

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 15 April 1982.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

Hon. Mr Colman

LOWER HUTT CITY COUNCIL (HUTT PARK)

[LOCAL]

ANALYSIS

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A BILL INTITULED

An Act to transfer the assets and liabilities of the Hutt Park Committee to the Lower Hutt City Council and to repeal the Hutt Park Act 1907

- 5 WHEREAS the land known as the Hutt Park and described in the Schedule hereto is vested in trust as a reserve for recreation purposes under the provisions of the Hutt Park Act 1907 in a Joint Standing Committee appointed from time to time pursuant to section 105 of the Local Government Act 1974
- 10 by the councils of the city of Lower Hutt and the boroughs of Eastbourne and Petone: And whereas for some time those councils have been considering ways to finance necessary capital works and development at the Hutt Park: And whereas the Hutt Park Committee incorporated under the Hutt Park
- 15 Act 1907 has no legal power to borrow money: And whereas the Lower Hutt City Council, the Petone Borough Council, and the Eastbourne Borough Council have agreed that the Hutt Park Committee should be discharged and reconstituted

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as a committee of the Lower Hutt City Council: And whereas this reconstitution will enable the necessary loan money to be borrowed for the said capital works and development:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows: 5

1. Short Title—This Act may be cited as the Lower Hutt City (Hutt Park) Act (*1981*) 1982.

2. Interpretation—In this Act, unless the context otherwise requires,— 10

“Club” means the Wellington Trotting Club (Incorporated) a society duly incorporated under the Incorporated Societies Act 1908 and having its registered office at Lower Hutt:

“Council” means the Lower Hutt City Council: 15

“Hutt Park Committee” means the body corporate constituted under that name by the Hutt Park Act 1907.

Struck Out

3. Transfer of assets and liabilities—The assets and liabilities of the Hutt Park Committee as at the date of the enactment of this Act are hereby transferred to the Council without further authority than this section. 20

4. Vesting of land—The land previously vested in the Hutt Park Committee which is described in the Schedule to this Act is hereby vested in the Council as a reserve for recreation purposes subject to the Reserves Act 1977 and the District Land Registrar shall without calling for any instrument to be executed take all necessary steps to give effect to this section. 25
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5. Existing lease preserved—The lease dated the 1st day of July 1981 granted by the Hutt Park Committee to the club over the land described in the said lease shall be deemed to have been granted to the club by the Council, and all references in the said lease to “the Lessor” shall be construed as references to the Council and in all other respects the lease shall continue to have effect according to its tenor and any consent of the Minister of Lands required by section 54 of the Reserves Act 1977 or by section 19 of the Reserves and Other 35

Struck Out

Lands Disposal Act 1955 shall be deemed to have been given and the lease shall be valid notwithstanding the requirements of subsection (2) of the said section 54.

5 **6. Administration**—The Council shall be the administering body of the said recreation reserve and shall have the functions specified in section 40 of the Reserves Act 1977 and all the duties and powers of an administering body within the meaning of that Act.

10 **7. Repeal**—The Hutt Park Act 1907 is hereby repealed.

New

15 **3. Land vested in Council**—The land described in the Schedule to this Act is hereby vested in the Council as a reserve for recreation purposes under and subject to the Reserves Act 1977.

4. Existing lease preserved, etc.—(1) The lease dated the 1st day of July 1981 granted by the Hutt Park Committee to the club over the land described in the said lease, being part of the land described in the Schedule to this Act, shall
20 be deemed to have been granted to the club by the Council, and all references in the said lease to the lessor shall be read as references to the Council.

(2) In all other respects the lease shall continue to have effect according to its tenor, and any consent of the Minister
25 of Lands required by section 54 of the Reserves Act 1977 or by section 19 of the Reserves and Other Lands Disposal Act 1955 shall be deemed to have been given.

(3) Notwithstanding anything to the contrary in the Reserves Act 1977 or in any other Act or rule of law, the
30 perpetual right of renewal contained in the said lease is hereby declared to be valid, and any perpetual right of renewal contained in any new lease replacing the said lease shall also be valid.

5. Vesting of property in Council—On the commencement
35 of this Act—

(a) All real and personal property belonging to the Hutt Park Committee shall become vested in the Council:

New

- (b) All money payable to the Hutt Park Committee shall become payable to the Council:
- (c) All liabilities, contracts, and engagements, and all rights and authorities of any nature whatever, of the Hutt Park Committee shall become liabilities, contracts, engagements, rights, and authorities of the Council: 5
- (d) All proceedings pending by or against the Hutt Park Committee may be carried on, completed, and enforced by or against the Council: 10
- (e) Every person who immediately before such commencement was an officer or employee of the Hutt Park Committee shall become, without further appointment than this section, an officer or employee of the Council on and subject to the same terms and conditions of employment (including those applicable to salaries and allowances) as applied to him immediately before such commencement. 15
- 6. Provision for continued use of self-contained units—** 20
For the purposes of section 594 (4) of the Local Government Act 1974, any motel or self-contained cabin or hut established by the Hutt Park Committee shall be deemed to have been established by the Council.
- 7. Powers of District Land Registrar—**The District Land Registrar for the Land Registration District of Wellington shall make such entries in his registers and on any outstanding documents of title and generally do all such things as may be necessary to give effect to the provisions of this Act. 25
- 8. Repeals—**The following enactments are hereby repealed: 30
- (a) The Hutt Park Act 1907:
- (b) The Hutt Park Amendment Act 1914:
- (c) Section 4 of the Reserves and Other Lands Disposal Act 1930: 35
- (d) Section 8 of the Reserves and Other Lands Disposal Act 1935:
- (e) Section 19 of the Reserves and Other Lands Disposal Act 1955.

SCHEDULE

1. All that parcel of land situated in the Wellington Land District, Lower Hutt City, containing 34.7991 hectares, more or less, being Part Sections 12 and 706, Hutt District, Lots 1, 2, 3, 4, 5, and 6, D.P. 24038, Lot 1, D.P. 24042, and Part Waiwhetu Stream Bed, situated in Block XIV, Belmont Survey District, being the balance of the land in certificate of title, Volume D1, folio 902, Wellington Registry. Subject to a water pipeline easement and together with water rights created by Transfer 297866.

2. All that parcel of land situated in the Wellington Land District, Lower Hutt City, containing 280 square metres, more or less, being Section 29, Block L1, Hutt Valley Settlement, situated in Block XLV, Belmont Survey District. (Survey Office Plan 18339.)

