

**Reprint
as at 12 October 1949**



**Thames Borough Council
Empowering Act 1949**

Local Act 1949 No 4
Date of assent 11 October 1949
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Contents

	Page
Title	2
Preamble	2
1 Short Title	3
2 Authority to make and levy rates on behalf of the Hauraki Catchment Board	3
3 Preventing granting of mining privileges over the surface of certain land	4
4 Authority for District Land Registrar to remove trust provisions from title	4
5 Power to sell or lease lands held on trust and to apply proceeds for Council purposes	4
6 Application of Municipal Corporations Act 1933	5
7 Act to bind the Crown	5
Schedule	6

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.

An Act to enable the Thames Borough Council to make and levy rates on behalf of the Hauraki Catchment Board each year at the same time as it makes and levies the borough rates and also to remove the trust provisions and mining reservations in respect of certain lands now vested in the Thames Borough Council and to prevent the granting of mining privileges over the surface of such lands under the provisions of the Mining Act 1926 and to empower the Council to dispose of part of such lands

Preamble

Whereas the Borough of Thames is a constituent district of the Hauraki Catchment District:

And whereas the Hauraki Catchment Board, pursuant to section 95 of the Soil Conservation and Rivers Control Act 1941, may by special order direct the Thames Borough Council to make and levy rates on behalf of the Hauraki Catchment Board:

And whereas the Hauraki Catchment Board is unable to notify the Thames Borough Council until the month of May in each rating year the amount of the rates to be made and levied for that year:

And whereas the Council, pursuant to section 19 of the Local Legislation Act 1947 and section 15 of the Thames Borough Commissioner Amendment Act 1934, demands the borough rates prior to receiving the notice from the Hauraki Catchment Board:

And whereas it is expedient that the Thames Borough Council be empowered at the same time as it makes and levies the borough rates for any rating year to make and levy any rates directed by the Hauraki Catchment Board to be made and levied by the Thames Borough Council on behalf of the Hauraki Catchment Board:

And whereas by the certificate of title mentioned in the Schedule the Thames Harbour Board was seized of an estate in fee simple in, *inter alia*, the lands described in that schedule in trust for the improvement and maintenance of the harbour of the Port of Thames and the construction and maintenance of such harbour works at the said port as might be deemed advisable by the said Board:

And whereas the said lands, pursuant to section 5 of the Thames Harbour Act 1936, are now vested in the Corporation of the Borough of Thames:

And whereas the necessity for the improvement and maintenance of the harbour of the Port of Thames and the construction and maintenance of such harbour works at the said port has now ceased to exist.

1 Short Title

This Act may be cited as the Thames Borough Council Empowering Act 1949.

2 Authority to make and levy rates on behalf of the Hauraki Catchment Board

- (1) Notwithstanding anything contained in the Soil Conservation and Rivers Control Act 1941, the Hauraki Catchment Board may in respect of any rating year, by resolution, direct the Thames Borough Council to make and levy on behalf of the Board any rate that may be made and levied by the Board under that Act. Any such resolution may be passed notwithstanding that the Board has not at the time of the resolution made and levied any such rate, and it shall not be necessary for the amount of any such rate to be fixed in the resolution.
- (2) Where notice in writing of any resolution under subsection (1) is received by the Thames Borough Council, it shall, when making and levying the borough rates in respect of the rating year specified in the resolution, make, levy, and collect on behalf of the Board every rate referred to in the resolution:
provided that where in respect of any such rate a maximum amount is prescribed by the said Act, the rate so made, levied, and collected by the Council shall not exceed the maximum amount so prescribed.
- (3) Every rate made and levied by the Thames Borough Council pursuant to this section shall be deemed to have been lawfully made and levied in all respects as if it had been made and levied pursuant to a direction contained in a special order under section 95 of the Soil Conservation and Rivers Control Act 1941, and in so making and levying the rate the Council shall be deemed to have complied with any such special order

made by the Hauraki Catchment Board, in respect of that rating year, after the passing of the resolution referred to in this section.

3 Preventing granting of mining privileges over the surface of certain land

- (1) From the date of the passing of this Act no mining privilege shall, without the prior consent of the Thames Borough Council, be granted or created under the provisions of the Mining Act 1926 over the surface of any part of the land described in the Schedule or within a distance of 50 feet from the surface of that part, so long as that part continues to be vested in the Council.
- (2) The District Land Registrar shall enter on the register and on every certificate of title issued to the Council in respect of the said land a memorandum stating that the reservations as to minerals therein are subject to the provisions of this section.

4 Authority for District Land Registrar to remove trust provisions from title

From the date of the passing of this Act, on application by the Thames Borough Council and without payment of any fee, the District Land Registrar shall remove the trust provisions from certificate of title, Volume 275, folio 175, Auckland Registry, in so far as that title relates to the land described in the Schedule.

5 Power to sell or lease lands held on trust and to apply proceeds for Council purposes

The Thames Borough Council is hereby empowered from time to time to sell, transfer, lease, or let the whole or any portion or portions of the land described in the said Schedule and from time to time to use and apply all or any of the proceeds arising from any such sale, transfer, lease, or letting for any purposes of the Thames Borough Council:

provided that no portion of the said land situated below high-water mark shall be so sold or transferred except with the prior consent of the Minister of Marine:

provided also that nothing in this section shall derogate from the provisions of the Servicemen's Settlement and Land Sales Act 1943.

6 Application of Municipal Corporations Act 1933

The powers conferred by this Act on the Thames Borough Council are additional to those conferred by the Municipal Corporations Act 1933, and the provisions of that Act shall, so far as the same are applicable, apply to the exercise by the Thames Borough Council of the powers hereby conferred as if the powers hereby conferred had been conferred by that Act.

7 Act to bind the Crown

This Act shall bind the Crown.

Schedule

All that parcel of land in the Borough of Thames situated in Block IV, Thames Survey District, containing by admeasurement 110 acres, more or less, being Pukehinau No 1 Block, part of the Kauaeranga No 28A Block, and parts of the Moanataiari No 1A, No 2A, and No 3 Blocks, and being part of the land described in certificate of title, Volume 275, folio 175 (Auckland Registry), bounded as follows: commencing at the south-eastern corner of Pukehinau No 2 Block (known as Opitomoko Block); thence in a south-easterly direction generally by the Tararu Road to the north-eastern corner of Lot 2 on Deposited Plan 33184; thence in a westerly direction by the northern boundary of Lot 2 on Deposited Plan 33184; thence in a southerly direction by the western boundaries of Lots 2 and 1 on Deposited Plan 33184, the land described in certificate of title, Volume 851, folio 80, and Lots 1 and 2 on Deposited Plan 34797; thence in an easterly direction by the southern boundary of Lot 2 on Deposited Plan 34797; thence in a southerly direction again by the Tararu Road to the northern corner of Lot 2 on Deposited Plan 33502; thence in a south-westerly direction by the north-western boundary of Lot 2 on Deposited Plan 33502; thence in a westerly direction by the northern side of Burke Street and its production to its intersection with the south-western boundary of Moanataiari No 1A Block; thence in a north-westerly direction by the south-western boundaries of Moanataiari No 1A Block and Pukehinau No 1 Block; thence in a north-easterly direction by the south-eastern boundary of Pukehinau No 2 Block (known as Opitomoko Block) to the point of commencement. As the same is more particularly delineated on a plan lodged in the office of the Chief Surveyor at Auckland under Number 34540 and thereon edged red, and on a plan marked MD 8777 deposited in the office of the Marine Department at Wellington, and thereon coloured brown.

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes

1 *General*

This is a reprint of the Thames Borough Council Empowering Act 1949. The reprint incorporates all the amendments to the Act as at 12 October 1949, 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)*
