

**Version
as at 28 October 2021**

Rotorua Borough Act 1922

Public Act 1922 No 9
Date of assent 28 September 1922

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Note

Changes authorised by subpart 2 of Part 3 of the Legislation Act 2019 have been made in this consolidation. See the notes at the end of this consolidation for further details.

This Act is administered by the Department of Internal Affairs.

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An Act to constitute the Borough of Rotorua, to define the Powers of the Rotorua Borough Council, and to make other Provisions relative thereto.

1 Short Title and commencement

- (1) This Act may be cited as the Rotorua Borough Act 1922, and shall come into force on a date to be appointed in that behalf by the Governor-General in Council.
- (2) An instrument under this section appointing a date is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 1(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

2 Interpretation

In this Act, unless a contrary intention appears,—

Borough means the Borough of Rotorua constituted by this Act

Corporation means the Corporation of the Borough of Rotorua

Council means the Rotorua Borough Council

Department means the Department of Tourist and Health Resorts, as incorporated by the Rotorua Town Act 1907.

3 Borough of Rotorua constituted

[Repealed]

Section 3: repealed, on 1 July 2003, by section 266 of the Local Government Act 2002 (2002 No 84).

4 Constitution of Council

[Repealed]

Section 4: repealed, on 1 July 2003, by section 266 of the Local Government Act 2002 (2002 No 84).

5 Repeal. Vesting property in Council

[Repealed]

Section 5: repealed, on 1 July 2003, by section 266 of the Local Government Act 2002 (2002 No 84).

6 Special provisions as to bath fees

[Repealed]

Section 6: repealed, on 1 July 2003, by section 266 of the Local Government Act 2002 (2002 No 84).

7 Tourist Department to retain control till first elected Councillors come into office

[Repealed]

Section 7: repealed, on 1 July 2003, by section 266 of the Local Government Act 2002 (2002 No 84).

8 Drainage-works, etc, not to vest in the Council

- (1) Notwithstanding anything in the foregoing provisions of this Act, the property hereinafter described shall not vest in the Corporation of the borough, that is to say: All drainage-works, all waterworks for the supply of water for domestic or other purposes, and all electric light and power works heretofore provided, erected, or constructed by the Crown in or in connection with the Town of Rotorua.
- (2) All drainage-works, waterworks, and electric light and power works as referred to in the last preceding subsection shall remain vested in the Department, which for the purposes of this section shall continue to be a body corporate with the same entity as immediately before the commencement of this Act.
- (3) In respect of the said works the Department shall have and may exercise all the powers for the time being conferred by law on Borough Councils, except the power to borrow money by way of special loan or to make and levy any rate. The powers conferred by this subsection may be exercised notwithstanding that they may be in derogation of the powers or rights of the Council whether in relation to property vested in it or otherwise howsoever.
- (4) In the event of any conflict between the by-laws of the Council and any rules or by-laws made by the Department the latter shall prevail.
- (5) For the purposes of the Rating Act 1908, and of section 384 of the Municipal Corporations Act 1920, the works which by this section remain vested in the Department shall be deemed to be property vested in His Majesty.

9 Governor-General in Council may vest works in the Council

The Governor-General may at any time, by Order in Council, vest in the Corporation of the borough, on such terms and subject to such conditions as he thinks fit, all or any of the works referred to in the last preceding section, and every such Order in Council shall have effect according to its tenor.

10 Provisions as to payment by Council to Crown in respect of vesting of works

- (1) With respect to the vesting of any works in the Corporation of the borough pursuant to the last preceding section, and whether before or after the issue of an Order in Council under that section, the Governor-General in Council shall appoint a Commission, consisting of a Stipendiary Magistrate and four other persons (two of whom shall be elected members of the Council nominated by the Council), to inquire and report—
 - (a) as to the amount to be paid to the Crown by the Council in respect of the vesting in the Corporation of any such work or works, and as to the mode and terms of such payment; and
 - (b) as to the charges to be made by the Council in respect of supplies of water or of electric light or power derived from any such works as aforesaid and supplied to the Crown for the purposes of the Government sanatorium and bathhouses, and the grounds appurtenant thereto, and of any Government offices or buildings in or in the vicinity of the borough.
- (2) A Commission under this section shall have all the powers of a Commission under the Commissions of Inquiry Act 1908.
- (3) All moneys paid by the Council to the Crown in respect of any works vested in the Corporation under this section shall be paid into the Public Account, and shall form part of the Consolidated Fund.
- (4) The Council may, without taking the steps described by sections 8 to 12 of the Local Bodies' Loans Act 1913, borrow, as for a public work within the meaning of that Act, any amount payable to the Crown under this section.

11 Certain lands in borough to cease to form part of Maori district

[Repealed]

Section 11: repealed, on 27 November 1947, by section 15(5) of the Maori Purposes Act 1947 (1947 No 59).

12 Maori land within borough may be exempted from rates

[Repealed]

Section 12: repealed, on 1 July 2003, by section 266 of the Local Government Act 2002 (2002 No 84).

13 Provision as to Rotorua Fire District

[Repealed]

Section 13: repealed, on 1 July 2003, by section 266 of the Local Government Act 2002 (2002 No 84).

14 Repeals and saving

[Repealed]

Section 14: repealed, on 1 July 2003, by section 266 of the Local Government Act 2002 (2002 No 84).

15 Rents from Crown lands within borough to be paid to Council

All rents of Crown lands within the borough, and all rents received by the Crown in respect of its interests in any Maori lands within the borough, shall be payable to the Council by the Receiver of Land Revenue.

16 Limiting Council's right to construct works

It shall not be lawful for the Council, or for any other person, without the consent of the Governor-General in Council,—

- (a) to do any thing or undertake any work that might directly or indirectly damage, or be likely to cause damage to, any thermal spring; or
- (b) to interfere with the supply of water to any bath or spring the property of, or under the control of, the Crown, notwithstanding that any such water may not be supplied to such bath or spring through any pipe or other conduit or through any defined natural channel.

17 Council may levy separate rates for advertising and other purposes

[Repealed]

Section 17: repealed, on 27 November 1947, by section 8(1) of the Rotorua City Empowering (Information Centre and Public Relations Office) Act 1972 (1972 No 5 (L)).

18 Regulations

- (1) The Governor-General may from time to time, by Order in Council, make regulations prescribing the conditions upon which the Council may enter upon any land the property or under the control of the Crown or of the Department for the purpose of doing any act or thing in connection with any work vested in the Corporation by or in pursuance of this Act and generally for the effectual carrying-out of the objects and purposes of this Act.
- (2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 18(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Schedule

All that area in the Auckland Land District, containing by admeasurement 3,275 acres, more or less, situated in Horohoro and Tarawera Survey Districts: bounded towards the north-east generally by Lake Rotorua, from the mouth of the Utohina Stream to the mouth of the Puarenga Stream; thence by the said Puarenga Stream to and across the Rotorua-Maketu Road; thence westward by the southern side of the said road to its intersection with Alum Creek; thence towards the east generally by Alum Creek and Section 26A; thence by part Section 5 (as described in schedule to a Proclamation setting apart certain land for State forest purposes, dated 15 February 1911, and published in the *Gazette* of the 23 February 1911, on page 701), across a public road; thence northwards along the western side of that road to the northern boundary of Suburban Section 80; thence towards the south and east by the said land to Sala Street; thence by the northern side of that street across the aforementioned public road; thence towards the east generally by Section 5A to the Puarenga Stream; thence by the said Puarenga Stream and Section 6 (State forest reserve) to the northern boundary of Moerangi No 4 Block; thence towards the south generally by Crown land (the said Moerangi No 4 Block) to the Rotorua-Taupo Road; thence across that road and by Tihiotonga Block to the westernmost corner of Section 54, Suburbs of Rotorua; thence towards the west generally by the western boundary-lines of Sections 54, 53, 52, Suburbs of Rotorua, to the Utohina Stream; thence by the said Utohina Stream to the point of commencement.

Consolidation notes

1 General

This is a consolidation of the Rotorua Borough Act 1922 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 About this consolidation

This consolidation is not an official version of the legislation under section 78 of the Legislation Act 2019.

3 Amendments incorporated in this consolidation

Secondary Legislation Act 2021 (2021 No 7): section 3