

**Reprint
as at 19 September 1934**



**Timaru Borough Empowering Act
1934**

Local Act 1934 No 4
Date of assent 18 September 1934
Commencement 18 September 1934

Contents

	Page
Title	1
Preamble	2
1 Short Title	2
2 Corporation empowered to have the land in Schedule vested in it for estate in fee simple	2
3 Powers of Borough Council in regard to land when vested	2
4 Validation of moneys spent by Corporation on land in Schedule	3
Schedule	3

An Act to empower the vesting in the Corporation of the Borough of Timaru of certain land in the Borough of Timaru known as the Arcade

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.

Preamble

Whereas the Official Assignee in Bankruptcy of the property of David Mitchell Ross is registered as the proprietor of an estate in fee simple in the land described in the Schedule, subject to certain rights of way and other rights vested in the owners of adjoining land:

And whereas the Corporation of the Borough of Timaru (hereinafter called the **Corporation**) is desirous of acquiring the said land for the purpose of preserving access and passage for the inhabitants of the said borough and for the general public between Stafford Street and Sophia Street in the said borough, safeguarding nevertheless the rights of way and other rights aforesaid, but has no authority at law so to acquire the said land:

And whereas the said Official Assignee and all persons affected are desirous that the said land should be vested in the Corporation as aforesaid:

And whereas it is desirable that the said land should be so vested in the Corporation and be maintained wholly or partly out of the funds of the Corporation.

1 Short Title

This Act may be cited as the Timaru Borough Empowering Act 1934.

2 Corporation empowered to have the land in Schedule vested in it for estate in fee simple

Notwithstanding anything contained in any Act, the Corporation is hereby empowered to have the land described in the Schedule vested in it for an estate in fee simple, but subject, nevertheless, to such rights of way and other rights as are now encumbrances on the said land.

3 Powers of Borough Council in regard to land when vested

On the said land being vested in the Corporation, the Timaru Borough Council shall have the following rights and powers with respect to the said land, namely:

- (a) to use the said land for the purpose of providing access and passage for the inhabitants of the said borough

and for the general public between Stafford Street and Sophia Street in the said borough, subject to the said rights of way and other rights as aforesaid:

- (b) to expend moneys from time to time and at all times out of its District Fund in the improvement, maintenance, repair, and upkeep of the said land either solely or in conjunction with all or any of the adjoining owners:
- (c) to exercise from time to time all such other rights and powers over the said land as if it were vested in the Corporation for the purposes of a public street.

4 Validation of moneys spent by Corporation on land in Schedule

The expenditure of all moneys heretofore made by the Corporation on the said land in maintaining the same or otherwise is hereby validated.

Schedule

All that piece of land situated in the Borough of Timaru known as the Arcade, containing 17.5 perches, more or less, being that piece of land shown as Right-of-way No 1 on Deposit Plan 1110, being as to part a right of way for pedestrians only, and being the balance of the land comprised and described in certificate of title, Register book Volume 166, folio 246, subject to rights of way over the same or parts thereof in favour of the owners and occupiers of Lots 1, 2, 4, 5, 6, 8, 9, and 11 on the said Deposit Plan 1110, as reserved in the said certificate of title and in favour of Lot 3 on the said Deposit Plan 1110 as reserved in memorandum of transfer registered number 42520, and subject also to the rights created in and by memorandum of transfer registered number 38806, to maintain the building over that part of the said land marked 4A on the said Deposit Plan 1110, and to use for such purpose as a party wall the wall then erected and any wall to be erected in place thereof on that part of Lot 3 on the said Deposit Plan 1110 adjoining the said Lot 4A.

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 Timaru Borough Empowering Act 1934. The reprint incorporates all the amendments to the Act as at 19 September 1934, 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)*
