

**Reprint  
as at 21 October 1972**



**Local Legislation Act 1972**

Public Act    1972 No 38  
Date of assent    20 October 1972  
Commencement    20 October 1972

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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 authorise and validate certain transactions and other matters**

**1 Short Title**

This Act may be cited as the Local Legislation Act 1972.

*City and borough councils*

**2 Amending section 28 of the Local Legislation Act 1964**

- (1) *Amendment(s) incorporated in the Act(s).*
- (2) This section shall be deemed to have come into force on 1 April 1972.
- (3) Section 3 of the Local Legislation Act 1970 is hereby consequentially repealed.

**3 Authorising refund by Huntly Borough Council to District Fund Account from loan money**

Whereas, before the Huntly Borough Council (in this section referred to as the **Council**) obtained authority to raise a loan of \$10,000 known as the Waterworks Improvement Supplementary Loan 1971 (in this section referred to as the **loan**), the Council expended the sum of \$2,735.41 out of its District Fund Account for certain purposes for which the loan was to be raised:

And whereas authority to raise the loan has since been obtained and it is desirable to authorise the Council to refund that sum to its District Fund Account out of the proceeds of the loan:

Be it therefore enacted as follows:

The Council is hereby authorised to refund the sum of \$2,735.41 to its District Fund Account out of the proceeds of the loan.

**4 Authorising Te Kuiti Borough Council to raise a special loan**

Whereas the Te Kuiti Borough Council (in this section referred to as the **Council**) has expended out of its District Fund Account the sum of \$50,135 to repay the balance outstanding in respect of its Housing Development Loan 1965 of \$60,000:

And whereas the Council also expended out of its District Fund Account the sum of \$18,000 to repay the balance outstanding in respect of its Waterworks Improvement Loan 1959 of \$30,000:

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 those sums to its District Fund Account:

And whereas it is desirable to authorise the Council to raise a loan of not more than \$68,135 for the purpose of refunding to its District Fund Account the sums so expended from that account:

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 \$68,135 for the purpose of refunding to its District Fund Account the sums so expended from that account; and, notwithstanding section 34 of that Act, the special loan may be raised without the prior consent of the ratepayers.

**5 Authorising Feilding Borough Council to raise a special loan**

Whereas authority was given to the raising by the Feilding Borough Council (in this section referred to as the **Council**) of a loan of \$150,000 to be known as the Abattoir Loan 1968 for the purpose of extending the municipal abattoir:

And whereas authority was given under section 7 of the Local Legislation Act 1970 for the Council to raise a further loan of \$87,000 for the purpose of further extending the abattoir:

And whereas the amount of those loans has been insufficient to enable the completion of the work:

And whereas the Council has expended out of its District Fund Account a sum not exceeding \$50,000 to complete the work:

And whereas the Local Authorities Loans Board has no authority to sanction the raising of a loan to enable the Council to refund that sum to its District Fund Account:

And whereas it is desirable to authorise the Council to raise a special loan not exceeding \$50,000 for the purpose of refunding to its District Fund Account the sum so expended from that account:

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 \$50,000 for the purpose of refunding to its District Fund Account the sum so expended from that account.

## **6 Validating purchase of land by the City of Manukau on system of time payment**

Whereas by agreement in writing dated 22 November 1967, the Mayor, Councillors, and Citizens of the City of Manukau (in this section referred to as the **Corporation**) agreed to purchase from the Maori Trustee the land described in subsection (3) at the price of \$36,740 to be paid by instalments extending over a period of 10 years together with interest at the rate of 6% a year on the balance of the purchase price from time to time remaining unpaid:

And whereas the approval of the Minister of Internal Affairs to the transaction was not obtained as required by section 165 of the Municipal Corporations Act 1954:

And whereas it is desirable to validate the actions of the Corporation:

Be it therefore enacted as follows:

- (1) The action of the Corporation in agreeing with the Maori Trustee to purchase from him the land described in subsection (3) at the price of \$36,740 to be paid by instalments extending over a period of 10 years together with interest at the rate of 6% a year on the balance of the purchase price from time to time remaining unpaid in the manner set forth in

the said agreement is hereby validated and declared to have been lawful, and the said agreement is hereby confirmed and declared to have full force and effect according to its tenor.

- (2) The actions of the Corporation in making payments to the Maori Trustee of instalments of purchase price and interest due under the said agreement are hereby validated and declared to have been lawful.
- (3) The land to which this section relates is more particularly described as follows:

All that piece of land situated in the North Auckland Land Registration District and in the City of Manukau containing 5 acres 3 roods 36 perches, more or less, being the block situated in Block II of the Wairoa Survey District called Maraetai 8, and being the whole of the land comprised in a Partition Order of the Maori Land Court made on 8 April 1964.

#### 7 **Authorising refund by Petone Borough Council to District Fund Account**

Whereas the Petone Borough Council (in this section referred to as the **Council**) has expended out of its District Fund Account the sum of \$11,800 to repay part of the balance outstanding in respect of the Hutt Estuary Bridge Redemption Loan 1966 of \$72,000—Portion of \$14,000:

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 that sum to its District Fund Account:

And whereas it is desirable to authorise the Council to raise a special loan of not more than \$11,800 for the purpose of refunding to its District Fund Account the sum so expended from that account:

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 \$11,800 for the purpose of refunding to its District Fund Account the sum so expended from that account; and, notwithstanding section 34 of that Act, the special loan may be raised without the prior consent of the ratepayers.

**8 Authorising Hamilton City Council to raise a special loan**

Whereas the Hamilton City Council (in this section referred to as the **Council**) has from time to time borrowed and owed money on its District Fund Account in carrying out the distribution of natural gas in Hamilton:

And whereas the liability of the Council to its bankers in respect of such costs and the additional costs of work undertaken to control losses from the mains exceeded the sum of \$250,000 on 31 March 1972:

And whereas the Council desires to obtain authority to raise by way of a special loan a sum not exceeding \$250,000, to be applied in reduction of that liability:

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 that sum to its District Fund Account:

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 \$250,000 for the purpose of refunding to its District Fund Account the sum so expended from that account; and, notwithstanding section 34 of that Act, the special loan may be raised without the prior consent of the ratepayers.

**9 Authorising Birkenhead Borough Council to raise a special loan**

Whereas the Birkenhead Borough Council (in this section referred to as the **Council**) has expended out of its District Fund Account the sum of \$25,191 to repay the balance outstanding in respect of the final portion of the Streets Completion Loan 1961 of \$560,000:

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 this sum to its District Fund Account:

And whereas it is desirable to authorise the Council to raise a loan of not more than \$25,191 for the purpose of refunding to its District Fund Account the sum so expended from that account:

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 \$25,191 for the purpose of refunding to its District Fund Account the sum so expended from that account; and, notwithstanding section 34 of that Act, the special loan may be raised without the prior consent of the ratepayers.

**10 Validating expenditure by the Waiuku Borough Council of certain money from its Sewerage Loan Account, and validating refund by Waiuku Borough Council to that account**

Whereas before the Waiuku Borough Council (in this section referred to as the **Council**) obtained authority to raise a loan of \$62,000 to be known as the Waterworks Loan 1971 (in this section referred to as the **loan**) the Council expended the sum of \$2,408.13 for certain purposes for which the loan was to be raised out of money raised for the purposes of the Sewerage Loan 1969:

And whereas the Council had no authority to do so:

And whereas after the loan was raised the Council refunded to its Sewerage Loan Account 1969 the sum of \$2,408.13 but had no authority to do so:

And whereas it is desirable to validate the Council's actions:

Be it therefore enacted as follows:

The action of the Council in expending the sum of \$2,408.13 from its Sewerage Loan Account 1969 for purposes other than those for which the loan was raised, and the subsequent action of the Council in refunding that amount to its Sewerage Loan Account from its Waterworks Loan Account 1971, is hereby validated and declared to have been lawful.

**11 Authorising the Cromwell Borough Council to make a transfer from its Land Sales Account to its District Fund Account**

Whereas the Cromwell Borough Council has leased its motor camp on terms providing for improvements to be carried out



for which compensation would be paid by the Council on completion of each 5 yearly term of the lease:

And whereas the first 5 yearly term does not expire until 1976:

And whereas in order that the lessee might continue these improvements the Council expended the sum of \$2,500 from its District Fund Account in anticipation of the compensation payable to him in 1976:

And whereas the Council now wishes to refund its District Fund Account by transferring this amount from its Land Sales Account:

And whereas the money in that account is subject to the provisions of subsection (2) of section 150 of the Municipal Corporations Act 1954 and is required to be expended only on the purchase of other land to be held for the same purpose as the land sold:

And whereas the Council holds adequate endowment lands for the purposes of the Borough of Cromwell:

Be it therefore enacted as follows:

Notwithstanding subsection (2) of section 150 of the Municipal Corporations Act 1954 the Council is hereby authorised to transfer the sum of \$2,500 from its Land Sales Account to its District Fund Account.

## **12 Provision with respect to certain land vested in Whangarei City Council for a public abattoir site**

Whereas pursuant to the Whangarei Abattoir-site Extension Act 1928, and Order in Council made on 21 December 1937, and published in the *Gazette* dated 13 January 1938 at page 12, the land described in subsection (3) is vested in the Mayor, Councillors, and Citizens of the City of Whangarei (in this section referred to as the **Corporation**) as a site for a public abattoir:

And whereas the land is no longer required for this purpose and it is desired to vest the land in the Corporation for general municipal purposes:

Be it therefore enacted as follows:

- (1) Notwithstanding the Whangarei Abattoir-site Extension Act 1928 or the Order in Council or any other enactment or rule

of law, the land described in subsection (3) is declared to be held by the Corporation as an estate in fee simple for general municipal purposes but freed and discharged from all other reservations and restrictions.

- (2) The District Land Registrar of the North Auckland Land Registration District is hereby authorised and directed, without any fee being payable by the Council, to make such entries in his register and 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 parcel of land containing 25 acres 15.6 perches, more or less, being Section 8, Block XVI, Purua Survey District, formerly part of Section I, Block XVI, Purua Survey District, and being all the land comprised and described in certificate of title, Volume 697, folio 325, North Auckland Registry.
- (4) The Whangarei Abattoir-site Extension Act 1928 is hereby consequentially repealed.

### **13 Varying the purpose for which certain reclaimed land may be used by Wellington City Corporation**

Whereas by section 4 of the Wellington City Reclamation and Public Baths Act 1898 it was declared lawful for the Governor-General to grant to the Wellington City Corporation (in this section referred to as the **Corporation**) a parcel of land covered by water and being part of the Harbour of Wellington such land to be held by the Corporation for the purpose of erecting and maintaining thereon public baths and for no other purpose, and with power to execute any reclamation or other works for or in connection with the construction of such baths only:

And whereas the said parcel of land has not been reclaimed in full:

And whereas it is desirable to authorise the Corporation to use such part of the reclaimed land and the area yet to be reclaimed that is not required for public baths for the erection and maintenance of any buildings thereon, or the leasing thereof, for

any activity relating to the sport of rowing or any other aquatic sport:

Be it therefore enacted as follows:

- (1) Notwithstanding the Wellington City Reclamation and Public Baths Act 1898, the Corporation is hereby authorised to erect and maintain any buildings on any part of land reclaimed or to be reclaimed under section 4 of that Act, and to use or let any such building or land for any activity relating to the sport of rowing or any other aquatic sport.
- (2) Any lease granted under subsection (1) to any sporting body or person shall be for such term and upon such conditions as the Corporation thinks fit.
- (3) The foreshore of any land reclaimed by the Corporation under the authority of section 4 of the said Act shall vest in the Wellington Harbour Board.
- (4) This section shall be deemed to be a special Act for the purposes of section 150 of the Harbours Act 1950.

#### *County councils*

#### **14 Validating rates made by Tauranga County Council**

Whereas the Tauranga County Council (in this section referred to as the **Council**), at an ordinary meeting held on 20 May 1968 passed a resolution stating its intention to make certain rates for the year ending on 31 March 1969:

And whereas public notice of its intention to make those rates was given by the Council in accordance with section 52 of the Rating Act 1967:

And whereas no subsequent resolution was passed by the Council in accordance with section 53 of the Rating Act 1967 to make and levy the rates:

And whereas, notwithstanding that the subsequent resolution was not passed, the Council did make and levy the rates:

Be it therefore enacted as follows:

- (1) The rates specified in the resolution of intention to make rates for the year ending on 31 March 1969 recorded in the minutes of the ordinary meeting of the Council held on 20 May 1968 are hereby validated and declared to have been lawfully made

on 1 July 1968 notwithstanding that the resolution in accordance with section 53 of the Rating Act 1967 was not passed by the Council in respect of those rates.

- (2) The action of the Council in levying and collecting the rates is hereby validated and declared to be lawful.
- (3) All money received by the Council in payment of such rates shall be deemed to have been lawfully paid to and received by the Council; and any such rates not yet paid shall be lawfully payable to the Council.

#### **15 Authorising Bay of Islands County Council to raise a special loan**

Whereas by Order in Council made on 1 June 1966 consent was given to the raising by the Bay of Islands County Council (in this section referred to as the **Council**) of a loan of \$110,000 to be known as the Paihia Water Supply Loan 1966 for the purpose of providing a water supply system for the Paihia Water Supply District:

And whereas on 5 July 1968 consent was given to the raising by the Council of a loan of \$35,000 to be known as the Paihia Water Supply Loan No 2, 1968, for the purpose of meeting further expense incurred in providing the water supply system for the Paihia Water Supply District:

And whereas after expending the amount of both of those loans the Council expended out of its County Fund Account the sum of \$11,000 in completing this work:

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

And whereas it is desirable to authorise the Council to raise a special loan not exceeding \$11,000 for the purpose of refunding to its County Fund Account the sum so expended from that account:

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 \$11,000 for the purpose of re-

funding to its County Fund Account the sum so expended from that account.

**16 Validating certain payments made by the Whangarei County Council towards a group assurance scheme provided by the Australian Mutual Provident Society**

Whereas between 9 February 1970 and 27 October 1971, the Whangarei County Council (in this section referred to as the **Council**) made payments amounting to \$8,372.44 towards a group assurance scheme provided by the Australian Mutual Provident Society (in this section referred to as the **Society**) to which some of the Council's employees were contributing as a superannuation scheme:

And whereas the group assurance scheme was not established as a superannuation scheme under section 25 of the Finance Act (No 2) 1942 and was therefore without authority of law:

And whereas the Council has ceased to participate in the scheme:

And whereas it is desirable that the payments be validated:

Be it therefore enacted as follows:

The payments amounting to \$8,372.44 made by the Council between 9 February 1970 and 27 October 1971 as a contribution towards a group assurance scheme provided by the Society for employees of the Whangarei County Council are hereby validated.

*Harbour boards*

**17 Authorising the Northland Harbour Board to vary area of land on lease to Whangarei City Council**

Whereas under section 32 of the Local Legislation Act 1964 (in this section referred to as the **said section**) the Northland Harbour Board (in this section referred to as the **Board**) was authorised to grant a lease on certain terms to the Whangarei City Council (in this section referred to as the **Council**):

And whereas both the Board and the Council have agreed to vary the area of land included in the lease granted pursuant to the said section:

Be it therefore enacted as follows:

- (1) The said section shall not apply to that piece of land containing 5 acres 2 roods 14.3 perches, more or less, being Lot 1 on Deposited Plan 65087, and being part of the land contained in certificates of title, Volume 1113, folio 139, and No 6A/512, North Auckland Registry.
- (2) The said section shall continue to apply to the balance of the land described in subsection (4) of that section and shall also relate to that piece of land containing 6 acres 3 roods 29.4 perches, more or less, being Lot 2 on Deposited Plan 65087 and being part of the land contained in certificates of title, Volume 1111, folio 139, and No 6A/512, North Auckland Registry, but so that the lease of the said Lot 2 on Deposited Plan 65087 shall expire on 31 December 1985.
- (3) The lease granted by the Board pursuant to the said section shall be construed subject to this section.

#### **18 Amending the Marlborough Harbour Act 1958**

- (1) *Amendment(s) incorporated in the Act(s).*
- (2) The following Orders in Council are hereby consequentially revoked:
  - (a) the Marlborough Harbour Board Order 1965:
  - (b) the Marlborough Harbour Board Order 1967:
  - (c) the Marlborough Harbour Board Order 1968:
  - (d) the Order in Council made on 9 September 1968 re-defining the limits of the Harbour of French Pass, and published in the *Gazette* dated 19 September 1968 at page 1598.

#### *Miscellaneous provisions*

#### **19 Validating a payment made by Otago High Schools Board**

Whereas the Otago High Schools Board (in this section referred to as the **Board**), during the year ending on 31 January 1973, paid to Dorothy Mary Kennedy of Dunedin, widow of David Colin Kennedy who at the time of his death was Secretary to the Board, the sum of \$3,243 as a compassionate grant: And whereas the Board had no authority to make such a payment and it is desirable to validate it:

Be it therefore enacted as follows:

The action of the Board in so paying the sum of \$3,243 to Dorothy Mary Kennedy is hereby validated and declared to have been lawful.

**20 Authorising the Hutt River Board to incur certain expenditure in connection with the winding-up of the Board**

Whereas the Hutt River Board (in this section referred to as the **Board**) desires to provide for a function and to incur expenditure related thereto to mark the winding-up of the affairs of the Board on 28 February 1973:

And whereas such expenditure would represent unauthorised expenditure by the Board:

And whereas the sum which the Board is permitted to expend for unauthorised purposes would be insufficient to meet the costs of a function and the expenditure related thereto:

Be it therefore enacted as follows:

The Board is hereby authorised and empowered to expend a sum not exceeding \$1,500 in connection with the winding-up of the affairs of the Board on 28 February 1973.

**21 Validating purchase of highway improvement land by Auckland Regional Authority**

Whereas the Auckland Regional Authority (in this section referred to as the **Authority**) is the registered proprietor of the land described in subsection (2):

And whereas the Authority originally acquired the land for highway improvement purporting to act under section 34L of the Auckland Regional Authority Act 1963 but doubts have arisen as to whether such acquisition was lawful:

And whereas the Authority desires to sell such parts of the land as are not required for highway improvement and it is desirable that the acquisition be validated:

Be it therefore enacted as follows:

- (1) The acquisition of the land described in subsection (2) by the Authority is hereby validated and declared to be and always to have been lawful and as if such land, having first been declared by resolution under subsection (1) of section 34L of the said

Act to be required for highway improvement, had thereafter, by agreement with the previous registered proprietors thereof, been purchased by the Authority otherwise than under the Public Works Act 1928.

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

All those areas of land situated in the Borough of Mount Albert in the North Auckland Land Registration District, being—

*First:* All that parcel of land containing 38.6 perches, more or less, being Lot I on Deposited Plan 46389, and being part of Allotment 169 of Section 10, Suburbs of Auckland, and being all the land comprised and described in certificate of title, Volume 167, folio 89, North Auckland Registry:

*Secondly:* All that parcel of land containing 1.9 perches, more or less, being part Lot 2 on Deposited Plan 46389, and being part of Allotment 169 of Section 10, Suburbs of Auckland, and being all the land comprised and described in certificate of title, Volume 1640, folio 99, North Auckland Registry.

## **22 Validating actions and authorising the Wellington Harbour Board and the Wellington City Corporation to provide the Carter Memorial Fountain**

Whereas the Wellington Harbour Board (in this section referred to as the **Board**) and the Mayor, Councillors, and Citizens of the City of Wellington (in this section referred to as the **Corporation**) desire in conjunction with Hugh Allen Carter as donor to provide, erect, operate, and maintain a fountain (in this section referred to as the **Carter Memorial Fountain**) in Oriental Bay in the Harbour of Wellington:

And whereas doubts have arisen as to the power of the Board and the Corporation to provide, erect, operate, or maintain the Carter Memorial Fountain:

And whereas it is desirable to remove such doubts and to validate past actions of the Board and the Corporation in respect of the Carter Memorial Fountain:

Be it therefore enacted as follows:

- (1) Any actions taken by the Board or the Corporation or payments made by the Board or the Corporation in respect of the



Carter Memorial Fountain are hereby validated and declared to have been lawfully taken or made.

- (2) The Board and the Corporation are hereby authorised and empowered to provide, erect, operate, and maintain the Carter Memorial Fountain.
- (3) The provision, erection, operation, and maintenance of the Carter Memorial Fountain shall be subject to the requirements of the Harbours Act 1950.

### **23 Validating advance by the Waikato Valley Authority**

Whereas on 15 April 1969 the Waikato Valley Authority (in this section referred to as the **Authority**) advanced the sum of \$11,000 to Ian Hamilton Cairns, an employee of the Authority, and his wife, Christine Ann Cairns, for the purpose of erecting a house for their personal occupation:

And whereas the Authority as mortgagee accepted from its employee and his wife as mortgagor the first mortgage more particularly described in subsection (2) as security for the advance:

And whereas the Authority had no power to make such an advance:

And whereas it is desirable to validate the Authority's action in advancing the said sum to its employee and his wife as aforesaid and to remove any doubts as to the validity of the mortgage accepted by the Authority as security for the repayment of the said advance:

Be it therefore enacted as follows:

- (1) The action of the Authority in advancing the sum of \$11,000 to the employee and his wife is hereby validated and declared to have been lawful; and the mortgage executed in favour of the Authority as mortgagee shall be deemed to have been lawfully accepted by the Authority and shall have full force according to its tenor.
- (2) The mortgage to which this section relates is more particularly described as follows:

Mortgage to secure the repayment of a principal sum of \$11,000, registered No S445619, South Auckland Land Registry.

**24 Transferring the control and management of Parkhurst Cemetery to Waitemata County Council**

Whereas by notice dated 3 November 1964 and published in the *Gazette* dated 19 November 1964 at page 2183, the Hellenesville Borough Council (in this section referred to as the **Borough Council**) was appointed to be the trustees of the Parkhurst Cemetery:

And whereas the Borough Council has since then used the land described in the notice and more particularly described in subsection (2) as a public cemetery:

And whereas it is now expedient that the control and management of the cemetery be transferred to the Waitemata County Council (in this section referred to as the **County Council**) and that the land should continue to be used by the County Council as a public cemetery:

And whereas the Borough Council has no authority to transfer the control and management of the cemetery to the County Council and it is desirable that provision be made for this purpose:

Be it therefore enacted as follows:

- (1) Notwithstanding the Burial and Cremation Act 1964 or any other Act—
  - (a) the Borough Council is hereby authorised and empowered to transfer the control and management of the cemetery to the County Council, and to hand over to the County Council all records and property relating to the cemetery which the County Council may require:
  - (b) the County Council is hereby authorised and empowered to control and manage the land as a public cemetery:
  - (c) the bylaws of the Borough Council relating to the operation of the cemetery shall continue to apply and shall be enforceable by the County Council until such time as the County Council revokes them and makes bylaws in their place.
- (2) The land to which this section relates is more particularly described as follows:

All that area in the North Auckland Land District containing 6 acres 1 rood 17 perches, more or less, being Section 2A, Block XIII, Kaipara Survey District.

- (3) The notice dated 3 November 1964 appointing the Helensville Borough Council to be the trustees of the Parkhurst Cemetery is hereby consequentially revoked.

**25 Provision with respect to agreement by the Mutual Life and Citizens' Assurance Company Limited, the Auckland Regional Authority, and the Mount Albert Borough Council concerning St Lukes Road Regional Road**

Whereas the Mutual Life and Citizens' Assurance Company Limited, a company incorporated in the State of New South Wales in the Commonwealth of Australia (in this section referred to together with its successors and assigns as the **owner**) is registered as the proprietor of an estate in fee simple in all that piece of land situated in the Borough of Mount Albert and more particularly described in subsection (5) (in this section referred to as the **land**):

And whereas the Auckland Regional Authority (in this section referred to as the **Authority**) has, under the Auckland Regional Authority Act 1963, constructed a regional road (as defined in that Act) adjacent to and upon the land:

And whereas it is intended that the regional road shall at some future time be realigned to the south of its present position and the land be no longer required for the regional road:

And whereas the owner has agreed with the Authority and the Mount Albert Borough Council (in this section referred to as the **Council**) to dedicate the land as a street without consideration so that it shall vest in the Council subject to it revesting in the owner without consideration forthwith upon the land ceasing to form part of the regional road:

And whereas neither the Authority nor the Council has power to come to such an agreement with the owner:

Be it therefore enacted as follows:

- (1) Notwithstanding anything in any Act, the land may be dedicated as a street and shall thereupon, subject to this section, vest in the Council.

- (2) Notwithstanding the Auckland Regional Authority Act 1963 or any other Act or rule of law, where the land ceases to be or to form part of a regional road the land shall thereupon vest in the registered proprietor or proprietors of, and be amalgamated with, any land adjoining the northern boundary of the land. If the adjoining land consists of more allotments than 1, the eastern and western boundaries of those allotments shall be produced across the land and each resulting portion of the land shall vest in the registered proprietor or proprietors of, and be amalgamated with, the allotment adjoining that portion to the north.
- (3) Where the land or, as the case may require, the several portions of it is vested under subsection (2), it shall become subject to and have appurtenant to it all encumbrances, liens, and interests affecting or appurtenant to the adjoining land with which it is amalgamated under that subsection.
- (4) Where the District Land Registrar of the Land Registration District in which the land is situated is in receipt of a statutory declaration made by the Secretary or any other authorised officer of the Authority to the effect that the land has, under the Auckland Regional Authority Act 1963 or under any other specified Act, ceased to be or to form part of a regional road and has become vested in the registered proprietor or registered proprietors of the adjoining land or lands under subsection (2), and he is in receipt of any plans or other documents he may require, the Registrar shall issue a new certificate or new certificates of title for the land or, as the case may require, the several portions of it together with the adjoining land or lands, and shall make such entries in his register and do all such other things as may be necessary to give effect to the provisions of this section.
- (5) The land to which this section relates is more particularly described as follows:

All that parcel of land situate in the Borough of Mount Albert containing 35.5 perches, more or less, being Lot 5 on Land Transfer Plan No 67998, and being also part Allotments 157 and 169, Section 10, Suburbs of Auckland, and being also

part of the land comprised and described in Certificate of Title  
No 24A/636, North Auckland Registry.

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**Schedule**

s 18

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

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**Contents**

- 1 General
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**Notes****1 *General***

This is a reprint of the Local Legislation Act 1972. The reprint incorporates all the amendments to the Act as at 21 October 1972, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

**2 *Status of reprints***

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

**3 *How reprints are prepared***

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

#### **4 Changes made under section 17C of the Acts and Regulations Publication Act 1989**

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5** *List of amendments incorporated in this reprint  
(most recent first)*

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