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Local Legislation Act 1965

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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 1965.

*County councils***2 Authorising Franklin County Council to raise special loan**

Whereas the Franklin County Council (in this section referred to as the **Council**) has expended out of its County Fund Account the sum of 1,500 pounds in payment of the cost of renovating and improving the Hunua Hall:

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 sum of 1,500 pounds to its County Fund Account:

And whereas it is desirable to authorise the Council to raise a special loan of not more than 1,500 pounds for the purpose of recouping its County Fund Account in respect of the sum 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 1,500 pounds for the purpose of refunding to its County Fund Account the sum expended from that account as aforesaid.

3 Validating refund by Rotorua County Council to County Fund Account from loan money

Whereas, before the Rotorua County Council (in this section referred to as the **Council**) obtained authority to raise a loan of 65,000 pounds to be known as the Airport Loan 1963 (in this section referred to as the **loan**), the Council expended out of its County Fund Account for certain purposes for which the loan was to be raised money amounting in the aggregate to the sum of 8,988 pounds 10 shillings and 7 pence:

And whereas when that authority had been obtained and the loan raised the Council refunded to its County Fund Account out of the proceeds of the loan the sum of 8,988 pounds 10 shillings and 7 pence, but had no authority to do so:

And whereas it is desirable to validate the said refund:

Be it therefore enacted as follows:

The action of the Council in refunding the sum of 8,988 pounds 10 shillings and 7 pence to its County Fund Account out of the

proceeds of the loan is hereby validated and declared to have been lawful.

4 Validating refunds by Otorohanga County Council to County Fund Account from loan money

Whereas, before the Otorohanga County Council (in this section referred to as the **Council**) obtained authority to raise a loan of 47,500 pounds to be known as the Bridges Loan 1963 (in this section referred to as the **first loan**), the Council expended out of its County Fund Account for certain purposes for which the first loan was to be raised money amounting in the aggregate to the sum of 4,304 pounds 10 shillings and 5 pence:

And whereas when that authority had been obtained and the first loan raised the Council refunded to its County Fund Account out of the proceeds of the first loan the sum of 4,304 pounds 10 shillings and 5 pence, but had no authority to do so:

And whereas, before the Council obtained authority to raise a loan of 18,000 pounds to be known as the Kawhia North Riding Road and Bridges Loan 1963 (in this section referred to as the **second loan**), the Council expended out of its County Fund Account for certain purposes for which the second loan was to be raised money amounting in the aggregate to the sum of 857 pounds 15 shillings and 9 pence:

And whereas when that authority had been obtained and the second loan raised the Council refunded to its County Fund Account out of proceeds of the second loan the sum of 857 pounds 15 shillings and 9 pence, but had no authority to do so:

And whereas it is desirable to validate the said refunds:

Be it therefore enacted as follows:

The action of the Council in refunding the sum of 4,304 pounds 10 shillings and 5 pence and the sum of 857 pounds 15 shillings and 9 pence to its County Fund Account out of the proceeds of the first loan and the second loan respectively, is hereby validated and declared to have been lawful.

5 Authorising the Corporation of the County of Taupo to operate a confectionery stall in the Mangakino Cinema

Whereas the Chairman, Councillors, and Inhabitants of the County of Taupo (in this section referred to as the **Corporation**) own and operate the Mangakino Cinema in the town of Mangakino:

And whereas since 1 April 1965, the Corporation has operated a confectionery stall in the foyer of the Cinema:

And whereas there are no other facilities for the purchase of confectionery in the vicinity of the Cinema during the hours within which films are screened and it is desirable that such facilities be available for the convenience of patrons of the Cinema:

And whereas the Corporation has no authority to operate the confectionery stall:

And whereas it is desirable to confer such authority on the Corporation:

Be it therefore enacted as follows:

- (1) Notwithstanding anything in the Counties Act 1956 or in any other Act, the Corporation is hereby authorised and empowered to operate a confectionery stall in the foyer of the Mangakino Cinema during the times that the Cinema is open to the public and shall be deemed to have been so authorised and empowered as from 1 April 1965.
- (2) The Corporation shall at all times keep such records, books, and accounts with respect to the operation of the confectionery stall, as may be required by the Controller and Auditor-General.
- (3) This section shall continue in force until the expiration of 5 years after the date of commencement of this Act.

6 Extending Kaihu Valley Drainage special rating area in County of Hobson

- (1) The special rating area within the County of Hobson created pursuant to the Local Authorities Loans Act 1956 and defined in a resolution of the Hobson County Council published in the *Gazette* of 28 March 1963, at page 429, and relating to a loan of 10,000 pounds known as the Kaihu Valley Drainage Loan

1962, is hereby extended by adding thereto certain contiguous areas of land, to the intent that the special rating area shall henceforth consist of the land described in subsection (4).

- (2) Notwithstanding the provisions of subsection (4) of section 3 of the Rating Amendment Act 1935, the special rating area, as extended by subsection (1), shall be reclassified pursuant to section 232 of the Counties Act 1956 to include the whole special rating area as so extended; and thereupon the said subsection (4) shall apply as if the new classification were that referred to in the resolution of the Hobson County Council referred to in subsection (1).
- (3) This section shall be deemed to have come into force on 1 April 1965.
- (4) The said special rating area, as extended by subsection (1), is more particularly described as follows:

All that area in the North Auckland Land District, Hobson County, bounded by a line commencing at the southernmost corner of Lot 89, DP 10700, on the eastern side of Provincial State Highway No 12 in Block XI, Kaihu Survey District, and proceeding north-easterly along the south-eastern boundary of that lot, crossing the intervening Section 2 of the said Block XI, and along the last-mentioned boundary produced across Railway land to and westerly along the northern side of the said Railway land to and north-easterly generally along part of the north-western boundary of part Kaihu 1 shown on DP 3941, and along the right bank of the stream forming the northern boundary of the said part Kaihu 1 to and south-easterly along the right bank of the Kaihu River to a point in line with the southern boundary of Lot 24, DP 10667; thence across the Kaihu River to and along that southern boundary and southerly generally along the generally western side of Opanake Road to the left bank of the Kaihu River in Block XII, Kaihu Survey District, and along the last-mentioned roadside produced to the right bank of that river; thence still southerly along the said right bank to and westerly and then southerly along the northern and western boundaries of part Lot 52, DP 10695, and along the last-mentioned boundary produced across Railway land to and south-easterly along the south-western side of the said Railway land, to and westerly

generally along the northern side of Parore Road to and along the north-eastern and north-western boundaries of Lot 18, DP 10695, and along the north-eastern side of Provincial State Highway No 12 to a point in Block XI, Kaihu Survey District, in line with the eastern portion of the northern boundary of Lot 11, DP 10695; thence to and along that northern boundary and southerly generally along the south-western boundary of the said Lot 11, and along the generally north-western sides of Scottys Camp Road to the southernmost corner of Lot 3, DP 38745 in Block XIV, Kaihu Survey District; thence along a right line across that road to the northernmost corner of Lot 41, DP 10695, and still southerly generally along the north-eastern and south-eastern boundaries of the said Lot 41, and north-westerly generally along the northern side of Baylys Coast Road, to and along the generally south-western boundaries of Lot 1, DP 39419, and along part of the south-western boundary of Lot 31, DP 14921, to the southern side of Baylys Coast-Basin Road in Block XIII, Kaihu Survey District; thence along a right line across that road to and along another part of the south-western boundary of the said Lot 31 and along that boundary produced across the last-mentioned road to and north-westerly generally along the eastern and northern boundaries of Lot 1, DP 43778, to and along the eastern boundary of Lot 12, DP 28101, to and easterly generally along the generally southern sides of Basin and Babylon Coast Roads to the north-eastern corner of Lot 37, DP 10697, in Block XI, Kaihu Survey District; thence along a right line crossing the said Babylon Coast Road to the southernmost corner of part Lot 12, DP 23704, comprised in certificate of title, Volume 919, folio 165, and then north-easterly generally along the south-western, north-western, and north-eastern boundaries of the said part Lot 12, to and along the south-eastern boundary of Lot 13, DP 23704, and along that boundary produced across Provincial State Highway No 12 to and north-westerly generally along the generally north-eastern side of that State Highway, to the point of commencement.

7 **Amending section 3 of the Local Legislation Act 1962**
Amendment(s) incorporated in the Act(s).

8 Amending section 3 of the Local Legislation Act 1963

[Repealed]

Section 8: repealed, on 24 November 1967, by section 5(2) of the Local Legislation Act 1967 (1967 No 148).

9 Authorising Hutt County Council to raise special loan

Whereas the Hutt County Council (in this section referred to as the **Council**) has expended out of its County Fund Account the sum of 3,600 pounds to repay the balance outstanding in respect of the Day's Bay Water and Sewerage Additional Loan 1953:

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 sum of 3,600 pounds to its County Fund Account:

And whereas it is desirable to authorise the Council to raise a special loan of not more than 3,600 pounds for the purpose of recouping its County Fund Account in respect of the sum 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 3,600 pounds for the purpose of refunding to its County Fund Account the sum expended from that account as aforesaid and, notwithstanding anything in section 34 of that Act, without the prior consent of the ratepayers.

10 Validating purchase of certain land by Hutt County Council, and authorising Council to deal with that land

Whereas the Hutt County Council (in this section referred to as the **Council**) by agreement dated 29 May 1964 agreed to purchase from Wainuiomata Development Limited the land described in subsection (3):

And whereas in pursuance of the said agreement the Council has become the registered proprietor of the said land:

And whereas doubts have arisen as to the power of the Council to acquire and dispose of the said land:

Be it therefore enacted as follows:

- (1) The action of the Council in purchasing and becoming the registered proprietor of the said land is hereby validated and declared to have been lawful.
- (2) The Council shall be deemed to have purchased the said land under subsection (2) of section 380A of the Counties Act 1956 (as inserted by section 15 of the Counties Amendment Act 1964) and the provisions of subsections (3) to (7) of that section shall apply accordingly.
- (3) The land to which this section relates is more particularly described as follows:

All that area of land containing 4 acres and 24 perches, more or less, situated in Block XVI, Belmont Survey District, being part of Sections 2 and 3, Lowry Bay District and part closed road, and being also Lot 3 on Deposited Plan 25907, and being also all of the land comprised and described in certificate of title number C4/658, Wellington Registry.

City and borough councils

11 Authorising New Plymouth City Council to refund to District Fund Account from loan money

Whereas before the New Plymouth City Council (in this section referred to as the **Council**) obtained authority to raise a loan of 250,000 pounds to be known as the Airport Development and Construction Loan 1964 (in this section referred to as the **loan**) 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 12,740 pounds:

And whereas authority to raise the loan has since been obtained:

And whereas the Council is desirous of refunding to its District Fund Account out of the proceeds of the loan the sum of 12,740 pounds, but has no authority to do so:

Be it therefore enacted as follows:

The Council is hereby authorised to refund to its District Fund Account out of the proceeds of the loan the sum of 12,740 pounds.

12 Authorising Geraldine Borough Council to raise special loan

Whereas the Geraldine Borough Council (in this section referred to as the **Council**) has expended out of its District Fund Account the sum of 9,000 pounds to repay outstanding debentures issued in respect of the Council's Sewerage Loan No 1 1954:

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 sum of 9,000 pounds to its District Fund Account:

And whereas it is desirable to authorise the Council to raise a special loan of not more than 9,000 pounds for the purpose of recouping its District Fund Account in respect of the sum 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 9,000 pounds for the purpose of refunding to its District Fund Account the sum expended from that account as aforesaid.

13 Validating refund by Porirua Borough Council to District Fund Account from loan money

Whereas before the Porirua Borough Council (in this section referred to as the **Council**) obtained authority to raise a loan of 15,000 pounds to be known as the Porirua Community Hall Extension Loan 1963 (in this section referred to as the **loan**), 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 4,209 pounds 17 shillings and 11 pence:

And whereas when that authority had been obtained and the loan raised the Council refunded to its District Fund Account out of the proceeds of the loan the sum of 4,209 pounds 17 shillings and 11 pence, but had no authority to do so:

And whereas it is desirable to validate the said refund:

Be it therefore enacted as follows:

The action of the Council in refunding the sum of 4,209 pounds 17 shillings and 11 pence to its District Fund Account out of the proceeds of the loan is hereby validated and declared to have been lawful.

14 Validating variation of terms of raising certain loan money by Whangarei City Council

Whereas by Order in Council made on 4 September 1961 consent was given to the raising by the Whangarei Borough Council (in this section referred to as the **Council**) of a loan of 630,000 pounds to be known as the Sewage Treatment and Sewerage Reticulation Loan 1961 (in this section referred to as the **first loan**):

And whereas by Order in Council made on 20 September 1961 consent was given to the raising by the Kamo Town Council of a loan of 39,000 pounds to be known as the Sewerage Loan 1961 (in this section referred to as the **second loan**):

And whereas 3 of the conditions imposed by the Local Authorities Loans Board in respect of the raising of part of the first loan, namely, the sum of 188,300 pounds, were that the money borrowed should be borrowed for terms of 6 or 10 years, that the interest payable in respect of money borrowed for a term of 10 years should not exceed 5 pounds 7 shillings and 6 pence per cent per annum and for a term of 6 years should not exceed 5 pounds 5 shillings per cent per annum, and that the amount borrowed for a term of 6 years should not exceed 56,500 pounds:

And whereas the Local Authorities Loans Board imposed similar conditions in respect of the raising of part of the second loan, namely, the sum of 11,700 pounds, but in that case limited the amount that could be borrowed for a term of 6 years to 3,500 pounds:

And whereas the Council raised both loans together as a joint special loan:

And whereas the Council raised the sum of 94,170 pounds 8 shillings and a penny, as part of the first loan, and, on behalf of the Kamo Town Council, raised the sum of 5,829 pounds 11 shillings and 11 pence, as part of the second loan,

on terms calling for repayment of 17,958 pounds 5 shillings and 11 pence, and 1,111 pounds 14 shillings and a penny, respectively, in 6 years at a rate of interest of 5 pounds per cent per annum, for repayment of 51,746 pounds 12 shillings and 9 pence, and 3,203 pounds 7 shillings and 3 pence, respectively, in 10 years at a rate of interest of 5 pounds 5 shillings per cent per annum, for repayment of 941 pounds 14 shillings and a penny, and 58 pounds 5 shillings and 11 pence, respectively, in 15 years at a rate of 5 pounds 5 shillings per cent per annum, and for repayment of 23,523 pounds 15 shillings and 4 pence, and 1,456 pounds 4 shillings and 8 pence, respectively, in 20 years at a rate of interest of 5 pounds 5 shillings per cent per annum:

And whereas by Order in Council made on 23 June 1965, the City of Whangarei and the Town District of Kamo were abolished and in place thereof there was constituted a borough to be known as the City of Whangarei, from and after 1 July 1965:

And whereas part of the money raised was subscribed for before 1 July 1965, and the balance was subscribed for after that date:

And whereas it is desirable that the actions of the Council, the Kamo Town Council and the previous and present Whangarei City Councils in respect of the raising of that loan money be validated:

Be it therefore enacted as follows:

The actions of the Council, the Kamo Town Council and the previous and present Whangarei City Councils in raising the sum of 94,170 pounds 8 shillings and a penny as part of the first loan and the sum of 5,829 pounds 11 shillings and 11 pence as part of the second loan, otherwise than in accordance with the conditions imposed by the Local Authorities Loans Board as aforesaid are hereby validated 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.

15 Validating and authorising certain actions of the Ellerslie Borough Council in connection with certain loans

Whereas by Order in Council made on 20 April 1953 consent was given to the raising by the Ellerslie Borough Council (in this section referred to as the **Council**) of a sum of 25,000 pounds as the first portion of a loan:

And whereas by Order in Council made on 30 September 1953 consent was given to the raising by the Council of a sum of 25,000 pounds as the second portion of a loan:

And whereas the said first portion and the said second portion together constituted a loan of 50,000 pounds to be known as the Streets Construction and Improvements Loan 1952 (in this section referred to as the **streets construction loan**):

And whereas the Council subsequently borrowed the said 2 sums of 25,000 pounds:

And whereas to secure repayment of the streets construction loan the Council issued debentures providing for a final payment, on 1 May 1963, of 15,600 pounds in redemption of the first portion of that loan, and a final payment, on 13 November 1963, of 15,600 pounds in redemption of the second portion of that loan:

And whereas the Council made both of those final payments out of its District Fund Account, the first on 8 May 1963, and the second on 13 November 1963:

And whereas the Council, without first complying with the provisions of the Local Authorities Loans Act 1956, raised 3 further loans, namely, a loan of 13,600 pounds on 8 May 1963, a loan of 2,000 pounds on 17 July 1963, and a loan of 15,600 pounds on 13 November 1963 and refunded the proceeds to its District Fund Account:

And whereas to secure the repayment of the said 3 further loans the Council desires to issue 3 debentures, namely, 1 debenture for the sum of 13,600 pounds repayable during a term of 10 years from 1 May 1963, by half-yearly instalments commencing on 1 November 1963, and bearing interest calculated at the rate of 5 pounds 7 shillings and 6 pence per cent per annum, another debenture for the sum of 2,000 pounds repayable during a term of 10 years from 17 July 1963, by

half-yearly instalments commencing on 17 January 1964, and bearing interest calculated at the rate of 5 pounds 7 shillings and 6 pence per cent per annum, and another debenture for the sum of 15,600 pounds repayable during a term of 10 years from 13 November 1963, by half-yearly instalments commencing on 13 May 1964, and bearing interest calculated at the rate of 5 pounds 5 shillings per cent per annum:

And whereas it is expedient that the aforesaid actions of the Council be validated, and that the Council be authorised to issue the said 3 debentures:

Be it therefore enacted as follows:

- (1) The actions of the Council in raising the said 3 further loans of 13,600 pounds, 2,000 pounds, and 15,600 pounds, respectively, and in refunding to its District Fund Account, out of the proceeds of the said 3 further loans, the amounts paid from that Account to repay the balance of the first portion of the streets construction loan and the balance of the second portion of that loan, are hereby validated and declared to have been lawful.
- (2) All payments made by the Council before the passing of this Act towards repayment of the said 3 further loans, and the interest accrued thereon, are hereby validated and declared to have been lawfully made.
- (3) The Council is hereby authorised to issue the said 3 debentures for the purpose of securing the repayment of the said 3 further loans.

16 Validating and authorising certain actions of the Ellerslie Borough Council in connection with certain loans

Whereas by Order in Council made on 14 April 1954 consent was given to the raising by the Ellerslie Borough Council (in this section referred to as the **Council**) of a sum of 40,000 pounds to be known as the Streets Construction and Improvements Loan 1953 (in this section referred to as the **streets construction loan**):

And whereas the Council subsequently borrowed the said sum of 40,000 pounds:

And whereas to secure repayment of the loan the Council issued debentures providing for a final payment on 13 May 1964, of 24,874 pounds 6 shillings in redemption of the loan:

And whereas the Council made this final payment out of its District Fund Account on that date:

And whereas the Council, without first complying with the provisions of the Local Authorities Loans Act 1956, raised a further loan of 24,000 pounds on 13 May 1964, and refunded the proceeds to its District Fund Account:

And whereas to secure the repayment of the said further loan the Council desires to issue a debenture for the sum of 24,000 pounds repayable during a term of 10 years from 13 May 1964, by half-yearly instalments commencing on 13 November 1964, and bearing interest calculated at the rate of 5 pounds 5 shillings per cent per annum:

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

Be it therefore enacted as follows:

- (1) The action of the Council in raising the said further loan of 24,000 pounds and in refunding to its District Fund Account, out of the proceeds of that further loan, the amount paid from that Account to repay the balance of the streets construction loan, is hereby validated and declared to have been lawful.
- (2) All payments made by the Council before the passing of this Act towards repayment of the said further loan, and the interest accrued thereon, are hereby validated and declared to have been lawfully made.
- (3) The Council is hereby authorised to issue the said debenture for the purpose of securing the repayment of the said further loan.

17 Authorising Manukau City Council to levy sewerage rate
[Repealed]

Section 17: repealed, on 12 August 1966, by section 4 of the Manukau City Empowering (Sewerage Rate) Act 1966 (1966 No 4 (L)).

18 Declaring an area of land in Borough of Cambridge to be street

Whereas certain land in the Borough of Cambridge described in subsection (3) is private land subject to various rights of way and has for many years been used as a thoroughfare known as Hally's Lane (in this section referred to as the **lane**):

And whereas the lane is 33 feet wide and serves only commercial or industrial premises:

And whereas it has been found impracticable to declare the same to be a service lane as certain areas of land would thereby be deprived of frontage to a legal street:

And whereas the Cambridge Borough Council is of opinion that the lane, notwithstanding its narrow width, is adequate for present and likely future traffic and desires that it be declared to be a street:

Be it therefore enacted as follows:

- (1) Notwithstanding anything in the Municipal Corporations Act 1954 or in any other Act, the land described in subsection (3) is hereby declared to be a street and vested in the Mayor, Councillors, and Citizens of the Borough of Cambridge freed and discharged from all encumbrances, easements, and other restrictions affecting the same immediately before the commencement of this Act.
- (2) The District Land Registrar for the South Auckland Land Registration District is hereby authorised and directed to make such entries in the register 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:

Firstly, Part Allotment 49 of the Town of Cambridge East, containing 6 and two-tenths perches, more or less, being more particularly defined and shown coloured yellow on Survey Office Plan numbered 43045 lodged in the Office of the Chief Surveyor at Hamilton.

Secondly, Lot 2 on DPS 3033, being also parts Allotments 49 and 50 of the Town of Cambridge East, containing 17 perches, more or less, being more particularly defined and

shown coloured sepia on Survey Office Plan numbered 43045 lodged in the Office of the Chief Surveyor at Hamilton.

Thirdly, Part Lot 5 on DP 26974, being also part Allotment 50 of the Town of Cambridge East, containing 19 and eight-tenths perches, more or less, being more particularly defined and shown coloured blue on Survey Office Plan numbered 43045 lodged in the Office of the Chief Surveyor at Hamilton.

19 Declaring areas of endowment land in the City of Auckland to be street

Whereas certain land was vested in the Mayor, Councillors, and Citizens of the City of Auckland (in this section referred to as the **Corporation**) by the Auckland City Endowments and Reserves Act 1875 as an endowment for the improvement and benefit of the City of Auckland:

And whereas during the construction of the Auckland Harbour Bridge approaches certain portions of 2 allotments of the said land were laid out as a street:

And whereas it is desirable that the portions of the said 2 allotments so laid out should be declared to be a street:

And whereas the balance portions of the said 2 allotments are now so small that it would be uneconomic and cumbersome for the Corporation to continue to administer them as an endowment and it is desirable that they should also be declared to be a street:

Be it therefore enacted as follows:

- (1) Notwithstanding anything in the Auckland City Endowments and Reserves Act 1875 or in any other Act, the land described in subsection (4) is hereby declared to be a street and vested in the Corporation freed and discharged from all trusts, reservations, and restrictions affecting the same immediately before the commencement of this Act.
- (2) The District Land Registrar for the North Auckland Land Registration District is hereby authorised and directed to make such entries in the register and to do all such other things as may be necessary to give effect to the provisions of this section.

- (3) The Auckland City Endowments and Reserves Act 1875 is hereby consequentially amended by repealing clauses 1 and 2 of Schedule 2.
- (4) The land to which this section relates is more particularly described as follows:

Firstly, Allotment 36 of Section 42 of the City of Auckland, containing 35 and five-tenths perches, more or less, being more particularly defined and shown coloured sepia on Survey Office Plan numbered 44701 lodged in the Office of the Chief Surveyor at Auckland.

Secondly, Allotment 39 of Section 39 of the City of Auckland, containing 39 and two-tenths perches, more or less, being more particularly defined and shown coloured sepia on Survey Office Plan numbered 44701 lodged in the Office of the Chief Surveyor at Auckland.

20 Validating an agreement with respect to land held by Corporation of City of Auckland and Auckland Hebrew Congregation Trust Board and making provision with respect to proceeds from sale of land by Corporation
[Repealed]

Section 20: repealed, on 12 November 1971 by section 12(1) of the Auckland Improvement Trust Act 1971 (1971 No 9 (L)).

Harbour boards

21 Authorising Southland Harbour Board to grant a lease
Whereas the Southland Harbour Board (in this section referred to as the **Board**) is the registered proprietor of the land described in subsection (2):

And whereas a building occupied by the Southland Merchant Navy Centre Incorporated (in this section referred to as the **Society**) is erected on part of the said land:

And whereas the Board is desirous of granting a lease of the part of the said land on which the building is erected to the Society:

And whereas the Board has no authority to grant such a lease without selling the same by public auction or public tender or offering the same by public application at a fixed rental:

Be it therefore enacted as follows:

- (1) The Board is hereby authorised to grant to the Society under the Public Bodies' Leases Act 1908, but without complying with section 8 of that Act and section 66 of the Statutes Amendment Act 1945, a lease of that part of the land described in subsection (2) on which is erected the building occupied by the Society at such rental, including a nominal rental, as the Board thinks fit.
- (2) The land to which this section relates is more particularly described as follows:

All that piece of land containing 86 acres 1 rood 20 perches, more or less, being Section 41, Block I, Campbelltown Hundred, and being all of the land comprised and described in certificate of title, Volume 235, folio 90, Southland Registry.

22 Validating certain expenditure incurred by Lyttelton Harbour Board

The expenditure by the Lyttelton Harbour Board during the financial year ended on 30 September 1965, of the sum of 1,353 pounds and 5 pence, in connection with the official opening of the First Berth at Cashin Quay at the new Eastern Extension of the harbour, is hereby validated and declared to have been lawfully incurred.

23 Validating certain expenditure incurred by Otago Harbour Board

The expenditure by the Otago Harbour Board during the financial year ended on 30 September 1965, of the sum of 500 pounds in connection with the 1964 Annual Conference of the New Zealand Harbours Association, is hereby validated and declared to have been lawfully incurred.

24 Validating variation of terms of raising certain loan money by Timaru Harbour Board

Whereas by Order in Council made on 3 July 1963, consent was given to the raising by the Timaru Harbour Board (in this section referred to as the **Board**) of a loan of 500,000 pounds

to be known as the Mechanical Handling Plant Loan 1963 (in this section referred to as the **loan**):

And whereas one of the conditions imposed 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 extending over a term of 25 years:

And whereas the Board has raised the sum of 50,000 pounds as part of the loan by borrowing that sum for a term of 12 years repayable by equal half-yearly instalments of principal extending over the last 10 years of that term:

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 sum of 50,000 pounds as part of the loan, otherwise than in accordance with the conditions imposed by the Local Authorities Loans Board, is hereby validated and the said sum of 50,000 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.

25 Amending Timaru Harbour Board Loan Act 1962

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

26 Validating payments authorised by Patea Harbour Board in connection with its dissolution

Whereas the Patea Harbour Board (in this section referred to as the **Board**) was dissolved on 1 September 1965, by section 4(3) of the Taranaki Harbours Act 1965:

And whereas at a meeting held on 30 August 1965, the Board resolved to mark its dissolution by holding a suitable function and to make certain payments to its Secretary and to its solicitor:

And whereas the Board had no authority to pass such resolutions:

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 passing resolutions on 30 August 1965, authorising the payment of—

- (a) a sum not exceeding 200 pounds to meet the cost of a function to mark the occasion of the dissolution of the Board and the abolition of the Patea Harbour District; and
- (b) a sum of 187 pounds 10 shillings to the Secretary of the Board as a retiring allowance; and
- (c) a sum of 50 pounds to William Collinson Nicholson, solicitor to the Board, in recognition of his long-standing service to the Board,—

is hereby validated and declared to have been lawful and the payments made pursuant to those resolutions shall be deemed to have been lawfully made.

27 Repealing certain provisions of Thames Harbour Board Loans Adjustment Act 1932–33 and making provision with respect to funds derived from sale of harbour capital assets by Thames Borough Council

Whereas section 6 of the Thames Harbour Board Loans Adjustment Act 1932–33 (as modified by the Thames Harbour Act 1936) provides that the proceeds of every sale by the Thames Borough Council of any of the capital assets of the former Thames Harbour Board shall be applied, first in providing further capital works or plant, and secondly in payment to certain sinking funds in proportion to the balance of principal due on certain of the Board's loans:

And whereas the Thames Borough Council (in this section referred to as the **Council**) has expended 8,870 pounds 6 shillings and 8 pence in connection with the reconstruction of the Thames wharf:

And whereas the Council desires to apply the balance of 2,156 pounds 15 shillings standing to the credit of its Harbour Sale of Capital Assets Account, plus accrued interest thereon, towards the cost of the reconstruction, but has no authority to do so:

And whereas, with the exception of section 6, such of the provisions of the Thames Harbour Board Loans Adjustment Act 1932–33 as have not already been repealed, are now spent or superseded:

And whereas it is desirable to repeal the provisions of the said Act which are still in force and to provide that any money derived from the future sale of harbour capital assets purchased or constructed out of loan money should be credited to the Borough Loan Assets Realisation Account in accordance with section 104 of the Local Authorities Loans Act 1956:

Be it therefore enacted as follows:

- (1), (2) *Amendment(s) incorporated in the Act(s).*
- (3) The Council is hereby authorised to apply the balance standing to the credit of its Harbour Sale of Capital Assets Account, plus accrued interest thereon, towards reimbursing its Harbour Account for the cost of reconstructing the Thames wharf.
- (4) All money derived from the future sale of harbour assets purchased or constructed out of loan money shall be credited to the Borough Loan Assets Realisation Account in accordance with section 104 of the Local Authorities Loans Act 1956, and the provisions of that section shall apply accordingly.

Electric power boards

28 Validating purchase by Westland Electric Power Board of the whole of the shares in Westland Power Limited

Whereas by an agreement made on 25 November 1964, between the Westland Electric Power Board (in this section referred to as the **Board**), of the one part, and Charles Gilbert White of Wellington, solicitor, Charles Victor Birch of Wellington, company director, John Charles White of Wellington, solicitor, and Peter Scott Stannard of Wellington, public accountant (in this section referred to as the **vendors**), of the other part, a copy of which has been deposited in the office of the New Zealand Electricity Department at Wellington, the Board agreed to purchase and the vendors agreed to sell the whole of the shares in Westland Power Limited for the sum of 61,000 pounds:

And whereas by an Order in Council made on 9 December 1964, and published in the *Gazette* of the 17th day of that month at page 2340, the Board was authorised to purchase the whole of the shares in Westland Power Limited:

And whereas doubts have arisen as to the authority of the Board to enter into the said agreement and as to the validity of the said Order in Council:

And whereas it is desirable that the said agreement and the said Order in Council be validated:

Be it therefore enacted as follows:

- (1) The said agreement is hereby validated and declared to have been lawfully made.
- (2) The said Order in Council, authorising the purchase by the Board of the whole of the shares in Westland Power Limited, is hereby validated and shall have and be deemed to have had full force and effect according to its tenor as from the date of the making thereof.

29 Validating purchase by Amethyst Electric Power Board of the whole of the shares in Amethyst Power Limited

Whereas by an agreement made on 1 February 1965, between the Amethyst Electric Power Board (in this section referred to as the **Board**), of the one part, and Joyce Minehan, married woman, George Harold Hope Robertson, retired, Frederick William Wyatt, farmer, John Adamson, farmer, William Johnston Anderson, farmer, Frederick Athol Oates, farm hand, and Alfred John Wall, engineer, all of Harihari (in this section referred to as the **vendors**), of the other part, a copy of which has been deposited in the office of the New Zealand Electricity Department at Wellington, the Board agreed to purchase and the vendors agreed to sell the whole of the shares in Amethyst Power Limited for the sum of 32,439 pounds:

And whereas by an Order in Council made on 16 December 1964, and published in the *Gazette* of the 23rd day of that month at page 2384, the Board was authorised to purchase the whole of the shares in Amethyst Power Limited:

And whereas doubts have arisen as to the authority of the Board to enter into the said agreement and as to the validity of the said Order in Council:

And whereas it is desirable that the said agreement and the said Order in Council be validated:

Be it therefore enacted as follows:

- (1) The said agreement is hereby validated and declared to have been lawfully made.
- (2) The said Order in Council, authorising the purchase by the Board of the whole of the shares in Amethyst Power Limited, is hereby validated and shall have and be deemed to have had full force and effect according to its tenor as from the date of the making thereof.

Rabbit boards

30 Amending section 42 of the Local Legislation Act 1949
Amendment(s) incorporated the Act(s).

31 Validating and authorising the payment by the Wanganui Rabbit Board of an honorarium

Whereas the Wanganui Rabbit Board (in this section referred to as the **Board**) has established a factory to produce poison both for its own use and for the use of rabbit boards for surrounding districts:

And whereas a Supply Committee (in this section referred to as the **Committee**) has been established to administer the factory:

And whereas the Chairman of the Committee has received and is receiving an honorarium of 100 pounds per annum from the Board:

And whereas there is no authority for the Board to pay such an honorarium:

Be it therefore enacted as follows:

- (1) The payments by the Board to the Chairman for the time being of the Committee of an honorarium of 100 pounds on each of the following dates, namely, 17 December 1963, 21 August

1964, and 26 March 1965, are hereby validated and declared to have been lawfully made.

- (2) The Board is hereby authorised and empowered to pay, during the financial year ending on 31 March 1966, to the Chairman for the time being of the Committee and to the acting Chairman for the time being of the Committee, by way of honorarium, a total sum not exceeding 100 pounds, in such proportions as the Committee may determine.

32 Validating and authorising the making and levying of general rate by Ararimu Rabbit Board and making provision with respect to representation on the Board

Whereas by Order in Council made on 25 August 1965 the districts of the County of Manukau and the Borough of Manurewa were abolished and the councils of that county and that borough were dissolved on and from 3 September 1965:

And whereas a new borough to be known as the City of Manukau (in this section referred to as the **City**) and comprising the districts of the said county and the said borough was constituted by the said Order in Council:

And whereas before the constitution of the City the district of the County of Manukau was included in the district of the Ararimu Rabbit Board (in this section referred to as the **Board**):

And whereas on 28 July 1965, the Board made a general rate to be levied, on all rateable property within its district, for the year ending on 31 March 1966:

And whereas section 22 of the Rabbits Act 1955 (as substituted by section 2 of the Rabbits Amendment Act 1963) provides that any borough lying wholly or in part within any rabbit district shall be deemed not to form part of the district:

And whereas it is desirable that the rate be levied for the year ending on 31 March 1966, throughout the Board's district as that district existed on 28 July 1965, notwithstanding that the City does not now form part of that district:

And whereas it is also desirable to provide that the City be represented on the Board:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Rabbits Act 1955 or in any other Act, the Board is hereby authorised to levy the general rate made by the Board on 28 July 1965, for the year ending on 31 March 1966, on all rateable property within the district of the Board as that district existed on 28 July 1965, and all actions of the Board before the commencement of this section with respect to the making and levying of the rate are hereby validated and declared to have been lawful.
- (2) Notwithstanding anything to the contrary in the Rabbits Act 1955 or in any other Act, the Board may, by resolution, determine that, until 9 October 1971, or until the date on which the Manukau City Council sooner withdraws from participation in the work of the Board in respect of the control and destruction of rabbits and opossums within the City of Manukau (the first of which dates to occur being in this section referred to as the **termination date**), the number of members on the Board be increased by the appointment of not more than 4 additional members.
- (3) The additional members shall be ratepayers in respect of land in the City of Manukau which immediately before 28 July 1965, formed part of the rateable property within the Board's district.
- (4) They shall be appointed by the Minister of Agriculture on the nomination of the Manukau City Council and shall hold office until the termination date.
- (5) Any member of the Board appointed under this section shall vacate his office if he ceases to be a ratepayer in accordance with subsection (3), or if he would have vacated his office under the provisions of subsection (1) of section 40 of the Rabbits Act 1955, except paragraph (d) of that subsection, if he had been an elective member of the Board.

Section 32(2): amended, on 17 December 1968, by section 27 of the Local Legislation Act 1968 (1968 No 131).

Affecting 2 or more classes of public bodies

33 Validating agreement between Mataura Borough Council and Southland Catchment Board

Whereas by an Order in Council made on 1 February 1965, consent was given to the raising by the Southland Catchment Board (in this section referred to as the **Board**) of a sum of 8,100 pounds to be known as the Waimumu Stream Works Loan 1964 (in this section referred to as the **loan**):

And whereas certain land in the Borough of Mataura which is outside the special rating area created in respect of the loan will benefit from the works financed by the loan:

And whereas by written agreement dated 28 October 1964 (in this section referred to as the **agreement**), made between the Board and the Mataura Borough Council (in this section referred to as the **Council**) the Council has undertaken to pay to the Board annually, over a term of 20 years or until the loan is fully repaid, twenty-seven and thirty-five hundredths per cent of the annual charges on the loan:

And whereas doubts have arisen as to the validity of the agreement and it is desirable to validate the same:

Be it therefore enacted as follows:

Notwithstanding anything to the contrary in any Act, the Board and the Council shall be deemed to have been authorised and empowered to enter into the agreement and the same is declared to have been lawfully made and shall have effect according to its tenor.

34 Authorising and validating the expenditure by Tauranga City Council and Tauranga Electric Power Board in connection with joint investigations into hydro-electric generating schemes

Whereas by Order in Council made on 20 December 1963, and published in the *Gazette* on 6 February 1964, at page 141, as extended by subsequent Orders in Council made on 2 September 1964, and published in the *Gazette* on 3 September 1964, at page 1397, and 1 September 1965, and published in the *Gazette* on 9 September 1965, at page 1499, the Mayor, Councillors, and Citizens of the City of Tauranga (in this section

referred to as the **Council**) and the Tauranga Electric Power Board (in this section referred to as the **Board**) were authorised to proceed with certain schemes to obstruct, impound, or divert the waters of the Mangapapa, Opuiaki, Mangakarengorengo, and Omanawa Rivers, for the purposes and upon and subject to the terms and conditions set out in the said Orders in Council, including the condition that the Council and the Board should within 36 months of the grant of the authority produce to the Minister of Electricity evidence that an agreed scheme for the joint exploitation of the water resources referred to in the said Orders in Council had been assented to by the Council and the Board:

And whereas the Council and the Board have separately and jointly undertaken preliminary exploration and investigation of the water resources referred to in the said Orders in Council:

And whereas doubts have arisen as to the powers of the Council and the Board to undertake such preliminary exploration and investigation as a joint undertaking and to expend money thereon:

And whereas it is desirable to validate the expenditure heretofore incurred by the Council and the Board in connection therewith and to authorise expenditure in connection with current and future exploration and investigation:

And whereas it is desirable to limit the expenditure by the Council and the Board for such past, current, and future exploration and investigation to 25,000 pounds each:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act, regulation, or rule of law, the expenditure already incurred by the Council and the Board in connection with the said preliminary exploration and investigation of the water resources referred to in the said Orders in Council is hereby validated and declared to have been lawfully incurred, and current and future expenditure by the Council and the Board in connection with the said preliminary exploration and investigation is hereby authorised:

provided that the Council and the Board shall not incur an expenditure in excess of 25,000 pounds each in connection

with the past, current, and future preliminary exploration and investigation.

- (2) It shall be lawful for the Council and the Board from time to time to borrow, subject to the provisions of the Local Authorities Loans Act 1956, the whole or any part of the expenditure validated and authorised by this section and to make refunds out of the proceeds of any such loans to any account or fund of the Council or the Board out of which any payments validated or authorised by this section have been made.

Miscellaneous provisions

35 Dissolving Napier Airport Board and repealing Napier Airport Act 1935

Whereas the Napier Airport Board was established by the Napier Airport Act 1935 for the purpose of providing, establishing, and maintaining an aerodrome for the Borough of Napier:

And whereas the purpose for which the Board was established has been attained by other means:

And whereas the Board has no assets or liabilities and does not function:

And whereas it is desirable to dissolve the Board and to repeal the Napier Airport Act 1935:

Be it therefore enacted as follows:

- (1) The Napier Airport Board is hereby dissolved.
- (2) The following enactments are hereby repealed:
- (a) the Napier Airport Act 1935:
 - (b) the Napier Airport Amendment Act 1938:
 - (c) *Amendment(s) incorporated in the Act(s)*.
 - (d) *[Repealed]*

Section 35(2)(d): repealed, on 1 March 1988, by section 58(1) of the Local Government Official Information and Meetings Act 1987 (1987 No 174).

36 Validating certain expenditure incurred by Wellington Fire Board

The expenditure by the Wellington Fire Board during the financial year ending on 31 March 1966, of the sum of 280 pounds 13 shillings and 9 pence in connection with the offi-

cial celebration of the centennial of the founding of the Wellington Fire Brigade, is hereby validated and declared to have been lawfully incurred.

37 Authorising Auckland Regional Authority to incur certain expenditure in connection with official opening of Auckland International Airport

The Auckland Regional Authority is hereby authorised and empowered to expend, during the financial year ending on 31 March 1966, a sum not exceeding 2,650 pounds in connection with the official opening of the Auckland International Airport at Mangere.

38 Empowering Southland Catchment Board to make a classification specially for the purpose of maintenance rates in respect of certain works

Whereas the Southland Catchment Board (in this section referred to as the **Board**) has made and levied a special rate over a defined portion of its district, being that portion described in Schedule 2 of the Southland Catchment Board Empowering Act 1953 as the Duck Creek Drainage Rating District, as security for the repayment of, and the payment of interest on, a loan of 25,000 pounds known as the Duck Creek Works Loan 1956 (in this section referred to as the **loan**):

And whereas the rate has been made and levied on a graduated scale according to a classification, made under the Soil Conservation and Rivers Control Act 1941, of the rateable property upon which the rate is levied:

And whereas under subsection (3) of section 106 of the Soil Conservation and Rivers Control Act 1941, any maintenance rate in respect of the works constructed out of the proceeds of the loan is required to be made and levied on a graduated scale according to the said classification:

And whereas it is desirable that the maintenance rate be made and levied by the Board on a graduated scale according to a classification specially made for the purposes of that rate:

Be it therefore enacted as follows:

Notwithstanding anything in section 106 of the Soil Conservation and Rivers Control Act 1941 or in section 3 of the Southland Catchment Board Empowering Act 1953, the Board is hereby authorised and empowered to make a classification specially for the purpose of any maintenance rate, made and levied by the Board after 31 March 1966, in respect of the works constructed out of the proceeds of the loan.

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Notes

1 *General*

This is a reprint of the Local Legislation Act 1965. The reprint incorporates all the amendments to the Act as at 1 March 1988, 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 Official Information and Meetings Act 1987 (1987 No 174):
section 58(1)

Auckland Improvement Trust Act 1971 (1971 No 9 (L)): section 12(1)

Local Legislation Act 1968 (1968 No 131): section 27

Local Legislation Act 1967 (1967 No 148): section 5(2)

Manukau City Empowering (Sewerage Rate) Act 1966 (1966 No 4 (L)): section
4