **loan**) for the purpose of constructing a deviation of the Mataikona Road from the Masterton-Castlepoint Main Highway No 835 at Whakataki to Okau Station, and works incidental thereto:

And whereas the County of Castlepoint and the County of Masterton were united, as on and from 1 April 1958, to form one county under the name of the County of Masterton:

And whereas the Masterton County Council (in this section referred to as the **Council**) inspected the proposed deviation and an alternative route and decided that the only practical solution in the meantime was to abandon the deviation and rebuild the present Mataikona Road:

And whereas there are 4 fords to be bridged on the Pack Spur section of the present Mataikona Road:

And whereas the Council is desirous of applying the loan as its contribution towards the cost of constructing 2 of these bridges to be known as the Mataikona Road Bridge No 1 (situate in the Mataikona Settlement and being 44 chains approximately from the junction of the Mataikona Road and the Mataikona River Road), and the Mataikona Road Bridge No 2 (situate in the Mataikona Settlement and being 125 chains approximately from the junction of the Mataikona Road and the Mataikona River Road):

And whereas it is desirable to authorise the Council to apply the loan accordingly:

Be it therefore enacted as follows:

Notwithstanding anything to the contrary in the Local Authorities Loans Act 1956, or in any other Act, the Council is hereby authorised to divert and apply the loan as its contribution towards the cost of constructing the 2 bridges to be known as the Mataikona Road Bridge No 1 and the Mataikona Road Bridge No 2 on the Pack Spur section of the Mataikona Road.

3 Validating variation of terms of raising certain loan money by Manukau County Council

Whereas on 6 July 1955 the Local Government Loans Board sanctioned the raising by the Manukau County Council (in this section referred to as the **Council**) of a loan of 30,000 pounds to be known as the Takanini-Tironui Water Supply Special Area Loan No 2 1955 (in this section referred to as the **loan**), subject to certain conditions:

And whereas one of those conditions was that no money should be borrowed after the expiration of 2 years from the date of the Order in Council consenting to the raising of the loan:

And whereas that Order in Council was made on 26 October 1955:

And whereas at dates subsequent to the expiration of the said period of 2 years the Council raised the sums of 4,000 pounds and 1,500 pounds as portions of the loan:

And whereas it is expedient that the action of the Council in raising the said portions of the loan should be validated:

Be it therefore enacted as follows:

The action of the Council in raising the said portions of the loan after the expiration of the period specified by the Local Government Loans Board is hereby validated, and the said sums shall be deemed to have been lawfully borrowed, and the stock issued in respect thereof shall be deemed to have been lawfully issued and shall have full force and effect according to its tenor.

4 Validating variation of terms of raising certain loan money by Clutha County Council

Whereas by Order in Council made on 22 May 1957 consent was given to the raising by the Clutha County Council (in this section referred to as the **Council**) of a sum of 25,000 pounds (in this section referred to as the **loan**) being the second issue of 25,000 pounds in respect of a loan of 125,000 pounds known as the Works Loan 1956:

And whereas one of the conditions determined by the Local Government Loans Board was that the loan should be raised

within 2 years of the date of the Order in Council consenting to the raising of the loan:

And whereas after the said period of 2 years had expired the Council raised the sum of 600 pounds as part of the loan:

And whereas it is desirable that the action of the Council be validated:

Be it therefore enacted as follows:

The action of the Council in raising the sum of 600 pounds as part of the loan, otherwise than in accordance with the conditions determined by the Local Government Loans Board, is hereby validated and the said sum of 600 pounds shall be deemed to have been lawfully borrowed and all debentures and stock issued in respect thereof shall be deemed to have been lawfully executed and issued and shall have full force and effect according to their tenor.

5 Validating the sale of certain land by Waimairi County Council

Whereas on 23 April 1959 the Waimairi County Council (in this section referred to as the **Council**) entered into an agreement to sell the land described in subsection (3):

And whereas the Council has since completed the sale of that land:

And whereas contrary to section 170 of the Counties Act 1956 the Council omitted to make the special order required by that section before entering into the said agreement:

Be it therefore enacted as follows:

- (1) The actions of the Council in entering into an agreement to sell the land described in subsection (3) and in completing the sale of that land without first making a special order as required by section 170 of the Counties Act 1956 are hereby validated.
- (2) The District Land Registrar for the Land Registration District of Canterbury is hereby authorised 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.
- (3) The land to which this section relates is described as follows:
All that parcel of land situated in the City of Christchurch, containing 1 acre and 32 perches, more or less, being part of

Rural Section 5, and being Lot 4 on Deposited Plan Number 17870, and being also all the land comprised and described in certificate of title, Volume 745, folio 47, Canterbury Registry.

6 Exempting Meat Industry Research Institute from liability for payment of rates levied by Waikato County Council

[Repealed]

Section 6: repealed, on 14 December 1962, by section 38(3) of the Local Legislation Act 1962 (1962 No 117).

7 Provision with respect to dissolution of West Melton Hall Company Limited

Whereas the West Melton Hall Company Limited (in this section referred to as the **Company**) owns and operates a community hall and is desirous of winding up its affairs and transferring the said hall and all other assets of the Company, after payment of all liabilities, to the Chairman, Councillors, and Inhabitants of the County of Paparua (in this section referred to as the **Corporation**) without consideration:

And whereas the Corporation has agreed to accept the transfer to it of the assets of the Company and to hold the hall for the benefit of the community of West Melton and surrounding districts and to apply the other assets of the Company transferred for the general purposes of the hall:

And whereas the Company has no authority to make such a transfer:

And whereas it is desirable to authorise the transfer of the said assets of the Company to the Corporation as aforesaid:

Be it therefore enacted as follows:

- (1) The Company is hereby authorised to transfer to the Corporation without consideration the land described in subsection (5) together with the buildings erected thereon and all other assets of the Company of any kind whatsoever after payment thereof of all liabilities of the Company and all other costs and expenses.
- (2) The said land shall be held by the Corporation as a site for a public hall for the benefit of the community of West Melton

and its surrounding districts and all other assets of the Company transferred to the Corporation pursuant to subsection (1) shall be held by the Corporation for the general purposes of the hall for the time being erected on the said land.

- (3) The Corporation shall indemnify and keep indemnified the Company and the directors thereof against all claims whatsoever against the Company that may arise at any time after the transfer of the assets of the Company to the Corporation pursuant to subsection (1).
- (4) The District Land Registrar for the Land Registration District of Canterbury is hereby authorised and directed to accept such documents for registration, to make such entries in the register books, and to do all such other things as may be necessary to give effect to this section.
- (5) The land to which this section relates is more particularly described as follows:

All that area of land situated in Block XI, Rolleston Survey District, being Lot 1, Deposited Plan 15941, and being part Rural Section 5916, certificate of title, Volume 549, folio 89, Canterbury Registry.

8 Authorising Cheviot County Council to purchase, subdivide, and lease certain land

- (1) Notwithstanding anything contained in any Act, the Cheviot County Council (in this section referred to as the **Council**) is hereby empowered to purchase from the Crown the land described in subsection (4) at such price and upon such terms as shall be mutually agreed upon.
- (2) The Council is hereby further empowered to subdivide the said land in such manner as it shall in its discretion think fit, subject however to the provisions of the Land Subdivision in Counties Act 1946.
- (3) The Council is hereby further empowered to grant leases of all or any part or parts of the said land, at such rental or rentals, for such term or terms, with or without rights of renewal, and upon and subject to such covenants and conditions as the Council in its discretion shall think fit, including, but not by way of limitation, a provision requiring the lessee to erect within a specified

time a building or buildings on any land so leased, subject to the plans of the building or buildings being first approved by the Council.

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

All that area of land in the Canterbury Land District, containing 4 acres 2 roods 15 perches, more or less, being Section 44, Block XI, Cheviot Survey District, formerly part Reserve 4637 (SO Plan 9613).

9 Authorising Manukau County Council to levy sewerage rate

[Repealed]

Section 9: repealed, on 28 October 1965, by section 17(6)(a) of the Local Legislation Act 1965 (1965 No 122).

City and borough councils

10 Authorising Blenheim Borough Council to raise special loan

Whereas on 18 February 1959 the Local Authorities Loans Board, pursuant to section 21 of the Local Authorities Loans Act 1956, sanctioned the raising by the Blenheim Borough Council (in this section referred to as the **Council**) by way of bank overdraft of the sum of 5,000 pounds, to be known as the Bank Overdraft Loan 1959:

And whereas on 18 March 1959 the Local Authorities Loans Board sanctioned the raising by way of bank overdraft of a further sum of 5,000 pounds to be known as the Bank Overdraft Loan No 2 1959:

And whereas the Council duly borrowed the said sums from its bankers:

And whereas the said sums were borrowed and used for the purpose of providing relief from drought in a new area which had been incorporated in the Borough of Blenheim on 1 April 1959:

And whereas the Council desires to raise a special loan for the purpose of repaying the Bank Overdraft Loan 1959 and the Bank Overdraft Loan No 2 1959:

Be it therefore enacted as follows:

The Council is hereby authorised and empowered to borrow by way of special loan under the Local Authorities Loans Act 1956 the sum of 10,000 pounds for the purpose of repaying the amounts borrowed on bank overdraft and known as the Bank Overdraft Loan 1959 and the Bank Overdraft Loan No 2 1959.

11 Exempting Meat Industry Research Institute from liability for payment of rates levied by Hamilton City Council

[Repealed]

Section 11: repealed, on 1 July 2003, by section 138(1) of the Local Government (Rating) Act 2002 (2002 No 6).

12 Amending Waimakariri Harbour Act 1946

- (1) This section shall be read together with and deemed part of the Waimakariri Harbour Act 1946 (in this section referred to as the **principal Act**).
- (2) The Kaiapoi Borough Council is hereby authorised and empowered to utilise the fund held by that Council for the rebuilding and replacement of Hansens Buildings, which became vested in the Corporation of the Borough of Kaiapoi under section 6 of the principal Act, for all or any of the following purposes, namely:
 - (a) the rebuilding and replacement of Hansens Buildings:
 - (b) the effecting of permanent improvements, alterations, extensions, or additions to harbour works on the land vested in that Corporation under that section.
- (3) Section 23 of the Local Legislation Act 1959 is hereby repealed.
- (4) This section shall be deemed to have come into force on 1 April 1960.

13 Validating late refund to District Fund Account from loan money by Dunedin City Council

Whereas, after the Dunedin City Council (in this section referred to as the **Council**) had been authorised to raise a loan of 100,000 pounds to be known as the Dunedin City Council

Housing Development Loan 1954 (in this section referred to as the **loan**), but before the loan had been raised, the Council expended out of its District Fund Account, for certain purposes for which the loan was to be raised, money amounting in the aggregate to the sum of 2,311 pounds 15 shillings and 6 pence: And whereas the loan has since been raised and the Council has refunded the said sum to its District Fund Account out of the proceeds of the loan:

And whereas, contrary to the provisions of section 30 of the Local Authorities Loans Act 1956, the refund was made more than 2 years after the said sum had been expended without the prior consent of the Local Authorities Loans Board:

And whereas it is desirable to validate the refund:

Be it therefore enacted as follows:

The action of the Council in refunding the sum of 2,311 pounds 15 shillings and 6 pence to its District Fund Account out of the proceeds of the loan more than 2 years after the said sum had been expended without the prior consent of the Local Authorities Loans Board is hereby validated and declared to have been lawful.

14 Validating borrowing of and variation of terms of raising certain loan money by Tauranga Borough Council

Whereas by Order in Council made on 27 February 1957 consent was given to the raising by the Tauranga Borough Council (in this section referred to as the **Council**) of a sum of 25,000 pounds (in this section referred to as the **loan**) as portion of a loan of 100,000 pounds known as the Development Loan 1955:

And whereas the Council raised a sum of 7,350 pounds as part of the loan on terms that it should be repaid on 12 May 1980:

And whereas one of the conditions determined by the Local Authorities Loans Board in respect of the raising of the said sum of 7,350 pounds was that that sum should be repaid over a term of 10 years:

And whereas it is desirable that the action of the Council in raising the said sum otherwise than in accordance with the

conditions determined by the Local Authorities Loans Board be validated:

Be it therefore enacted as follows:

The action of the Council in raising the sum of 7,350 pounds as part of the loan, otherwise than in accordance with the conditions determined by the Local Authorities Loans Board, is hereby validated and the said sum of 7,350 pounds shall be deemed to have been lawfully borrowed and all stock issued in respect thereof shall be deemed to have been lawfully issued and shall have full force and effect according to its tenor.

15 Validating variation of terms of raising certain loan money by Henderson Borough Council

Whereas by Orders in Council made on 22 October 1958 and 10 November 1959 consent was given to the raising by the Henderson Borough Council (in this section referred to as the **Council**) of 2 sums of 25,000 pounds, each being portion of a loan of 50,000 pounds to be known as the Development Loan 1958 (in this section referred to as the **loan**):

And whereas 2 of the conditions determined by the Local Authorities Loans Board in respect of the loan were that the loan should extend over a term of 20 years and that the loan, together with interest thereon, should be repaid by equal aggregate annual or half-yearly instalments extending over that period:

And whereas the Council borrowed as portions of the loan a sum of 200 pounds for a term of 6 years repayable in a lump sum at maturity, and 2 sums of 5,000 pounds each for a term of 10 years part of the principal being repayable by equal half-yearly payments over that period and the balance at maturity:

And whereas it is desirable that the action of the Council should be validated:

Be it therefore enacted as follows:

The action of the Council in raising the said portions of the loan otherwise than in accordance with the conditions determined by the Local Authorities Loans Board is hereby validated and the sum of 200 pounds, and the 2 sums of 5,000 pounds shall be deemed to have been lawfully borrowed

and all debentures or stock issued in respect thereof shall be deemed to have been lawfully executed and issued and shall have full force and effect according to their tenor.

16 Validating late refund to District Fund Account from loan money by Inglewood Borough Council

Whereas, after the Inglewood Borough Council (in this section referred to as the **Council**) had been authorised to raise a loan of 16,200 pounds to be known as the General Purposes Loan 1953 (in this section referred to as the **loan**), but before the loan had been raised, the Council expended out of its District Fund Account, for certain purposes for which the loan was to be raised, money amounting in the aggregate to the sum of 2,100 pounds:

And whereas the loan has since been raised and the Council has refunded the said sum to its District Fund Account out of the proceeds of the loan:

And whereas, contrary to the provisions of section 30 of the Local Authorities Loans Act 1956, the refund was made more than 2 years after the said sum had been expended without the prior consent of the Local Authorities Loans Board:

And whereas it is desirable to validate the refund:

Be it therefore enacted as follows:

The action of the Council in refunding the sum of 2,100 pounds to its District Fund Account out of the proceeds of the loan more than 2 years after the said sum had been expended without the prior consent of the Local Authorities Loans Board is hereby validated and declared to have been lawful.

17 Authorising Henderson Borough Council to make *ex gratia* payment in respect of a contract

Whereas, by an agreement dated 23 October 1959, made between Connolly and Comer Limited of Auckland (in this section referred to as the **contractors**), of the one part, and the Henderson Borough Council (in this section referred to as the **Council**), of the other part, the contractors agreed to lay certain sewer mains and to do certain other works for the Council in connection with the Council's sewerage reticulation of por-

tion of the Borough, for the sum of 33,211 pounds, upon the terms and conditions contained in the said agreement:

And whereas in the execution of the said works the contractors have encountered certain difficulties arising from the unforeseen nature of the strata below the surface of the area to be sewered:

And whereas the Council is satisfied that the difficulties encountered were not contemplated and could not have been foreseen by the contractors at the time the said agreement was entered into:

And whereas the Council, having regard to these difficulties and to the hardship which the contractors would otherwise suffer, is desirous of making a payment of 5,770 pounds to the contractors:

Be it therefore enacted as follows:

The Council is hereby authorised and empowered to pay the sum of 5,770 pounds to the contractors by way of compensation.

18 Validating the use of surplus loan money by Feilding Borough Council

Whereas by resolution passed on 29 October 1959 the Local Authorities Loans Board approved the use by the Feilding Borough Council (in this section referred to as the **Council**) of the unexpended balance of a loan of 9,200 pounds known as the Pensioners' Flats Loan 1957 (in this section referred to as the **first loan**) for the purpose for which a loan of 8,000 pounds to be known as the Pensioners' Flats Loan 1960 (in this section referred to as the **second loan**) is to be raised:

And whereas part of the unexpended balance of the first loan amounting to the sum of 1,280 pounds (in this section referred to as the **said sum**) had not been raised by the Council when the Local Authorities Loans Board passed the said resolution:

And whereas after the said resolution was passed the Council raised and used part of the said sum for the purpose for which the second loan is to be raised:

And whereas the Local Authorities Loans Board had no authority to pass the said resolution in respect of the said sum and it is desirable to validate such resolution:

Be it therefore enacted as follows:

The resolution of the Local Authorities Loans Board approving the use by the Council of the unexpended balance of the first loan is hereby validated and the raising and use by the Council of part of the said sum for the purpose for which the second loan is to be raised shall be deemed to have been lawful, and all debentures issued in respect thereof shall have full force and effect according to their tenor, and the Council is hereby authorised to raise the unraised portion of the said sum for the purpose for which the second loan is to be raised.

19 Validating borrowing of and variation of terms of the raising of certain loan money by Balclutha Borough Council

Whereas by Order in Council made on 15 May 1957 consent was given to the raising by the Balclutha Borough Council (in this section referred to as the **Council**) of a sum of 35,000 pounds (in this section referred to as the **loan**) as portion of a loan of 65,000 pounds known as the Water Works Extension Loan 1956:

And whereas the Council raised the sum of 45,000 pounds instead of the sum of 35,000 pounds:

And whereas the additional sum of 10,000 pounds was raised without the precedent consent of the Governor-General in Council:

And whereas one of the conditions determined by the Local Government Loans Board in respect of the loan was that no part of the loan should be raised after the expiration of 2 years from the date of the Order in Council consenting to the raising of the loan:

And whereas the Council raised 20,000 pounds of the said sum of 45,000 pounds after the expiration of the said period of 2 years:

And whereas it is desirable that the actions of the Council be validated:

Be it therefore enacted as follows:

The actions of the Council in raising the sum of 10,000 pounds as part of the Water Works Extension Loan 1956 without the precedent consent of the Governor-General in Council, and that sum and a further sum of 10,000 pounds as part of the loan, otherwise than in accordance with the conditions determined by the Local Government Loans Board, are hereby validated and both sums shall be deemed to have been lawfully borrowed and all debentures and stock issued in respect thereof shall be deemed to have been lawfully executed and issued by the Council and shall have full force and effect according to their tenor.

20 Provision with respect to overdraft of Greymouth Borough Council

Whereas the Greymouth Borough Council (in this section referred to as the **Council**) has from time to time borrowed and owed money and incurred liabilities in excess of the limits prescribed by the Local Authorities Loans Act 1956:

And whereas at 31 March 1960 the amount owing by the Council to its bankers together with the amount owing on certain cheques which had been drawn by the Council but had not been presented before that date amounted in all to the sum of 38,407 pounds 6 shillings and 5 pence:

And whereas it is desirable to make provision in the manner hereinafter appearing:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Local Authorities Loans Act 1956, or in any other Act, all money heretofore borrowed and owed by the Council and all other liabilities heretofore incurred by the Council in excess of the limits prescribed by the Local Authorities Loans Act 1956 and all other money owed by the Council and included in the aforesaid sum of 38,407 pounds 6 shillings and 5 pence shall be deemed to have been at all times lawfully borrowed, owed, and incurred by the Council.

- (2) The Council is hereby authorised and empowered to borrow from its bankers, by way of special overdraft, the sum of 35,000 pounds to be applied in reduction of those liabilities.
- (3) The Council shall repay the said sum of 35,000 pounds by 10 equal payments, one such payment to be made in each year during the period of 10 years commencing on 1 April 1961, and for the purpose of providing the sum necessary to meet each annual payment the Council shall in each of those years without further authority than this section make and levy a separate rate on all rateable property in the Borough of Greymouth of such amount as may be necessary to produce the sum required:
provided that the Council may in any year repay out of its General Account a further amount that will increase the repayment in that year to an amount greater than a tenth part.
- (4) Any separate rate made under this section shall not be taken into account in determining the total amount of separate rates that may be made and levied in the borough pursuant to section 93 of the Municipal Corporations Act 1954.
- (5) The said sum of 35,000 pounds shall be carried to a separate account at the bank and all payments made in reduction of the said sum shall be credited to that account.
- (6) No part of that sum shall hereafter be taken into account in determining the amount that may be borrowed or that may be owed by the Council pursuant to section 20 of the Local Authorities Loans Act 1956.

21 Authorising Opotiki Borough Council to raise special loan

Whereas the Opotiki Borough Council (in this section referred to as the **Council**) has expended out of its District Fund Account the sum of 2,700 pounds on the installation of a sewerage system in the borough and 3,400 pounds on river protection works in the borough:

And whereas the Local Authorities Loans Board has no authority to sanction the raising of a loan for the purpose of enabling the Council to refund the said sums totalling 6,100 pounds to its District Fund Account:

And whereas it is desirable to authorise the Council to raise a special loan not exceeding the sum of 6,100 pounds for the purpose of recouping its District Fund Account in respect of the money expended from that account as aforesaid:

Be it therefore enacted as follows:

The Council is hereby authorised and empowered to borrow by way of special loan under the Local Authorities Loans Act 1956 an amount not exceeding 6,100 pounds for the purpose of refunding to its District Fund Account the money expended from that account on the installation of the said sewerage system and on the said river protection works.

22 Authorising Auckland City Council to raise special loan in connection with tram track removal

Whereas the Auckland City Council (in this section referred to as the **Council**) has expended money out of its General Account for the purpose of meeting the cost of carrying out tram track removal and restoration of carriageways in a number of streets in the City of Auckland and it is likely that the Council will have to expend out of its General Account money amounting in the aggregate to a sum not exceeding 37,000 pounds upon the said works:

And whereas it is desirable to authorise the Council to raise a special loan not exceeding the sum of 37,000 pounds for the purpose of recouping its General Account in respect of money expended therefrom on the said works as aforesaid:

Be it therefore enacted as follows:

The Council is hereby authorised and empowered to borrow by way of special loan under the Local Authorities Loans Act 1956 a sum not exceeding 37,000 pounds for the purpose of refunding to its General Account all money expended therefrom in respect of the said works.

23 Authorising Auckland City Council to raise special loan in connection with Town Hall improvements

Whereas the Auckland City Council (in this section referred to as the **Council**) wishes to obtain authority to raise a loan of 25,000 pounds (in this section referred to as the **proposed**

loan) for the purpose of meeting the cost of carrying out repairs and alterations to the Concert Chamber, the Council Chamber, and the office section of the Town Hall:

And whereas the Council has already expended money out of its General Account on the said works and it is likely that the Council will have expended out of its General Account money amounting in the aggregate to a sum not exceeding 11,000 pounds upon the said works by the time the Local Authorities Loans Board could sanction the raising of the proposed loan:

And whereas it is desirable to authorise the Council to raise a special loan not exceeding the sum of 11,000 pounds for the purpose of recouping its General Account in respect of money expended therefrom on the said works as aforesaid:

Be it therefore enacted as follows:

The Council is hereby authorised and empowered to borrow by way of special loan under the Local Authorities Loans Act 1956 a sum not exceeding 11,000 pounds for the purpose of refunding to its General Account all money expended therefrom in respect of the said works prior to the date of sanction being given by the Local Authorities Loans Board to the raising of the balance of the proposed loan.

24 Authorising Petone Borough Council to expend certain money

Whereas the Corporation of the Borough of Petone is seised of an estate in fee simple in all that piece of land situate in the Borough of Petone, containing 3 roods 34 perches and five-tenths of a perch, more or less, being part Section 6, Hutt District and being also Lots 6 and 7 on Deposited Plan No 1968, and being all the land comprised and described in certificate of title, Volume 169, folio 106, Wellington Registry, the said Lot 6 being held for a council yard and an entranceway and the said Lot 7 being held for a technical school site:

And whereas the Petone Borough Council (in this section referred to as the **Council**) has agreed to sell to the Crown for education purposes all that piece of land containing 3 roods 11 perches, more or less, being the said Lot 7 and part of the said Lot 6, for the sum of 6,750 pounds:

And whereas there is erected on the part of Lot 6 which is being sold to the Crown a dwellinghouse occupied by the caretaker of the reserve known as the Petone Recreation Ground:

And whereas the Council has acquired an estate in fee simple in all that piece of land situate in the Borough of Petone, adjoining the Petone Recreation Ground, containing 26 perches and thirty-two hundredths of a perch, more or less, being part Section 5, Hutt District, and being also part Lot 8 on Deposited Plan No 14552, Wellington Registry, the same being more particularly delineated on Survey Office Plan 24361 and thereon coloured blue, for the sum of 670 pounds for the purpose of erecting thereon a dwellinghouse for the caretaker of the Petone Recreation Ground to replace the dwellinghouse on the land being sold to the Crown:

And whereas the Council is desirous of reimbursing its General Account for the expenditure incurred in acquiring the said land, and also of providing the costs of erecting a dwellinghouse for the said caretaker out of the money to be received by the Council from the sale to the Crown of the said Lot 7 and part Lot 6 on Deposited Plan No 1968:

And whereas the Council holds the sum of 3,484 pounds in trust for the purchase of land to be held for recreation purposes pursuant to certain of the provisions of subsection (2) of section 30 of the Local Legislation Act 1943:

And whereas the Council has, under section 351C of the Municipal Corporations Act 1954, as substituted by section 28 of the Municipal Corporations Amendment Act 1959, accumulated the sum of 2,714 pounds in a separate account for the purchase of land to be held as public reserves subject to the provisions of the Reserves and Domains Act 1953 and the improvement and development of public reserves subject to the provisions of that Act, or for the improvement and development of other land (not being public reserves) as pleasure grounds or sports grounds in accordance with the provisions of that section:

And whereas there is no suitable land now available for purchase by the Council as recreation reserves:

And whereas the Council is acquiring a perpetually renewable lease from the Hutt River Board of certain land owned by the

Board and situated within the Borough of Petone, being part of the land defined in the Schedule of the Hutt River Board (Gear Island) Empowering Act 1927, and known as Gear Island, for the purpose of providing a pleasure ground and sports ground to be known as the Petone War Memorial Park:

And whereas the Council is not able to hold such land in trust under the terms of subsection (3) of section 351C of the Municipal Corporations Act 1954:

And whereas the Council is desirous of using the said sum of 3,484 pounds held by it under section 30 of the Local Legislation Act 1943, the said sum of 2,714 pounds accumulated by it under section 351C of the Municipal Corporations Act 1954, and the balance of the money received from the Crown on the sale of the said Lot 7 and part Lot 6, after reimbursing its General Account for the expenditure incurred in acquiring the said part Lot 8 on Deposited Plan No 14552 and after meeting the cost of erecting a dwellinghouse for the caretaker of the Petone Recreation Ground, for the purpose of improving the proposed Petone War Memorial Park and erecting a pavilion and other buildings thereon for the enjoyment of the public:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in section 150 of the Municipal Corporations Act 1954, the Council is hereby authorised and empowered to pay out of the money received from the Crown on the sale of the said Lot 7 and part Lot 6 on Deposited Plan No 1968, the sum of 670 pounds to reimburse its General Account for the acquisition of the said part Lot 8 on Deposited Plan 14552, and a further sum not exceeding 4,080 pounds for the erection of a dwellinghouse for the caretaker of the Petone Recreation Ground on that land or on other land which adjoins that recreation ground and which may be acquired by the Council.
- (2) Notwithstanding anything to the contrary in section 150 of the Municipal Corporations Act 1954 or in section 30 of the Local Legislation Act 1943 or in section 351C of the Municipal Corporations Act 1954, the Council is hereby authorised and empowered to expend the balance of the money received from the Crown on the sale of the said Lot 7 and part Lot 6 on Deposited Plan No 1968, the sum of 3,484 pounds held in trust

under section 30 of the Local Legislation Act 1943, and the sum of 2,714 pounds held in trust under section 351C of the Municipal Corporations Act 1954, in or towards the erection of a pavilion and other buildings on the proposed Petone War Memorial Park and in or towards the general laying out and improvement of that park.

Harbour boards

25 Validating raising of certain loan money by Otago Harbour Board

Whereas the Otago Harbour Board (in this section referred to as the **Board**) was empowered by the Otago Harbour Board Empowering Act 1958 to borrow any sum or sums of money not exceeding in the whole 2,100,000 pounds:

And whereas on 29 October 1959 the Local Authorities Loans Board sanctioned the raising by the Board of a loan of 350,000 pounds (in this section referred to as the **loan**) as a first issue of the said sum of 2,100,000 pounds:

And whereas by Order in Council made on 10 November 1959 consent was given to the raising by the Board of the sum of 150,000 pounds being part of the loan:

And whereas, contrary to the provisions of the Local Authorities Loans Act 1956, the Board, before the issue of that Order in Council, raised a sum of 5,000 pounds as part of the loan:

And whereas it is desirable that the action of the Board be validated:

Be it therefore enacted as follows:

The action of the Board in raising the said sum of 5,000 pounds as part of the loan without the precedent consent of the Governor-General in Council is hereby validated, and the said sum of 5,000 pounds shall be deemed to have been lawfully borrowed, and all debentures and stock issued in respect thereof shall be deemed to have been lawfully executed and issued and shall have full force and effect according to their tenor.

26 Provision with respect to lease of land by Otago Harbour Board to British Sailors' Society (Otago Branch) Incorporated, and provisions incidental thereto

[Repealed]

Section 26: repealed, on 1 December 1961, by section 39(5) of the Local Legislation Act 1961 (1961 No 127).

Affecting 2 or more classes of public bodies

27 Provision with respect to the reclamation of certain land by the Auckland City Council and authorising the transfer of certain land by the Auckland Harbour Board to the Crown and to the Auckland City Council

Whereas, by the provisions of the Auckland City Council and Auckland Harbour Board Empowering Act 1950, the reclamation carried out by the Auckland City Council (in this section referred to as the **Council**) before the passing of that Act within the area described in Schedule 1 of that Act was validated and the Council was empowered to continue and complete the reclamation from the sea of the said area, and the Auckland Harbour Board (in this section referred to as the **Board**) was empowered to transfer to the Corporation of the City of Auckland, without consideration, the land described in Schedule 1 of that Act:

And whereas in continuing and completing the reclamation of the said area the Council has reclaimed from the waters of the Waitemata Harbour certain tidal land being the channel bed of Motions Creek running through the said area and being the land firstly described in subsection (6):

And whereas by the provisions of a certain Deed of Licence bearing date 14 October 1957 the Board granted to the Council a licence, terminable on 3 months' notice by either party, to reclaim by controlled tipping the land secondly described in subsection (6), being a further part of the bed of the Waitemata Harbour, such reclamation being duly authorised under the provisions of section 175 of the Harbours Act 1950:

And whereas such licence is still current and the Council is continuing to reclaim the land secondly described in subsection (6) by controlled tipping operations:

And whereas the Council is desirous of continuing such controlled tipping operations beyond the limits of that land so as to reclaim the land thirdly described in subsection (6), being a further part of the bed of the Waitemata Harbour, for the purpose ultimately of establishing on the land secondly and thirdly described in subsection (6) boating facilities and a marine promenade:

And whereas in the course of constructing Meola Road across portion of the bed of the said harbour the land fourthly described in subsection (6), being part of the Meola Creek, was cut off from the sea:

And whereas all the land described in subsection (6) is vested in the Board:

And whereas the Board is desirous of transferring to the Corporation of the City of Auckland, without consideration, the land firstly, secondly, and thirdly described in subsection (6), and is also desirous of transferring to Her Majesty the Queen, without consideration, the land fourthly described in subsection (6), but the Board has no power to transfer the same:

Be it therefore enacted as follows:

- (1) Notwithstanding the provisions of sections 175 and 178 of the Harbours Act 1950, the reclamation by the Council of the land firstly described in subsection (6) is hereby validated in all respects as though the provisions of those sections had been duly complied with and the necessary authority and sanction had been duly given prior to the commencement of the reclamation of the said land.
- (2) Notwithstanding anything in section 175 of the Harbours Act 1950, but subject to the provisions of sections 178 to 182 of that Act, the Council is hereby empowered to continue and complete the reclamation from the sea of the land secondly described in subsection (6) and the provisions of the said Deed of Licence bearing date 14 October 1957 shall no longer apply after the passing of this Act.
- (3) Notwithstanding anything in section 175 of the Harbours Act 1950, but subject to the provisions of sections 178 to 182 of that Act, the Council is hereby empowered to reclaim from the sea the land thirdly described in subsection (6).

- (4) Notwithstanding anything contained in any Act, the Board is hereby empowered to transfer to the Corporation of the City of Auckland, without consideration, the land firstly, secondly, and thirdly described in subsection (6), and to transfer to Her Majesty the Queen, without consideration, the land fourthly described in subsection (6).
- (5) The District Land Registrar for the Land Registration District of Auckland is hereby authorised and directed to accept such documents for registration, to make such entries in the register books, and to do all such other things as may be necessary to give effect to the provisions of this section.
- (6) The land to which this section relates is more particularly described as follows:

Firstly, all that parcel of land situated in Block XVI, Waitemata Survey District, containing by admeasurement 2 roods, more or less, being land below mean high-water mark, Auckland Harbour, and being delineated and coloured red on a plan marked MD 10827, deposited in the Head Office of the Marine Department at Wellington (Auckland Plan SO 41711).

Secondly, all that parcel of land situated in Block XVI, Waitemata Survey District, containing by admeasurement 4 acres 1 rood 12 perches, more or less, being land below mean high-water mark, Auckland Harbour, and being delineated and coloured yellow on a plan marked MD 10827, deposited in the Head Office of the Marine Department at Wellington (Auckland Plan SO 41711).

Thirdly, all that parcel of land situated in Block XVI, Waitemata Survey District, containing by admeasurement 14 acres 3 roods 34 perches, more or less, being land below mean high-water mark, Auckland Harbour, and being delineated and coloured sepia on a plan marked MD 10827, deposited in the Head Office of the Marine Department at Wellington (Auckland Plan SO 41711).

Fourthly, all that parcel of land situated in Block XVI, Waitemata Survey District, containing by admeasurement 5 acres 3 roods 30 perches, more or less, being land below mean high-water mark, Auckland Harbour, and delineated and coloured blue on a plan marked MD 10827, deposited in the Head Of-

office of the Marine Department at Wellington (Auckland Plan SO 41711).

28 Section 56 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1919 further amended

[Repealed]

Section 28: repealed, on 27 November 1970, by section 25(2) of the Local Legislation Act 1970 (1970 No 124).

29 Authorising Wellington Harbour Board to transfer certain land to Eastbourne Borough Council

Whereas the land described in subsection (3) is vested in the Wellington Harbour Board (in this section referred to as the **Board**) for an estate in fee simple:

And whereas the Board does not require the said land and desires to transfer the same to the Mayor, Councillors, and Citizens of the Borough of Eastbourne (in this section referred to as the **Corporation**) for the general purposes of the Corporation:

And whereas the Board has no authority to transfer the said land:

Be it therefore enacted as follows:

- (1) The Board may, without further authority than this section, transfer the land described in subsection (3) for an estate in fee simple to the Corporation, with or without consideration and upon such terms and subject to such conditions as it deems fit, for the general purposes of the Corporation, and on the transfer of the said land any trust, reservation, or restriction heretofore affecting the same shall be deemed to be cancelled.
- (2) The District Land Registrar for the Land Registration District of Wellington is hereby authorised and directed to accept such documents for registration, to make such entries in the register books, and to do all such other things as may be necessary to give effect to this section.
- (3) The land to which this section relates is more particularly described as follows:

All that parcel of land situated in Block XVI, Belmont Survey District, containing 21 perches and thirty-six hundredths of a

perch, and being Lot 1, Deposited Plan 1684, in part Sections 37 and 39, Harbour District, and being all the land comprised and described in certificate of title, Volume 145, folio 202, Wellington Registry.

30 Amending section 40 of the Local Legislation Act 1959

Amendment(s) incorporated in the Act(s).

31 Vesting certain land in the Corporation of the City of Nelson

Whereas the land described in subsection (3) is vested in the Nelson Harbour Board (in this section referred to as the **Board**):

And whereas the Nelson City Council is desirous of constructing and maintaining an electricity substation on the said land:

And whereas it is desired to vest the said land in the Mayor, Councillors, and Citizens of the City of Nelson (in this section referred to as the **Corporation**) for that purpose:

Be it therefore enacted as follows:

- (1) The land described in subsection (3) is hereby vested in the Corporation for an estate in fee simple to be held by it and used as a site for an electricity substation, freed and discharged from all trusts, reservations, and restrictions heretofore affecting the same.
- (2) The District Land Registrar for the Land Registration District of Nelson is hereby authorised and directed to make such entries in the register books, and to do all such other things as may be necessary to give effect to the provisions of this section.
- (3) The land to which this section relates is more particularly described as follows:

All that area of land containing by admeasurement nine-tenths of a perch, more or less, being Lot 9, Deposited Plan 6111, and being part Section 1223 on the plan of the City of Nelson, and part of the land comprised and described in certificate of title, Volume 141, folio 26, Nelson Registry.

32 Authorising Auckland Harbour Board and Northcote Borough Council to exchange certain land

Whereas the Auckland Harbour Board (in this section referred to as the **Board**) is seised of an estate in fee simple in the land firstly and secondly described in subsection (8):

And whereas the Northcote Borough Council (in this section referred to as the **Council**) is seised of an estate in fee simple in the land thirdly and fourthly described in subsection (8):

And whereas the Board and the Council have mutually agreed to the transfer by the Board to the Council of the land firstly and secondly described in subsection (8) in exchange for the transfer by the Council to the Board of the land thirdly and fourthly described in that subsection:

And whereas all but a small portion of the land firstly and secondly described in subsection (8) has been reclaimed from the sea over a period of years by natural causes and by the dumping thereon of spoil and rubbish and it is necessary for the proper development thereof that such reclamation be completed:

And whereas part of the said land firstly and secondly described in subsection (8) is, by reason of its having been part of the Auckland Harbour, outside the boundaries of the Northcote Borough and it is desirable that the whole of that land be within the borough:

Be it therefore enacted as follows:

- (1) Notwithstanding anything in the Harbours Act 1950, the Board is hereby empowered to transfer and the Council is hereby empowered to acquire the fee simple of the land firstly and secondly described in subsection (8) by way of exchange for the land thirdly and fourthly described in that subsection.
- (2) Subject to its first duly stopping as street in accordance with the Municipal Corporations Act 1954 the land fourthly described in subsection (8), the Council is hereby empowered to transfer and the Board is hereby empowered to acquire, the fee simple of the land thirdly and fourthly described in that subsection by way of exchange for the land firstly and secondly described in that subsection.

- (3) Notwithstanding anything in section 175 of the Harbours Act 1950, but subject to the provisions of sections 178 to 182 of that Act, the Council is hereby empowered to reclaim from the sea such parts of the land firstly and secondly described in subsection (8) as have not yet been fully reclaimed from the sea on the transfer of that land to the Council.
- (4) The Council is hereby authorised to deal with the land firstly described in subsection (8), on the transfer of that land to the Council, in the manner prescribed by the Northcote Borough Empowering Act 1956 and all the provisions of that Act shall, with any necessary modifications, apply as if the said land had been purchased, taken, or acquired under the provisions of subsection (1) of section 3 of that Act:
provided however that the Council is hereby authorised to dedicate as street so much of the said land as may be necessary for the legalisation of the public highway now in use and known as Lake Road.
- (5) The Council is hereby authorised to deal with the land secondly described in subsection (8), on the transfer of that land to the Council, for housing purposes pursuant to the Municipal Corporations Act 1954.
- (6) That part of the land firstly and secondly described in subsection (8) not already situated within the Borough of Northcote shall, on the transfer of that land to the Council, be deemed to be added to and shall for all purposes form part of that borough and the boundaries of that borough shall be deemed to be extended accordingly and the Town Clerk shall, on the transfer of the land, send forthwith to the Secretary for Internal Affairs a certificate specifying the date on which the transfer was registered, and section 26 of the Municipal Corporations Act 1954 shall apply.
- (7) The District Land Registrar for the Land Registration District of Auckland is hereby authorised and directed to deposit such plans, to accept such documents for registration, to make such entries in the register books, and to do all such other things as may be necessary to give effect to the provisions of this section.

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

Firstly, all that area in the North Auckland Land District, containing 5 acres 2 roods, more or less, being land below mean high-water mark (Auckland Harbour), as shown on the plan deposited at the office of the Chief Surveyor at Auckland under Number 42383, and thereon coloured yellow.

Secondly, all that area in the North Auckland Land District, containing 1 acre and 30 perches, more or less, being land below mean high-water mark (Auckland Harbour), as shown on the plan deposited at the office of the Chief Surveyor at Auckland under Number 42383, and thereon coloured yellow.

Thirdly, all that area in the North Auckland Land District, Northcote Borough, containing 1 rood 25 perches, more or less, being part Allotment 16, Takapuna Parish, as shown on the plan deposited at the office of the Chief Surveyor at Auckland under Number 42383, and thereon coloured sepia.

Fourthly, all that area in the North Auckland Land District, Northcote Borough, containing 15 perches, more or less, being part Stopped Street, as shown on the plan deposited at the office of the Chief Surveyor at Auckland under Number 42383, and thereon coloured green.

Miscellaneous

33 Validating the action of the Masterton Trust Lands Trustees with respect to certain leases

Whereas the board of trustees called the Masterton Trust Lands Trustees, a body corporate under the Masterton Trust Lands Act 1950 (in this section referred to as the **Trust Board**), has granted or has contracted to grant leases of the land described in subsection (3):

And whereas the Trust Board has included or has contracted to include in each such lease a clause (in this section referred to as the **renewal clause**) by which the provisions set forth in Schedule 1 of the Public Bodies Leases Act 1908 are deemed to be incorporated with the modification that, on the expiration by effluxion of time of the term thereby granted, the lessee shall have a right to obtain a renewed lease of the demised

premises at an annual rent equal to 5% of the unimproved value of the demised premises according to the Government valuation thereof then for the time being current:

And whereas doubts have arisen as to whether or not it is within the powers of the Trust Board to grant leases or to contract to grant leases which include such a renewal clause:

And whereas it is desirable that the action of the Trust Board in including or in contracting to include the renewal clause in the said leases be validated:

Be it therefore enacted as follows:

- (1) The action of the Trust Board in including or in contracting to include the renewal clause in the leases of the land described in subsection (3) is hereby validated.
- (2) The renewal clause in each of the leases referred to in subsection (1) shall be and shall be deemed always to have been effective according to its tenor.
- (3) The land to which this section relates is more particularly described as follows:

Firstly, all that piece of land containing 22 perches and eighty-nine hundredths of a perch, more or less, being part Section 51, Town of Masterton, and being part Lot 9, Block A, Deposited Plan 1151, and being also part of the land comprised and described in certificate of title, Volume 660, folio 99, Wellington Registry.

Secondly, all that piece of land containing 28 perches and two-tenths of a perch, more or less, being part Section 60, Town of Masterton, and being part Lot 2, Deposited Plan 10484, and being also part of the land comprised and described in certificate of title, Volume 660, folio 96, Wellington Registry.

Thirdly, all that piece of land containing 8 perches and sixteen-hundredths of a perch, more or less, being part Section 69, Town of Masterton, being part Block B, Masterton Small Farm Settlement, and being part Lot 2, Deposited Plan 10486, and being also part of the land comprised and described in certificate of title, Volume 660, folio 93, Wellington Registry.

Fourthly, all that piece of land containing 12 perches and seventy-three hundredths of a perch, more or less, being part Section 71, Town of Masterton, being part Block B, Master-

ton Small Farm Settlement, and being Lot 2, Deposited Plan 10491, and being also part of the land comprised and described in certificate of title, Volume 660, folio 97, Wellington Registry.

Fifthly, all that piece of land containing 26 perches and seventy-eight hundredths of a perch, more or less, being part Section 71, Town of Masterton, and being Lot 1, Deposited Plan 10491, and being also part of the land comprised and described in certificate of title, Volume 660, folio 97, Wellington Registry.

Sixthly, all that piece of land containing 12 perches and eighty-one hundredths of a perch, more or less, being part Section 71, Town of Masterton, and being Lot 3, Deposited Plan 10491, and being also part of the land comprised and described in certificate of title, Volume 660, folio 97, Wellington Registry.

Seventhly, all that piece of land containing 1 rood 5 perches and sixty-three hundredths of a perch, more or less, being part Section 84, Town of Masterton, and being part Lot 1, Deposited Plan 10488, and being also part of the land comprised and described in certificate of title, Volume 660, folio 86, Wellington Registry.

Eighthly, all that piece of land containing 34 perches and forty-two hundredths of a perch, more or less, being part Section 84, Town of Masterton, and being part Lot 1, Deposited Plan 10488, and being also part of the land comprised and described in certificate of title, Volume 660, folio 86, Wellington Registry.

Ninthly, all that piece of land containing 1 rood 4 perches and ninety-three hundredths of a perch, more or less, being part Section 88, Town of Masterton, and being Lot 14, Deposited Plan 10491, and being also part of the land comprised and described in certificate of title, Volume 660, folio 98, Wellington Registry.

Tenthly, all that piece of land containing 21 perches and seventy-eight hundredths of a perch, more or less, being part Section 102, Town of Masterton, and being Lot 1, Deposited Plan 16241, and being also part of the land comprised and described

in certificate of title, Volume 660, folio 94, Wellington Registry.

Eleventhly, all that piece of land containing 16 perches and eighty-five hundredths of a perch, more or less, being part Section 102, Town of Masterton, and being Lot 2, Deposited Plan 16241, and being also part of the land comprised and described in certificate of title, Volume 660, folio 94, Wellington Registry.

Twelfthly, all that piece of land containing 16 perches and eighty-eight hundredths of a perch, more or less, being part Section 102, Town of Masterton, and being Lot 3, Deposited Plan 16241, and being also part of the land comprised and described in certificate of title, Volume 660, folio 94, Wellington Registry.

Thirteenthly, all that piece of land containing 24 perches and sixty-five hundredths of a perch, more or less, being part Section 102, Town of Masterton, and being Lot 4, Deposited Plan 16241, and being also part of the land comprised and described in certificate of title, Volume 660, folio 94, Wellington Registry.

Fourteenthly, all that piece of land containing 1 rood 17 perches and eight-tenths of a perch, more or less, being part Section 121, Town of Masterton and accretion, and being Lot 4, Deposited Plan 10488, and being also part of the land comprised and described in certificate of title, Volume 660, folio 88, Wellington Registry.

Fifteenthly, all that piece of land containing 1 rood 1 perch and ninety-seven hundredths of a perch, more or less, being part Section 6, Masterton Small Farm Settlement, and being part Lot 29, Deposited Plan 255, and being also part of the land comprised and described in certificate of title, Volume 515, folio 261, Wellington Registry.

Sixteenthly, all that piece of land containing 38 perches and sixty-seven hundredths of a perch, more or less, being part Section 6, Masterton Small Farm Settlement, and being Lot 6, Deposited Plan 10641, and being also part of the land comprised and described in certificate of title, Volume 515, folio 261, Wellington Registry.

34 Authorising Tinui Rabbit Board to refund to General Account from loan money

Whereas, before authority was obtained to the raising of a loan of 3,400 pounds to be known as the Masterton House Loan 1960 (in this section referred to as the **loan**), the Tinui Rabbit Board (in this section referred to as the **Board**), expended out of its General Account, for certain purposes for which the loan was to be raised, money amounting in the aggregate to the sum of 2,977 pounds 8 shillings and 6 pence:

And whereas it is desirable to authorise the Board to refund the said sum to its General Account out of the proceeds of the loan when raised:

Be it therefore enacted as follows:

The Board is hereby authorised to refund the sum of 2,977 pounds 8 shillings and 6 pence to its General Account out of the proceeds of the loan when raised.

35 Validating variation of terms of raising certain loan money by North Shore Drainage Board

Whereas by Order in Council made on 9 October 1957 consent was given to the raising by the North Shore Drainage Board (in this section referred to as the **Board**) of a loan of 54,000 pounds to be known as the Land Purchase Loan 1957 (in this section referred to as the **loan**):

And whereas one of the conditions determined by the Local Authorities Loans Board in respect of the loan was that the loan, together with interest thereon, should be repaid by equal aggregate annual or half-yearly instalments:

And whereas the Board raised the sum of 10,000 pounds as part of the loan, but, instead of making provision for repayment by equal aggregate annual or half-yearly instalments, established a sinking fund to provide for the repayment thereof:

And whereas it is desirable to validate the action of the Board in raising the sum of 10,000 pounds in this manner as part of the loan:

Be it therefore enacted as follows:

The action of the Board in raising the sum of 10,000 pounds as part of the loan, otherwise than in accordance with the con-

ditions determined by the Local Authorities Loans Board, is hereby validated and the said sum shall be deemed to have been lawfully borrowed and the debenture issued in respect thereof shall be deemed to have been lawfully executed and issued and shall have full force and effect according to its tenor, and the Board is hereby authorised and directed to continue and maintain payments to the sinking fund during the currency of the said debenture at a rate of not less than 3 pounds 8 shillings and 11 pence per cent per annum in respect of that part of the loan.

36 Authorising North Shore Drainage Board to permit construction of temporary treatment plants

[Repealed]

Section 36: repealed, on 25 October 1963, by section 81(1) of the North Shore Drainage Act 1963 (1963 No 15 (L)).

37 Authorising Bay of Plenty Electric Power Board to purchase land and erect offices and other buildings in the Borough of Whakatane

Whereas, pursuant to section 33 of the Local Legislation Act 1940, the Bay of Plenty Electric Power Board (in this section referred to as the **Board**) purchased the land firstly described in subsection (3) for the purpose of providing public offices within the Borough of Whakatane:

And whereas that land is now inadequate for that purpose:

And whereas the Board now desires to purchase the land secondly and thirdly described in subsection (3) for the purpose of erecting public offices and other buildings within the said Borough:

Be it therefore enacted as follows:

- (1) Notwithstanding the provisions of the Electric Power Boards Act 1925, the Board is hereby authorised to purchase the land secondly and thirdly described in subsection (3) and to provide thereon and on the land firstly described in that subsection public offices and other buildings, together with fittings and furniture for the same for holding its meetings and transacting its business and for the use of its officers and for any other purposes.

- (2) Section 33 of the Local Legislation Act 1940 is hereby repealed.
- (3) The land to which this section relates is described as follows:
Firstly, all that area of land situated in the Borough of Whakatane, being Sections 62, 63, and part Section 59 of Allotment 272, Waimana Parish.
Secondly, all that area of land situated in the Borough of Whakatane, containing 1 rood 13 perches and three-tenths of a perch, more or less, being Lots 66 and 67, Deposited Plan 10587, and being all the land comprised and described in certificate of title, Volume 245, folio 41, Auckland Registry, subject to a fencing agreement in transfer 89246.
Thirdly, all that area of land situated in the Borough of Whakatane, containing 30 perches and six-tenths of a perch, more or less, being Lot 68, Deposited Plan 10587, and being all the land comprised and described in certificate of title, Volume 1094, folio 142, Auckland Registry, subject to fencing agreement in transfer 92127.

**38 Provision with respect to levying of separate rate by
North Canterbury Catchment Board**

Whereas the Waimakariri River Trust raised the Eyre-Cust Special Loan 1926, consisting of 450 debentures of 100 pounds each, due and payable on 16 June 1976, and as security for the payment of the interest, sinking fund, and other charges thereon made and levied a special rate based on a classification of the rateable land in that part of the Waimakariri River Trust district defined and known as the Eyre-Cust Special Loan Area:

And whereas the Waimakariri River Trust also raised the Waimakariri Special Loan 1929, consisting of 1 000 debentures of 100 pounds each, due and payable on 1 October 1965:

And whereas the Waimakariri River Trust also raised the Waimakariri Supplementary Loan 1931, consisting of 100 debentures of 100 pounds each, due and payable on 1 October 1965, and, as security for the payment of the interest, sinking fund, and other charges on both the last-mentioned 2 loans, made and levied a special rate based on a classification of

the rateable land in that part of the Waimakariri River Trust District defined and known as the Waimakariri Special Loan Area:

And whereas the Waimakariri River Trust converted and consolidated the said 3 loans into the Waimakariri River Trust Conversion Loan 1934, and, for the purpose of securing repayment thereof and the interest thereon, did appropriate and pledge all the special rates made and levied as aforesaid:

And whereas upon the dissolution of the Waimakariri River Trust, all the property, debts, liabilities, engagements, powers, and functions of the Waimakariri River Trust vested in and became the property, debts, liabilities, engagements, powers, and functions of the North Canterbury Catchment Board (in this section referred to as the **Catchment Board**), and all rates and other money payable to the Waimakariri River Trust became payable to the Catchment Board:

And whereas the works for the purposes of which the said loans were raised have become inadequate, and the Catchment Board proposes to construct further works and in order to finance such further works proposes to strike certain rates over the land in the Waimakariri-Eyre-Cust Rating District, being a defined area in the district of the Catchment Board:

And whereas the Catchment Board is desirous of paying the interest, sinking fund, and other charges in respect of the said loans out of rates to be struck over the land in the said Waimakariri-Eyre-Cust Rating District instead of collecting the said special rates:

Be it therefore enacted as follows:

- (1) The Catchment Board may, instead of collecting the said special rates, decide by resolution to pay the interest, sinking fund, and other charges in respect of the said loans out of the proceeds of any separate rate which it may make and levy over the land in the Waimakariri-Eyre-Cust Rating District or any other special rating district defined by it incorporating the said Eyre-Cust Special Loan Area and the said Waimakariri Special Loan Area.

- (2) To the extent to which the payments authorised by subsection (1) are made as therein mentioned it shall not be necessary to collect the said special rates.
- (3) This section shall not be deemed to invalidate or to in any way affect the special rates made and levied as security for the said loans, or the rights of the debenture holders in respect thereof.
- (4) All classifications which may hereafter be made, during the currency of the said loans, of land included in the said Eyre-Cust Special Loan Area or the said Waimakariri Special Loan Area shall take into account the interest, sinking fund, and other charges to be paid out of a separate rate to be made and levied upon the said land in accordance with the classification, and the special rates to which the said land would otherwise be subject.

39 Validating dissolution of Waimakariri River Trust and Ashley River Trust

Whereas Proclamations made on 10 February 1947 and published in the *Gazette* on 13 February 1947 at pages 199 and 200, purported to dissolve the Waimakariri River Trust and the Ashley River Trust and to transfer the powers and functions of those River Trusts to the North Canterbury Catchment Board under section 10 of the Soil Conservation and Rivers Control Amendment Act 1946:

And whereas such action under that section can only be effected by the Governor-General by Order in Council:

And whereas the said Proclamations were treated as if they were valid Orders in Council under the said section:

Be it therefore enacted as follows:

Notwithstanding anything to the contrary in the Soil Conservation and Rivers Control Amendment Act 1946 or in any other Act, the Proclamations made on 10 February 1947 purporting to dissolve the Waimakariri River Trust and the Ashley River Trust and to transfer the powers and functions of those River Trusts to the North Canterbury Catchment Board shall have and be deemed since their making to have had full force and effect according to their tenor as if they were Orders

in Council duly made under that Act on the same date and to the same effect.

40 Authorising Marlborough Catchment Board to construct river improvement works on tidal lands

- (1) Notwithstanding anything in sections 176 to 178 of the Harbours Act 1950, but subject to the provisions of sections 179 to 182 of that Act, and without restricting any other powers vested in it, the Marlborough Catchment Board is hereby authorised to construct the works shown on the plan marked MD 10828, deposited in the Head Office of the Marine Department at Wellington, in so far as those works are carried out in, on, over, through, or across the Wairau River or any other tidal lands or tidal water.
 - (2) Notwithstanding anything to the contrary in any Act, any person who, at the commencement of this section, customarily uses the said river for the purposes of navigation in the course of his business or trade and whose business or trade is injuriously affected by the effect on navigation in that river of the construction of the said works, shall be entitled to claim compensation from the Catchment Board, in such manner as the Minister of Works shall determine.
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Notes**1 *General***

This is a reprint of the Local Legislation Act 1960. 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 1970 (1970 No 124): section 25(2)

Local Legislation Act 1965 (1965 No 122): section 17(6)(a)

North Shore Drainage Act 1963 (1963 No 15 (L)): section 81(1)

Local Legislation Act 1962 (1962 No 117): section 38(3)

Local Legislation Act 1961 (1961 No 127): section 39(5)