

Mr T. J. Young

LOWER HUTT CITY (FREE AMBULANCE SITE)

[LOCAL]

ANALYSIS

Title
Preamble
1. Short Title
2. Validation of deed

3. Certain land not rateable property
4. Consequential repeal
Schedule

A BILL INTITULED

- An Act to validate a deed relating to a free ambulance station at Lower Hutt, to authorise the transfer of a portion of the land on which the said free ambulance station is presently situated to the Red Cross Society, to enable the erection of new premises thereon, to authorise the transfer of another portion of the said land to the Lower Hutt City Corporation for the purpose of street, and to repeal the Free Ambulance (Lower Hutt Site) Act 1954**
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- 10 WHEREAS the New Zealand Free Ambulance Transport Service (Wellington District) (Incorporated), a society duly incorporated under the Incorporated Societies Act 1908 (hereinafter called the Ambulance Society) is established for rendering first aid to, and for the transport of, sick and
- 15 injured persons and for establishing an organisation with certain powers and duties necessary therefor and incidental thereto: And whereas the Ambulance Society operates in the City of Wellington and in districts adjacent thereto or nearby including the cities of Lower Hutt and Upper Hutt and the
- 20 boroughs of Petone and Eastbourne, and the county of Hutt: And whereas by the Free Ambulance (Lower Hutt Site) Act

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1944 the transfer to the Ambulance Society of a certain piece of land situated in Laings Road in the City of Lower Hutt together with the buildings erected thereon was validated: And whereas by the Free Ambulance (Lower Hutt Site) Act 1954 the Act of 1944 was repealed to enable such local authorities to arrange the erection of a free ambulance station elsewhere in Lower Hutt: And whereas the land described in the First and Second Schedules to the deed set out in the Schedule hereto (hereinafter called the said land) is in excess of the envisaged requirements of the Ambulance Society: And whereas the New Zealand Red Cross Society (Incorporated) (hereinafter called the Red Cross Society) had applied to the Ambulance Society for a transfer of such surplus land being that land described in the said First Schedule as a replacement site for its operations: And whereas the Ambulance Society and those local authorities affected have agreed to transfer to the Red Cross Society the said land without consideration: And whereas the Lower Hutt City Council has applied to the Ambulance Society to have transferred to it for the purposes of street a portion of the Ambulance Society's land also surplus to its envisaged requirements: And whereas the deed set out in the Schedule hereto has accordingly been executed by the parties thereto: And whereas it is expedient to validate the said deed:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Lower Hutt City (Free Ambulance Site) Act 1976.

2. Validation of deed—The deed set out in the Schedule hereto is hereby validated and declared to have been executed lawfully by the parties thereto.

3. Certain land not rateable property—So long as—

- (a) The land described in the Second and Third Schedules to the said deed and any buildings thereon are used for the purposes of the Ambulance Society; and
- (b) The land described in the First Schedule to the said deed and any buildings thereon are used by the Red Cross Society for the purposes of its constitution and no other purpose—

the said land and buildings shall be deemed not to be rateable property for the purposes of the Rating Act 1967, and in respect thereof the Ambulance Society and the Red Cross Society, respectively, shall be exempt from the liability to pay rates.

4. Consequential repeal—The Free Ambulance (Lower Hutt Site) Act 1954 is hereby consequentially repealed.

SCHEDULE

THIS DEED made the 30th day of June One thousand nine hundred and seventy six (1976) BETWEEN THE WELLINGTON FREE AMBULANCE SERVICE INCORPORATED a Society duly incorporated under the Incorporated Societies Act 1908 and having its registered office at Wellington (hereinafter called “the Free Ambulance”) of the first part, THE MAYOR COUNCILLORS AND CITIZENS OF THE CITY OF LOWER HUTT a body corporate under the provisions of the Municipal Corporations Act 1954 (hereinafter called “the Council”) of the second part and THE MAYOR COUNCILLORS AND CITIZENS OF THE CITY OF LOWER HUTT, THE MAYOR COUNCILLORS AND BURGESSES OF THE BOROUGH OF PETONE, THE MAYOR COUNCILLORS AND CITIZENS OF THE CITY OF UPPER HUTT and THE MAYOR COUNCILLORS AND BURGESSES OF THE BOROUGH OF EASTBOURNE all of which are bodies corporate under the provisions of the Municipal Corporations Act 1954 and THE CHAIRMAN COUNCILLORS AND INHABITANTS OF THE COUNTY OF HUTT a body corporate under the provisions of the Counties Act 1956 (all of which five corporate bodies are also hereinafter referred to as “the Contributing Authorities”) of the third part and THE NEW ZEALAND RED CROSS SOCIETY (INCORPORATED) a Society duly incorporated under the Incorporated Societies Act 1908 (hereinafter called “the Red Cross”) of the fourth part:

WHEREAS by a certain Deed bearing date the 5th day of July 1954 made between the first, second and third parties hereto it was agreed that the Council transfer to the Free Ambulance under its former name of “New Zealand Free Ambulance Transport Service (Wellington District) Incorporated” the pieces of land described in the First, Second and Third Schedules hereto as a replacement site for purposes of establishment and maintenance of a Free Ambulance Service for the benefit of the Hutt Valley and Eastbourne and surrounding districts and the erection on such site of a Free Ambulance Main Building the cost of same to be borne by the Contributing Authorities in certain proportions AND WHEREAS such Deed was duly validated by the Free Ambulance (Lower Hutt Site) Act 1954 AND WHEREAS the said piece of land described in the First and Second Schedules hereto are in excess of the envisaged requirements of the Free Ambulance AND

SCHEDULE—*continued*

WHEREAS the Red Cross has applied to the Free Ambulance for a transfer of a portion of such surplus land being the piece of land more particularly described in the First Schedule hereto from the Free Ambulance to the Red Cross as a replacement site for premises previously owned in Market Grove, Lower Hutt AND WHEREAS the Free Ambulance has with the consent of the Contributing Authorities agreed to transfer to the Red Cross the said piece of land described in the First Schedule hereto without consideration for the purpose of erecting at the expense of the Red Cross a building for the purposes of its constitution, subject to the provisions hereinafter set out AND WHEREAS the Red Cross has agreed that the said piece of land described in the First Schedule hereto to be transferred to it shall be held for the purposes of its constitution and for no other purpose AND WHEREAS the Council has applied to the Free Ambulance for a transfer of the other portion of such surplus land being the piece of land more particularly described in the Second Schedule hereto from the Free Ambulance to the Council for street AND WHEREAS the Free Ambulance has with the consent of the Contributing Authorities agreed to transfer to the Council the said piece of land described in the Second Schedule hereto without consideration for street, subject to the provisions hereinafter set out AND WHEREAS by reason of such transfers of the said pieces of land the Council has agreed with the Free Ambulance to provide suitable alternative vehicular access to its buildings on its remaining lands described in the Third Schedule hereto from its Woburn Road frontage AND WHEREAS the parties hereto have agreed to apply to Parliament for legislative validation of the terms of this Deed NOW THIS DEED WITNESSETH as follows:

1. IN consideration of these premises the Free Ambulance shall transfer to the Red Cross all that piece of land more particularly described in the First Schedule hereto for an estate in fee simple to be held by the Red Cross for the purposes of its constitution subject to easements (if required by the Council or the Free Ambulance) for water and sewage and stormwater from Ward Street, Lower Hutt.
2. THE Red Cross shall not permit or suffer the said piece of land described in the First Schedule hereto so agreed to be transferred as aforesaid to be used at any time for purposes other than hereinbefore set out.
3. IN consideration of these premises the Free Ambulance shall transfer to the Council all that piece of land more particularly described in the Second Schedule hereto for street.
4. IMMEDIATELY upon the execution of these presents and their statutory validation the Red Cross shall with all due diligence proceed to erect and duly complete a building for the purposes of its constitution in accordance with plans submitted by the Red Cross both as to construction and design and approved by both the Council and the Free Ambulance.
5. PRIOR to the commencement of the construction of the said building the Red Cross shall erect at its expense a fence in accordance with a construction approved by the Free Ambulance along the boundaries of the land so agreed to be transferred which adjoins the remaining land of the Free Ambulance described in the Third Schedule hereto.

SCHEDULE—*continued*

6. THE Red Cross shall cause all construction works on the land so agreed to be transferred in such a manner as to ensure that the operations of the Free Ambulance Service are not restricted or interfered with in any way and to obtain such undertakings as may be deemed necessary from all building contractors engaged for the purpose of such construction.
7. AS a consequence of such transfer of the said piece of land from the Free Ambulance to the Red Cross the Council hereby agrees to provide the Free Ambulance with suitable alternative vehicular access to its building from its Ward Street frontage such access and any modification thereof which might be envisaged at any time to be approved by the Free Ambulance.
8. THE Red Cross shall meet all the costs and expenses of the Free Ambulance relating to all matters contained herein including the transfer of the said land described in the First Schedule hereto and the legislative validation hereof (with the exception of the costs of and incidental to the transfer of the land described in the Second Schedule hereto to the Council which shall be borne by the Council).
9. THE parties hereto shall forthwith apply to Parliament for legislation:
- (a) For the validation of the terms of this Deed; and
 - (b) For the consequential amendments to the Free Ambulance (Lower Hutt Site) Act 1954.

FIRST SCHEDULE

ALL that piece of land situate in the City of Lower Hutt containing twenty-one perches (21.0p) be the same a little more or less, part of Sections 21 and 25 of the Hutt District being also Lot 14 on Deposited Plan No. 9398 and being part of the land contained in certificate of title, Volume 654, folio 15 (Wellington Registry).

SECOND SCHEDULE

ALL that parcel of land situate in the City of Lower Hutt containing One hundred and seventy-seven square metres (177m²) be the same a little more or less, being part Sections 21 and 25 of the Hutt District being also part Lots 1, 2, and 3 on Deposited Plan No. 9398 being Lot 1 on a plan of subdivision prepared by Messrs Cuttriss, McKenzie, and Martin and being another part of the land contained in certificate of title, Volume 654, folio 15 (Wellington Registry).

THIRD SCHEDULE

ALL that parcel of land situate in the City of Lower Hutt containing One rood eighteen decimal three nine perches (1r 18.39p) be the same a little more or less, being part Sections 21 and 25 of the Hutt District

