

**Reprint  
as at 2 December 1951**



**Oamaru Borough Council  
and Oamaru Harbour Board  
Empowering Act 1951**

Local Act    1951 No 20  
Date of assent    1 December 1951  
Commencement    1 December 1951

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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.

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**An Act to empower the Oamaru Harbour Board to dedicate portion of Harbor Street within the Borough of Oamaru as a public street, and to contribute one-third of the cost of reconstruction of such street and of the legal costs incidental to the dedication, and to lease the remaining portion, and also to empower the Oamaru Borough Council to accept such dedication and to contribute similarly conditionally upon the tenants of the Board making a like contribution**

### **Preamble**

Whereas the Oamaru Harbour Board (hereinafter called the **Board**) is the registered proprietor of the lands situated in the Borough of Oamaru and described in Schedule 1:

And whereas portion of the said lands is used for access purposes and is known as Harbor Street:

And whereas the Board is desirous of dedicating portion of the said access land known as Harbor Street as a public street, and of granting a lease of the remaining portion of the said access land:

And whereas doubts have arisen as to whether such a dedication would be valid in law, Harbor Street being only 50 links in width, and as to the powers of the Board to grant such lease, and it is desirable that such doubts be removed:

And whereas the Oamaru Borough Council (hereinafter called the **Council**) is prepared to accept the dedication of Harbor Street (hereinafter called the **said street**) as a public street on condition that two-thirds of the cost of reconstruction of the said street to a permanently maintainable standard at the present width of the street, together with two-thirds of the appropriate legal expenses in connection with such dedication, are defrayed by the Board and its tenants and the remaining one-third by the Council:

And whereas doubts have arisen as to whether the Board and the Council may each lawfully expend or contribute one-third of the cost of reconstruction of the said street and of such legal expenses out of their funds, and it is desirable that such doubts be removed.

**1 Short Title**

This Act may be cited as the Oamaru Borough Council and Oamaru Harbour Board Empowering Act 1951.

**2 Special Act**

This Act shall be deemed to be a special Act within the meaning of the Harbours Act 1950.

**3 Land vested in Council as public street**

- (1) Notwithstanding anything in the Public Works Act 1928, or in any other Act, that portion of the access land known as Harbor Street described in Schedule 2 (hereinafter in this Act referred to as the **said street**) is hereby vested in the Council as a public street.
- (2) The said street shall hereafter be known as Harbour Street, and, subject to the provisions of sections 5 and 6, shall be reconstructed and maintained thereafter by the Council as a public street.
- (3) The provisions of section 128 of the Public Works Act 1928 shall not apply to the said street.
- (4) The District Land Registrar for the Land Registration District of Otago is hereby authorised and directed, on the deposit of such plan or plans as he may require, to make such entries in the register books as may be necessary to give effect to the vesting in the Council of the said street.

**4 Building line restriction imposed**

No building or part of a building shall at any time be erected or enlarged on the land fronting the eastern, northern, and north-eastern sides of the said street within a distance of 23 feet 6 inches measured from the centre line of the said street.

**5 Widening of street**

On the removal, demolition, or substantial destruction of any building or part thereof erected on any land fronting the eastern, northern, and north-eastern sides of the said street within a distance of 23 feet 6 inches from the centre line thereof, the Board or its successors in title shall from time to time, as the circumstances may require, dedicate for the purposes of a public street such land as may be necessary to increase the width of the said street to 40 feet. The Council shall accept any such dedication, and shall not be liable to pay any compensation in respect thereof.

**6 Board authorised to lease certain land**

The Board may grant a lease or leases of the land described in Schedule 3, and all existing rights of the tenants of the Board over the said land are hereby determined.

**7 Board authorised to contribute towards cost of reconstruction**

The Board may contribute out of its funds and pay to the Council a sum equivalent to one-third of the cost of reconstruction of the said street to a permanently maintainable standard, and of the legal expenses incidental to the vesting of the said street in the Council.

**8 Council authorised to accept dedication and to contribute similarly**

The Council may on the receipt by it of the contribution by the Board, and of a similar contribution by the tenants of the Board, expend out of its funds one-third of the cost of reconstruction of the said street and of the legal expenses incidental to the vesting of the said street in the Council.

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**Schedule 1**  
**Lands of which the Board is the registered  
proprietor**

All those parcels of land situated in the Borough of Oamaru, containing together 3 acres 2 roods 19 perches, more or less, being Allotments 1 to 32, both inclusive, and Harbor Street, and two ways, as delineated on the plan deposited in the Land Registry Office at Dunedin as No 88, and being part of the Harbour Board Endowment, Town of Oamaru, the said land being the whole of the land comprised and described in certificates of title, Vol 294, folio 243, Vol 295, folio 33, and Vol 303, folio 238, Otago Registry.

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**Schedule 2**  
**Land vested in Council as street**

The land delineated as Harbor Street on the plan deposited in the Land Registry Office at Dunedin as No 88, exclusive of that portion described in Schedule 3.

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### **Schedule 3**

#### **Land authorised to be leased**

All that parcel of land situated in the Borough of Oamaru, containing 8.4 perches, more or less, being part of Harbor Street on the plan deposited in the Land Registry Office at Dunedin as No 88, and being part of the Harbour Board Endowment, Town of Oamaru, bounded as follows: Commencing at the north-eastern corner of Lot 30, Deposited Plan 88; thence south-easterly along an arc of radius 856.3 links for a distance of 67.88 links; thence southerly along the eastern side of Harbor Street on a bearing of  $191^{\circ} 26'$  for a distance of 82.4 links; thence westerly on a bearing of  $281^{\circ} 26'$  for a distance of 50 links; thence northerly along the western side of Harbor Street on a bearing of  $11^{\circ} 26'$  for a distance of 128.25 links to the point of commencement, and being part of the land comprised and described in certificate of title, Vol 303, folio 238, Otago Registry.

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## **Notes**

### **1 *General***

This is a reprint of the Oamaru Borough Council and Oamaru Harbour Board Empowering Act 1951. The reprint incorporates all the amendments to the Act as at 2 December 1951, 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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