

**Reprint
as at 19 January 1978**



Local Legislation Act 1977

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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.

County councils

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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 1977.

*City and borough councils***2 Cambridge Borough Council: validating illegal agreement to sell land**

- (1) Notwithstanding that they were without the consent of the Minister of Local Government required by section 150(4) of the Municipal Corporations Act 1954, the actions of the Mayor, Councillors, and Citizens of the Borough of Cambridge (in this section referred to as the **Council**) in agreeing to sell to Walter Clifford Griffin of Cambridge, storeman, and Margarite Tina Janet Griffin, his wife, the municipal endowment described in subsection (3) for \$6,250 are hereby validated and declared to have been lawful; and the Council is

hereby authorised and empowered to sell the said municipal endowment accordingly.

- (2) The said \$6,250 shall be invested—
 - (a) in other lands; or
 - (b) in securities of other local authorities; or
 - (c) on deposit with the National Provident Fund or any bank; or
 - (d) in first mortgage loans for staff housing—
so as to preserve the endowment.
- (3) The said municipal endowment comprises all that parcel of land containing 36.6 perches, more or less, being Lot 8, DP S2654, being part Allotment 464, Town of Cambridge East, and being part of the land comprised and described in certificate of title, Volume 1207, folio 42 (South Auckland Registry).

3 Hamilton City Council: validating refunds of money from loans

The actions of the Mayor, Councillors, and Citizens of the City of Hamilton in paying into its General Fund—

- (a) \$15,300 out of the proceeds of the loan known as the Property Acquisition Loan 1974; and
- (b) \$17,133.69 out of the proceeds of the loan known as the Property Acquisition Loan No 2 1974; and
- (c) \$22,029.19 out of the loan known as the Property Acquisition Supplementary Loan 1974,—

(being in each case an amount spent, for purposes for which the loan concerned was to be raised, in anticipation of the raising of that loan) are hereby validated and declared to have been lawful.

4 Huntly Borough Council: validating excessive rate

Notwithstanding that the general rate on the unimproved value of rateable property of 4.63 cents per dollar resolved to be made and levied in respect of the year that ended with 31 March 1975 by the Huntly Borough Council at a duly notified ordinary meeting held on 29 July 1974 (in this section referred to as the **said rate**) was invalid by virtue of its

exceeding the limit imposed by section 90 of the Municipal Corporations Act 1954,—

- (a) the said rate is hereby validated and declared to have been lawfully made:
- (b) all actions of the Mayor, Councillors, and Citizens of the Borough of Huntly (in this section referred to as the **Council**) in levying and collecting the said rate are hereby validated and declared to have been lawful:
- (c) all money received by the Council in payment of the said rate is hereby declared to have been lawfully paid to and received by it:
- (d) such part of the said rate as has not yet been paid to the Council is hereby declared to be lawfully payable, and capable of being collected as if it had always been lawfully payable.

5 Huntly Borough Council: validating refunds of money from loans

The actions of the Mayor, Councillors, and Citizens of the Borough of Huntly in paying into its General Bank Account—

- (a) \$16,453.14 out of the proceeds of the loan known as the Water Supply Improvement Loan 1974; and
- (b) \$29,366.38 out of the proceeds of the loan known as the Huntly Fire Station Loan 1975,—

(being in each case an amount spent, for purposes for which the loan concerned was to be raised, in anticipation of the raising of that loan) are hereby validated and declared to have been lawful.

6 Lower Hutt City Council: validating payment of compensation

- (1) Notwithstanding section 45 of the Public Works Act 1928, the actions of the Mayor, Councillors, and Citizens of the City of Lower Hutt in paying to Chan Soo Ning of Lower Hutt on 26 January 1977 the sum of \$41,000 in compensation for the land described in subsection (2), which was taken by Proclamation on 21 April 1969, are hereby validated and declared to have been lawful.

- (2) The said land comprises all that parcel of land containing 33.8 perches, more or less, being Lot 22, Block III, on Deposited Plan 1306, and being all the land comprised and described in certificate of title, Volume 167, folio 129 (Wellington Registry).

7 Petone Borough Council: validating excessive rate

Notwithstanding that the general rate on the land value of rateable property of 2.833 cents per dollar resolved to be made and levied in respect of the year that ended with 31 March 1976 by the Petone Borough Council at a duly notified ordinary meeting held on 22 July 1975 (in this section referred to as the **said rate**) was invalid by virtue of its exceeding the limit imposed by section 90 of the Municipal Corporations Act 1954,—

- (a) the said rate is hereby validated and declared to have been lawfully made:
- (b) all actions of the Mayor, Councillors, and Citizens of the Borough of Petone (in this section referred to as the **Council**) in levying and collecting the said rate are hereby validated and declared to have been lawful:
- (c) all money received by the Council in payment of the said rate is hereby declared to have been lawfully paid to and received by it:
- (d) such part of the said rate as has not yet been paid to the Council is hereby declared to be lawfully payable, and capable of being collected, as if it had always been lawfully payable.

8 Upper Hutt City Council: validating special order adopting differential rating system

Notwithstanding that the special order made pursuant to section 92A of the Municipal Corporations Act 1954 at a special meeting held on 8 June 1976 by the Upper Hutt City Council adopting a system of differential rating was invalid by virtue of the fact that the second public notice of the place and date fixed for the meeting at which it was to be confirmed was not given within the time prescribed by section 77(c) of that Act, that order is hereby validated and declared to have been lawfully made and confirmed.

*County councils***9 Great Barrier Island County Council: declaring rate to be valid**

- (1) Notwithstanding anything in the Counties Act 1956, the rate on rateable property of 0.34 cents per dollar resolved to be made and levied in respect of the year that ended with 31 March 1977 by the Great Barrier Island County Council at a duly notified ordinary meeting held on 28 May 1976, in respect of both the differential rating areas created by a special order made on 20 June 1975 and confirmed on 8 August 1975, (in this section referred to as the **said rate**) is hereby validated and declared to have been lawfully made.
- (2) All actions of the Chairman, Councillors, and Inhabitants of the County of Great Barrier Island (in this section referred to as the **Council**) in levying and collecting the said rate are hereby validated and declared to have been lawful.
- (3) All money received by the Council in payment of the said rate is hereby declared to have been lawfully paid to and received by it.
- (4) Such part of the said rate as has not yet been paid to the Council is hereby declared to be lawfully payable, and capable of being collected, as if it had always been lawfully payable.

10 Hutt County Council: authorising sale of land

- (1) Notwithstanding section 35 of the Public Works Act 1928, the Chairman, Councillors, and Inhabitants of the County of Hutt (in this section referred to as the **Council**) may by private treaty sell to any person, whether or not he is the owner of adjacent land, the land described in subsection (2) upon and subject to the condition that the purchaser erect upon it a building to the requirements of the Council, and let all or such part of that building to the Council, and upon such terms and conditions and at such rental, as the Council may specify.
- (2) The said land comprises all those parcels of land containing together 1 089 m², more or less, being Lots 18 and 19, DP 17210, and Lots 1 and 2, DP 25430, and being all the land comprised and described in first certificate of title, Volume 903, folio 19, and secondly certificate of title, Volume 625, folio 46, and

thirdly certificate of title No 8C/218, and fourthly certificate of title No 14B/188 (all Wellington Registry), together with water rights created by Transfers 271704 and 329019.

11 Opotiki County Council: validating invalid rate

(1) Notwithstanding that—

- (a) the rate on the land value of rateable property of 1.45 cents per dollar resolved to be made and levied in respect of the year that ended with 31 March 1977 by the Opotiki County Council at a special meeting held on 6 May 1976 (in this section referred to as the **said rate**) was not so resolved to be made and levied by a valid special order; and
- (b) no public notice in accordance with section 52(1) of the Rating Act 1967 was given of the day upon which the said rate was to become payable—

the said rate is hereby validated and declared to have been lawfully made.

- (2) The said rate is hereby declared to have become payable to the Chairman, Councillors, and Inhabitants of the County of Opotiki (in this section referred to as the **Council**) on 30 July 1976.
- (3) All actions of the Council in levying and collecting the said rate are hereby validated and declared to have been lawful.
- (4) All money received by the Council in payment of the said rate is hereby declared to have been lawfully paid to and received by it.
- (5) Such part of the said rate as has not yet been paid to the Council is hereby declared to be lawfully payable, and capable of being collected, as if it had always been lawfully payable.

12 Taieri County Council: validating unauthorised borrowing

Notwithstanding that section 40 of the Local Authorities Loans Act provides that the consent of the Minister of Finance to the raising of a loan under that Act expires after 3 years if no part of the loan is raised within that time, the actions of the former body corporate called the Chairman, Councillors,

and Inhabitants of the County of Taieri in borrowing the sum of \$5,500, in respect of a loan known as the Rural Housing Loan No 2 1969, after 22 April 1972 (being the final day of a period of 3 years from the date on which the Minister of Finance authorised the raising of that loan), when no money had previously so been borrowed are hereby validated and declared to have been lawful; and every debenture and other security issued in respect of the borrowing and repayment of that sum is hereby declared to be as valid and effectual as it would be if that sum had been borrowed on the said 22 April 1972.

13 Tauranga County Council: varying rate in respect of certain property

- (1) The area described in subsection (6) (in this section referred to as the **said area**) is hereby deemed to have been created a differential rating area within the meaning of section 111A of the Counties Act 1956 on 6 June 1977.
- (2) There is hereby deemed to have been resolved to be made and levied in respect of the year ending with 31 March 1978 by the Tauranga County Council, at a duly notified meeting held on 7 June 1977, in substitution for the rate of 1 cent per dollar on rateable property there resolved to be made and levied on all rateable property in the said area as part of the Papamoa Differential Rating Area No 6 (in this section referred to as the **higher rate**), a rate of 0.6 cents per dollar on all rateable property in the said area (in this section referred to as the **lower rate**); and the higher rate shall be deemed to have been made in respect of only that rateable property within the Papamoa Differential Rating Area No 6 not situated within the said area.
- (3) Where any person has paid to the Chairman, Councillors, and Inhabitants of the County of Tauranga (in this section referred to as the **Council**) any money in respect of rates for the year ending with 31 March 1978 on any land in the said area calculated on the basis of the higher rate, the Council shall apply that money towards the rates on the said land calculated on the basis of the lower rate; and where the money so paid exceeds the rates calculated on the basis of the lower rate, the Council

shall, as soon as may be practicable, refund to that person the amount of the excess.

- (4) Where, upon the sale of any land in the said area, an allowance or apportionment was made for or of the rates on that land for the year ending with 31 March 1978 calculated on the basis of the higher rate, an appropriate adjustment shall be made between the vendor and the purchaser.
- (5) The Council shall allow a discount of 5 percent on rates on land in the said area for the year ending with 31 March 1978 that are paid before the expiration of 30 days from the commencement of this Act.
- (6) The said area comprises that part of the Papamoa Differential Rating Area No 6 (as constituted by special order passed on 1 March 1976 and confirmed by resolution passed on 5 April 1976 and shown on Tauranga County Council plans numbered A2761/10 to A2761/12) zoned Rural B under the Tauranga County Council Operative District Scheme which became operative on 1 April 1976.

14 Waimairi County Council: authorising loan and further grant towards gymnasium

Notwithstanding that the Chairman, Councillors, and Inhabitants of the County of Waimairi (in this section referred to as the **Council**) is not otherwise authorised to do so,—

- (a) the Council is hereby authorised and empowered to pay to the Board of Governors of Burnside High School (in this section referred to as the **Board**) out of its Land Subdivision Account, in addition to the sum of \$20,000 so authorised and empowered to be paid by section 16 of the Local Legislation Act 1975, a further sum of \$20,000; and
- (b) the Council is hereby authorised and empowered to lend to the Board out of its Land Subdivision Account, upon terms that until repayment it shall bear interest at the rate of 6.25 percent per annum payable half yearly from the date of advance but otherwise upon and subject to such terms and conditions as the Council thinks fit, and the Board is hereby authorised and empowered so to borrow and agree to repay, the sum of \$15,000—

towards the cost of constructing a gymnasium at Burnside High School; and the Board shall hold and apply both sums for that purpose:

provided that the receipt of the Secretary for the time being of the Board shall be a full and sufficient discharge to the Council for those sums and the Council shall not be obliged to see to their application.

15 Waimate West County Council: validating refund of money from loan

The actions of the Chairman, Councillors, and Inhabitants of the County of Waimate West in paying into its General Account the sum of \$20,000 (being the proceeds of a loan known as the Staff Dwelling Loan 1975), in repayment of amounts spent for purposes for which that loan was to be raised, in anticipation of its raising are hereby validated and declared to have been lawful.

16 Waipara County Council: validating illegal borrowing

Notwithstanding section 3 of the Local Authorities Loans Act 1956, the actions of the former body corporate called the Chairman, Councillors, and Inhabitants of the County of Waipara in borrowing the sum of \$10,000 from the Canterbury Savings Bank on 19 December 1975 without the consent of the Minister of Finance are hereby validated and declared to have been lawful.

Harbour boards

17 Otago Harbour Board: validating unauthorised expenditure

In addition to the amount of \$10,000 authorised by section 92(2)(d) of the Public Revenues Act 1953 to be expended by it for purposes not otherwise authorised by any Act or law for the time being in force, the Otago Harbour Board is hereby deemed to have been authorised to spend, during the year that ended with 30 September 1977, any amount or amounts not exceeding in total the sum of \$7,000 for the purpose of holding

social functions to celebrate the opening of the Port Chalmers Container Terminal.

18 Taranaki Harbours Board: money formerly held in interest account of former Patea Harbour Board

- (1) Section 13 of the Taranaki Harbours Act 1965 (in this section referred to as the **said section**) is hereby repealed.
 - (2) The local authorities to which money was distributed under subsection (2) of the said section may apply it for any purpose for which they may lawfully expend money.
 - (3) All actions of the Chairman, Councillors, and Inhabitants of the County of Eltham and the Mayor, Councillors, and Citizens of the Borough of Hawera shall be as valid and effectual as if this section had come into force on 1 April 1968.
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Notes**1 General**

This is a reprint of the Local Legislation Act 1977. The reprint incorporates all the amendments to the Act as at 19 January 1978, 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)*
