

LOCAL LEGISLATION BILL

EXPLANATORY NOTE

County Councils

Clause 2: Validating *ex gratia* payment by Whakatane County Council in respect of contracts—The Whakatane County Council entered into certain agreements with W. S. Henderson Limited, contractors, whereby the contractors agreed to seal certain roads in the county. The roads were sealed in accordance with the terms of the contracts but owing to an increase in the cost of materials the contractors suffered a loss. The Whakatane County Council paid the contractors the sum of £183 18s. 8d. by way of compensation but had no authority to do so. The Council now wishes to have this expenditure validated.

This clause provides accordingly.

Clause 3: Validating borrowing of and variation of terms of raising certain loan money by Wallace County Council—On 16 December 1952 the Local Government Loans Board sanctioned the raising by the Wallace County Council of the Ohai Amenities Loan 1952, £30,500. On 8 February 1956 the Board varied the conditions previously determined for the raising of the loan, in respect of a sum of £5,500 being a portion of the loan. One of the new conditions was that this portion of the loan should bear interest at a rate not exceeding $4\frac{1}{4}$ per cent per annum. However, the Council raised the sum of £4,500 as portion of the aforementioned sum of £5,500 on conditions providing for the payment of interest at a rate not exceeding $4\frac{3}{4}$ per cent per annum and without first obtaining the consent of the Governor-General in Council to the raising of the £5,500.

Validating legislation is required and this clause provides accordingly.

Clause 4: Validating variation of terms of raising certain loan money by Wallace County Council—Consent was given to the raising by the Wallace County Council of a loan for road reconstruction and sealing subject to certain conditions determined by the Local Government Loans Board. One of the conditions determined by the Board for the raising of the loan was that the loan should bear interest at a rate of $4\frac{3}{4}$ per cent per annum extending over a term of ten years. However, the Council raised a portion of the loan on conditions providing for the payment of interest at a rate of $4\frac{7}{8}$ per cent per annum extending over a term of twelve years.

Legislation is required to validate the Council's action in varying the authorised manner of raising this portion of the loan and this clause provides accordingly.

Clause 5: Authorising Eketahuna County Council to make *ex gratia* payment in respect of contract—The Eketahuna County Council entered into an agreement with A. R. Milne Ltd., contractors, of Lower Hutt, for the construction of a bridge over the Mangatainoka River. The contractors encountered unforeseen difficulties and suffered a loss on the contract. The Council considers that the contractors could not reasonably have contemplated such a loss and is desirous of making a payment of £435 to them by way of an *ex gratia* payment. Legislative authority is required and this clause provides accordingly.

Clause 6: Validating operation by former Castlepoint County Council of and authorising Masterton County Council to continue to operate Group Farm Labour Scheme—The former Castlepoint County Council operated a Group Farm Labour Scheme for the benefit of its ratepayers. On 1 April 1958, the former County of Castlepoint and the former County of Masterton were united to form the present County of Masterton. The former County of Castlepoint is now a riding of the County of Masterton. The Masterton County Council is desirous of continuing to operate the scheme in the Castlepoint Riding but doubts have arisen as to its power to do so. Legislation is required to validate the action of the former Castlepoint County Council in operating the scheme and to authorise the Masterton County Council to continue to operate the scheme. This clause provides accordingly.

Clause 7: Provision with respect to certain land in the County of Masterton—A certain area of land situated in the County of Masterton is vested in two trustees, now deceased, and has been used as a site for a public hall. The hall built on that land has been demolished and a new hall erected by the Masterton County Council on a more suitable site. The land for this purpose was transferred to the County Council by Jack Lett and Jessie Hewin Lett, both of Masterton, in consideration of the transfer to them of the old hall site. The Council had no authority to enter into such an agreement and legislation is required to enable effect to be given to the agreement. This clause provides accordingly.

City and Borough Councils

Clause 8: Validating certain expenditure incurred by Northcote Borough Council in connection with anniversary celebrations—The Northcote Borough Council incurred expenditure of £427 2s. 3d. during the financial years ending on 31 March 1958 and 31 March 1959 in connection with the celebration of the fiftieth anniversary of the Borough of Northcote. This amount exceeds the Council's limit of unauthorised expenditure and the Council now wishes to have the expenditure validated.

This clause provides accordingly.

Clause 9: Authorising Hawera Borough Council to use certain land for cemetery purposes—The Hawera Borough Council is the owner of a small area of land which adjoins the Hawera cemetery. The Council wishes to use this area for cemetery purposes but has no authority to do so.

This clause provides accordingly.

Clause 10: Authorising Palmerston North City Council to make certain grants to the Public Relations Organisation (P.N.)—The Public Relations Organisation (P.N.) has as its objects the advancement and development of the city, the promotion of the interests and welfare of the citizens, and the development of qualities of citizenship and the ideal of service to the community. The Palmerston North City Council wishes to assist the organisation by making grants not exceeding £1,000 during each of the years ending 31 March 1959 and 31 March 1960 but has no power to do so.

This clause gives the Council the desired authority.

Clause 11: Authorising Invercargill City Council to make *ex gratia* payment in respect of contract—The Invercargill City Council entered into an agreement with Woodall-Duckham (Australasia) Proprietary Limited, contractors, for the installation of an intermittent vertical chamber gas carbonising plant and certain appurtenant work. During the course of the contract the contractors incurred special charges in respect of labour employed and suffered a loss. The Council is desirous of compensating the contractors to the extent of £2,023 16s. 10d. for the loss suffered but has no authority to do so.

This clause provides accordingly.

Clause 12: Validating refund to District Fund Account from loan money by Waihi Borough Council—Before authority was obtained for the raising of the Consols Street Bridge Replacement Loan 1955, the Waihi Borough Council expended from its District Fund Account money amounting in the aggregate to £828 19s. 6d. The Council was subsequently authorised to raise the loan and reimbursed its District Fund Account from the proceeds of the loan. Legislation is required to validate the Council's action and this clause provides accordingly.

Clause 13: Authorising Masterton Borough Council to make certain payments to David Peter Donald—Mr David Peter Donald, councillor, has, with the consent of the Masterton Borough Council, agreed to construct at his own expense a learners' swimming pool as part of the Masterton War Memorial scheme at a cost of £2,413 10s. The Council is desirous of reimbursing Mr Donald to the extent of £2,000 but has no authority to do so. Authorising legislation is required and this clause provides accordingly.

Clause 14: Amending First Schedule to Northcote Borough Empowering Act 1956—The purpose of this clause is to include in the First Schedule to the Northcote Borough Empowering Act 1956, an additional area of land which the Northcote Borough Council is acquiring from the Crown. It is desired to utilise this land as part of the industrial and commercial centre being developed by the Council.

Clause 15: Provision with respect to agreement made by Picton Borough Council as to water supply—The Picton Borough Council, by deed dated 1 May 1958, agreed to lay a pipeline from its Esson's Valley Reservoir to the freezing works owned by the New Zealand Refrigerating Co. Ltd., and to supply the company with water for a period of 55 years from 21 May 1958 on the terms and conditions set out in the deed. One of the terms and conditions was that the Council would not, during the term of the deed, exercise the powers contained in section 248 (4) of the Municipal Corporations Act 1954, to discontinue the supply of water on giving 12 months' notice in writing of its intention so to do. The Council had no authority to enter into such a covenant and legislation is required to validate its action. This clause provides accordingly.

Clause 16: Validating refund to District Fund Account from loan money by Alexandra Borough Council—Before authority was obtained to the raising of the Building Allotment Loan 1955, the Alexandra Borough Council expended out of its District Fund Account the sum of £3,525 14s. 5d. for certain purposes for which the loan was to be raised. The Council was subsequently authorised to raise the loan and it reimbursed its District Fund Account from the proceeds of the loan. The Council had no authority to do this and validating legislation is required.

This clause provides accordingly.

Clause 17: Validating certain *ex gratia* payments made by Kaitaia Borough Council in respect of contracts—Three contractors entered into agreements with the Kaitaia Borough Council to do certain work in connection with the Council's water and sewerage schemes. In the course of the work the contractors encountered unforeseen difficulties and suffered a loss. The Council made *ex gratia* payments totalling £5,820 5s. 2d. to the contractors in respect of the loss suffered but had no authority to do so. Legislation is required to validate the payments.

This clause provides accordingly.

Harbour Boards

Clause 18: Validating certain expenditure incurred by Lyttelton Harbour Board—The Lyttelton Harbour Board incurred expenditure of £960 8s. 10d. during the financial year ending 30 September 1958 in connection with the Twenty-fifth Conference of the Harbours Association of New Zealand. This amount exceeds the Board's limit of unauthorised expenditure and the Board now wishes to have the expenditure validated.

This clause provides accordingly.

Clause 19: Provision with respect to refund to Harbour Fund Account from loan money by Wellington Harbour Board—Before obtaining authority for the raising of the Hutt Estuary Reclamation Loan 1957, the Wellington Harbour Board expended out of its Harbour Fund Account for certain purposes for which the loan was to be raised, the sum of £13,453 17s. 6d. Authority has since been obtained to the raising of the loan and the Board now desires authority to reimburse its Harbour Fund Account from the proceeds of the loan.

This clause provides accordingly.

Affecting Two or More Classes of Public Bodies

Clause 20: Authorising Nelson Harbour Board to transfer certain land to Waimea County Council—The Nelson Harbour Board is desirous of transferring a certain area of land vested in the Board to the Waimea County Council, the land to be vested in the Council for recreational purposes. Authorising legislation is required and this clause provides accordingly.

Clause 21: Provision with respect to the sale of certain land by Auckland Hospital Board to Northcote Borough Council—The Auckland Hospital Board is the owner of a certain area of land at Northcote which is held in trust as a site for a hospital and for or towards the maintenance of a hospital. The land is no longer required for these purposes and the Board has agreed to sell and the Northcote Borough Council has agreed to purchase the land for housing purposes. The purchase price agreed upon is £30,000, which it is desired to pay either by debentures to the value of that sum issued by the Council under the Land Development Loan 1958, £33,000, or partly in cash and partly by debentures issued under that loan. Legislation is required to authorise the transaction and this clause provides accordingly.

Miscellaneous

Clause 22: Validating certain *ex gratia* payments made by Hutt Valley Drainage Board in respect of contracts—Five contractors entered into agreements with the Hutt Valley Drainage Board to do work in connection with the construction of a main sewer. In the course of the work the contractors

encountered unforeseen difficulties and suffered a loss. The Board made *ex gratia* payments totalling £3,735 15s. 9d. to the contractors in respect of the loss suffered but had no authority to do so. Legislation is required to validate the payments.

This clause provides accordingly.

Clause 23: Validating certain debentures and interest coupons issued by the Dunedin Drainage and Sewerage Board—The Dunedin Drainage and Sewerage Board raised the sum of £46,000 being part of the Board's Drainage Extension Loan 1954 of £250,000. On 31 May 1957 the Board issued, as security for that sum, certain debentures and interest coupons in the form provided in the Dunedin District Drainage and Sewerage Act 1900. However, those provisions of the Act had been repealed by the Local Authorities Loans Act 1956 and the debentures and interest coupons should have been issued in the form provided in that Act. Legislation is required to validate the debentures and interest coupons issued by the Board and this clause provides accordingly.

Clause 24: Provision with respect to transfer of administration of Poukawa Drainage Area to Hawke's Bay Catchment Board—The purpose of the clause is to provide for the administration of the Poukawa Drainage Area to be handed over from the Minister of Lands under the Swamp Drainage Act 1915, to the Hawke's Bay Catchment Board under the Soil Conservation and Rivers Control Act 1941, retaining the present rating powers given by the Swamp Drainage Act. This will enable the Catchment Board to take over the administration of the area under the same conditions as now apply.

Clause 25: Authorising North Canterbury Catchment Board to make certain compensation payment—Certain land was vested in the Waimakariri River Trust under the Waimakariri River Improvement Act 1922. By Order in Council made on 13 February 1947 the Waimakariri River Trust was abolished and all its powers, functions, assets, and liabilities were transferred to the North Canterbury Catchment Board. Mr J. C. Dobby, of Ladbrooks, claims that the land vested in the Trust belonged to him and that he was entitled to compensation. The Board has investigated this claim and has agreed that the claim is reasonable. However, the time allowed by law for the lodging of claims for compensation in respect of the land has expired but the Board is desirous of paying to Mr Dobby the sum of £1,000 plus reasonable legal expenses in full settlement of the claim. This is acceptable to Mr Dobby. The Board has no authority to make this payment and legislation is required to provide the necessary authority.

This clause provides accordingly.

Hon. Mr Anderton

LOCAL LEGISLATION

ANALYSIS

- | Title | | |
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| 1. Short Title | 11. Authorising Invercargill City Council to make <i>ex gratia</i> payment in respect of contract | |
| <i>County Councils</i> | | |
| 2. Validating <i>ex gratia</i> payment by Whakatane County Council in respect of contracts | 12. Validating refund to District Fund Account from loan money by Waihi Borough Council | |
| 3. Validating borrowing of and variation of terms of raising certain loan money by Wallace County Council | 13. Authorising Masterton Borough Council to make certain payments to David Peter Donald | |
| 4. Validating variation of terms of raising certain loan money by Wallace County Council | 14. Amending First Schedule to Northcote Borough Empowering Act 1956 | |
| 5. Authorising Eketahuna County Council to make <i>ex gratia</i> payment in respect of contract | 15. Provision with respect to agreement made by Picton Borough Council as to water supply | |
| 6. Validating operation by former Castlepoint County Council of and authorising Masterton County Council to continue to operate Group Farm Labour Scheme | 16. Validating refund to District Fund Account from loan money by Alexandra Borough Council | |
| 7. Provision with respect to certain land in the County of Masterton | 17. Validating certain <i>ex gratia</i> payments made by Kaitia Borough Council in respect of contracts | |
| <i>City and Borough Councils</i> | | |
| 8. Validating certain expenditure incurred by Northcote Borough Council in connection with anniversary celebrations | <i>Harbour Boards</i> | |
| 9. Authorising Hawera Borough Council to use certain land for cemetery purposes | 18. Validating certain expenditure incurred by Lyttelton Harbour Board | 19. Provision with respect to refund to Harbour Fund Account from loan money by Wellington Harbour Board |
| 10. Authorising Palmerston North City Council to make certain grants to the Public Relations Organisation (P.N.) | <i>Affecting Two or More Classes of Public Bodies</i> | |
| | 20. Authorising Nelson Harbour Board to transfer certain land to Wai-mea County Council | |

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| 21. Provision with respect to sale of certain land by Auckland Hospital Board to Northcote Borough Council

<p style="text-align: center;"><i>Miscellaneous</i></p> 22. Validating certain <i>ex gratia</i> payments made by Hutt Valley Drainage Board in respect of contracts | 23. Validating certain debentures and interest coupons issued by the Dunedin Drainage and Sewerage Board
24. Provision with respect to transfer of administration of Poukawa Drainage Area to Hawke's Bay Catchment Board
25. Authorising North Canterbury Catchment Board to make compensation payment |
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A BILL INTITULED

An Act to confer certain powers on certain public bodies and to validate certain transactions

BE IT 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 Local Legislation Act 1958.

County Councils

2. **Validating *ex gratia* payment by Whakatane County Council in respect of contracts**—Whereas by three agreements all dated the twenty-fourth day of September, nineteen hundred and fifty-seven, made between W. S. Henderson Limited, of Whakatane, contractors (in this section referred to as the contractors) of the one part and the Chairman, Councillors, and Inhabitants of the County of Whakatane of the other part, the contractors agreed to seal certain roads within the County of Whakatane: And whereas the roads were sealed by the contractors in accordance with the terms of the contracts: And whereas by reason of an increase in the cost of materials caused by circumstances beyond the control of the contractors, the contractors suffered a loss: And whereas the Whakatane County Council (in this section referred to as the Council) has paid to the contractors the sum of one hundred and eighty-three pounds eighteen shillings and eightpence in respect of the loss suffered by the contractors: Be it therefore enacted as follows: 10
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The payment by the Council to the contractors of the sum of one hundred and eighty-three pounds eighteen shillings and eightpence by way of compensation in respect of the loss incurred by the contractors is hereby validated and declared to have been lawfully made. 30

3. Validating borrowing of and variation of terms of raising certain loan money by Wallace County Council—

Whereas by Order in Council made on the seventh day of March, nineteen hundred and fifty-six, consent was given to the raising by the Wallace County Council (in this section referred to as the Council) of a sum of five thousand five hundred pounds (in this section referred to as the loan) as portion of the Ohai Amenities Loan 1952, £30,500: And whereas one of the conditions determined by the Local Government Loans Board in respect of the loan was that the loan, or any part thereof, should bear interest at a rate not exceeding four and one-quarter per cent per annum: And whereas, before the issue of the said Order in Council, the Council raised the sum of four thousand five hundred pounds, as part of the loan, and on terms providing for the payment of interest thereon at the rate of four and three-quarters per cent per annum: And whereas it is desirable that the actions of the Council be validated: Be it therefore enacted as follows:

The actions of the Council in raising the sum of four thousand five hundred pounds, as part of the loan, without the precedent consent of the Governor-General in Council and otherwise than in accordance with the conditions determined by the Local Government Loans Board relating to the raising thereof, are hereby validated and the sum of four thousand five hundred pounds shall be deemed to have been lawfully borrowed and all debentures or stock issued in respect thereof shall be deemed to have been lawfully executed and issued by the Council and shall have full force and effect according to their tenor.

4. Validating variation of terms of raising certain loan money by Wallace County Council—

Whereas by Order in Council made on the seventh day of March, nineteen hundred and fifty-six, consent was given to the raising by the Wallace County Council (in this section referred to as the Council) of a sum of thirteen thousand pounds (in this section referred to as the loan) as portion of the Reconstruction and Sealing Loan 1952, £35,000: And whereas one of the conditions determined by the Local Government Loans Board in respect of the raising of the loan was that the loan, or any part thereof, should bear interest at a rate not exceeding four and three-quarters per cent per annum extending over a term of ten years: And whereas the Council borrowed a sum of two hundred pounds as part of the loan on terms providing for

the payment of interest at a rate of four and seven-eighths per cent per annum extending over a term of twelve years: And whereas it is desirable that the action of the Council be validated: Be it therefore enacted as follows:

The action of the Council in raising the sum of two hundred pounds as part of the loan, otherwise than in accordance with the conditions determined by the Local Government Loans Board, is hereby validated and the sum of two hundred pounds shall be deemed to have been lawfully borrowed and all debentures and stock issued in respect thereof shall be deemed to have been lawfully executed and issued by the Council and shall have full force and effect according to their tenor.

5. Authorising Eketahuna County Council to make *ex gratia* payment in respect of contract—Whereas by an agreement dated the twenty-second day of March, nineteen hundred and fifty-seven, made between A. R. Milne Limited, of Lower Hutt, contractors (in this section referred to as the contractors), of the one part, and the Chairman, Councillors, and Inhabitants of the County of Eketahuna, of the other part, the contractors agreed to erect a concrete bridge known as Larsen's Bridge over the Mangatainoka River for a sum calculated in accordance with the schedule rates provided in the agreement: And whereas the contractors have constructed the said bridge: And whereas the contractors encountered unforeseen difficulties and have suffered a loss: And whereas the Eketahuna County Council, being satisfied that the loss so incurred by the contractors was not and could not reasonably have been contemplated by them at the time the said agreement was entered into, is desirous of making a payment of four hundred and thirty-five pounds to the contractors: Be it therefore enacted as follows:

The Eketahuna County Council is hereby authorised and empowered to pay the sum of four hundred and thirty-five pounds to the contractors by way of compensation in respect of the loss incurred by them.

6. Validating operation by former Castlepoint County Council of and authorising Masterton County Council to continue to operate Group Farm Labour Scheme—Whereas the former Castlepoint County Council operated a Group Farm Labour Scheme (in this section referred to as the scheme) for the benefit of its ratepayers: And whereas the former County

of Castlepoint and the former County of Masterton were united as on and from the first day of April, nineteen hundred and fifty-eight, to form the present County of Masterton: And whereas the former County of Castlepoint is now a riding
5 of the present County of Masterton: And whereas the Masterton County Council wishes to continue to operate the scheme within the Castlepoint Riding of the County of Masterton but doubts have arisen as to its power to do so: And whereas it is desirable firstly, that the action of the former Castlepoint
10 County Council in operating the scheme should be validated, and secondly, that the Masterton County Council be authorised to continue to operate the scheme in the Castlepoint Riding of the County of Masterton: Be it therefore enacted as follows:

15 The action of the former Castlepoint County Council in operating the scheme is hereby validated and the Masterton County Council is hereby authorised and empowered to operate the scheme in the Castlepoint Riding of the County of Masterton for a period not exceeding ten years from the
20 first day of April, nineteen hundred and fifty-eight.

7. Provision with respect to certain land in the County of Masterton—Whereas the land described in subsection four of this section situated at Taueru in the County of Masterton is vested in Thomas Marshall Brown and Alfred William
25 Vennell (in this section referred to as the trustees) and has been used as a site for a public hall: And whereas the trustees are now deceased and the hall built on the said land has been demolished: And whereas a new hall has been built by the Masterton County Council on a more
30 suitable site and Jack Lett and Jessie Hewin Lett, both of Masterton, agreed to transfer to the Council a certain area of land for that purpose in consideration of the transfer to them of the land described in subsection four of this section:

Be it therefore enacted as follows:

35 (1) The vesting of the land described in subsection four of this section in the trustees is hereby cancelled and the land is hereby vested in the Masterton County Council freed and discharged from the trusts heretofore affecting the same.

40 (2) The action of the Masterton County Council in agreeing to transfer the said land to the said Jack Lett and the said Jessie Hewin Lett for the consideration aforesaid is

hereby validated and the Council is hereby authorised to transfer the said land to those persons as tenants in common in equal shares.

(3) The District Land Registrar for the Land Registration District of Wellington is hereby empowered and directed to make such entries in the register books and generally to do all such things as may be necessary to give full effect to the provisions of this section. 5

(4) The land to which this section relates is more particularly described as follows: 10

All that piece of land containing twenty-four perches, more or less, being part of Section 605, Whareama Block, being Lot 2 on Deposited Plan 562, and being all the land comprised and described in certificate of title, Volume 64, folio 202, Wellington Registry. 15

City and Borough Councils

8. Validating certain expenditure incurred by Northcote Borough Council in connection with anniversary celebrations—The expenditure by the Northcote Borough Council during the financial years ending on the thirty-first day of March, nineteen hundred and fifty-eight, and the thirty-first day of March, nineteen hundred and fifty-nine, of the sum of four hundred and twenty-seven pounds two shillings and threepence in celebration of the fiftieth anniversary of the Borough of Northcote, is hereby validated and declared to have been lawfully incurred. 20 25

9. Authorising Hawera Borough Council to use certain land for cemetery purposes—(1) Notwithstanding anything in the Cemeteries Act 1908, or in any other Act, the Hawera Borough Council is hereby authorised and empowered to use for cemetery purposes the land described in subsection two of this section. 30

(2) The land to which this section relates is more particularly described as follows:

All that area of land situated in the Taranaki Land District, Borough of Hawera, containing two roods thirty-eight perches and five-tenths of a perch, more or less, being Section 714, Patea District, and being the land comprised and described in certificate of title, Volume 229, folio 2, Taranaki Registry. 35

10. Authorising Palmerston North City Council to make certain grants to the Public Relations Organisation (P.N.)—

The Palmerston North City Council is hereby authorised to make grants not exceeding one thousand pounds to the Public Relations Organisation (P.N.), a society incorporated under the Incorporated Societies Act 1908, during each of the years ending on the thirty-first day of March, nineteen hundred and fifty-nine, and the thirty-first day of March, nineteen hundred and sixty.

11. Authorising Invercargill City Council to make *ex gratia* payment in respect of contract—Whereas by an agreement dated the fifth day of December, nineteen hundred and fifty-five, made between Woodall-Duckham (Australasia) Proprietary Limited, contractors (in this section referred to as the contractors), of the one part, and the Mayor, Councillors, and Citizens of the City of Invercargill of the other part, the contractors agreed to install at the Invercargill gasworks an intermittent vertical chamber gas carbonising plant and to carry out certain appurtenant work: And whereas the contractors installed the said plant and carried out the work: And whereas the contractors incurred special charges in respect of labour employed and suffered a loss: And whereas the Invercargill City Council, being satisfied that the loss so incurred by the contractors was not and could not reasonably have been contemplated by them at the time the said agreement was entered into, is desirous of making a payment of two thousand and twenty-three pounds sixteen shillings and tenpence to the contractors: Be it therefore enacted as follows:

The Invercargill City Council is hereby authorised and empowered to pay the sum of two thousand and twenty-three pounds sixteen shillings and tenpence to the contractors by way of compensation in respect of the loss incurred by them.

12. Validating refund to District Fund Account from loan money by Waihi Borough Council—Whereas, before authority was obtained to the raising of a loan of one thousand five hundred pounds, known as the Consols Street Bridge Replacement Loan 1955 (in this section referred to as the loan), the Waihi Borough Council (in this section referred to as the Council) expended out of its District Fund Account, for certain purposes for which the loan was to be raised, money

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amounting in the aggregate to the sum of eight hundred and twenty-eight pounds nineteen shillings and sixpence: And whereas authority has since been obtained to the raising of the loan: And whereas the Council has refunded to its District Fund Account out of the proceeds of the loan the sum of eight hundred and twenty-eight pounds nineteen shillings and sixpence: And whereas the Council had no authority to make such a refund and it is desirable to validate the same: Be it therefore enacted as follows: 5

The action of the Council in refunding the sum of eight hundred and twenty-eight pounds nineteen shillings and sixpence to its District Fund Account out of the proceeds of the loan is hereby validated and declared to have been lawful. 10

13. Authorising Masterton Borough Council to make certain payments to David Peter Donald—Whereas the Masterton Borough Council (in this section referred to as the Council) is desirous of constructing a learners' swimming pool as part of the Masterton War Memorial Scheme: And whereas to do so it would be necessary to raise a loan and the said pool could not be constructed in time for the next swimming season: And whereas a member of the Council, David Peter Donald, of Masterton, farmer, with the consent of the Council, has at his own expense agreed to construct and is constructing the said pool at a cost of two thousand four hundred and thirteen pounds ten shillings so that it will be completed by the first day of October, nineteen hundred and fifty-eight: And whereas the Council is desirous of reimbursing the said David Peter Donald to the extent of two thousand pounds but has no authority to do so: Be it therefore enacted as follows: 15 20 25 30

The Council is hereby authorised and empowered to reimburse the said David Peter Donald to the extent of two thousand pounds by payments of five hundred pounds per year during the period of four years commencing on the first day of October, nineteen hundred and fifty-nine. 35

14. Amending First Schedule to Northcote Borough Empowering Act 1956—The First Schedule to the Northcote Borough Empowering Act 1956 is hereby amended by adding the description of the land contained in the following clause:

“5. All that area of land situated in the Borough of Northcote containing one rood twenty perches and six-tenths of a perch, more or less, being Lot 446, Deposited Plan No. 45798, being part Allotments 42 and 43, Parish of Takapuna, 5 formerly comprised and described in certificates of title, Volume 731, folio 281, and Volume 1110, folio 49, Auckland Registry.”

15. Provision with respect to agreement made by Picton Borough Council as to water supply—Whereas by deed dated 10 the first day of May, nineteen hundred and fifty-eight, made between the Mayor, Councillors, and Citizens of the Borough of Picton (in this section referred to as the Corporation) of the one part, and the New Zealand Refrigerating Company Limited, a duly incorporated company having its registered 15 office in the City of Christchurch (in this section referred to as the Company) of the other part, the Corporation agreed to lay a pipeline from the Esson’s Valley Reservoir, the property of the Corporation, to the Company’s freezing works situated outside the Borough of Picton, and to provide 20 a supply of fresh water through the pipeline for a period of fifty-five years from the twenty-first day of May, nineteen hundred and fifty-eight, on the terms and conditions set out in the said deed: And whereas, as one of the said terms and 25 conditions, the Corporation covenanted that during the term of the said deed it would not exercise the powers contained in subsection four of section two hundred and forty-eight of the Municipal Corporations Act 1954 to discontinue the supply of water on giving twelve months’ notice in writing of 30 its intention so to do: And whereas it is desirable to make provision in the manner hereinafter appearing: Be it therefore enacted as follows:

The action of the Corporation in entering into the covenant in the said deed that the Corporation shall not during the 35 term of the said deed exercise the powers contained in subsection four of section two hundred and forty-eight of the Municipal Corporations Act 1954, is hereby validated and the covenant is hereby declared to have been lawfully made and, notwithstanding the provisions of the said Act, that subsection shall not apply to the supply of water pursuant to 40 the said deed so long as the Company shall observe and perform the covenants, conditions, and agreements contained or implied in the said deed and on the Company’s part to be observed and performed.

16. Validating refund to District Fund Account from loan money by Alexandra Borough Council—Whereas, before authority was obtained to the raising of a loan of the sum of ten thousand pounds, known as the Building Allotment Loan 1955 (in this section referred to as the loan), the Alexandra Borough Council (in this section referred to as the Council) expended out of its District Fund Account, for certain purposes for which the loan was to be raised, money amounting in the aggregate to the sum of three thousand five hundred and twenty-five pounds fourteen shillings and fivepence: And whereas authority has since been obtained to the raising of the loan: And whereas the Council has refunded to its District Fund Account out of the proceeds of the loan the sum of three thousand five hundred and twenty-five pounds fourteen shillings and fivepence: And whereas the Council had no authority to make such a refund and it is desirable to validate the same: Be it therefore enacted as follows:

The action of the Council in refunding the sum of three thousand five hundred and twenty-five pounds fourteen shillings and fivepence to its District Fund Account out of the proceeds of the loan is hereby validated and declared to have been lawful.

17. Validating certain *ex gratia* payments made by Kaitaia Borough Council in respect of contracts—Whereas by three agreements made between Robert McArthur, Charlie Ngauma, and Caldwell-Butt Limited (in this section referred to as the contractors) of the one part, and the Mayor, Councillors, and Citizens of the Borough of Kaitaia of the other part, the contractors agreed to do certain work for the Kaitaia Borough Council (in this section referred to as the Council) in connection with the Council's water and sewerage schemes: And whereas by reason of certain unexpected difficulties encountered in the execution of the said work the contractors have suffered a loss: And whereas the Council has paid to the contractors sums not covered by the terms of the said agreements totalling five thousand eight hundred and twenty pounds five shillings and twopence: And whereas it is desirable to validate the said payments made by the Council: Be it therefore enacted as follows:

The payments by the Council to the contractors of the sums totalling five thousand eight hundred and twenty pounds five shillings and twopence are hereby validated and declared to have been lawfully made.

Harbour Boards

18. Validating certain expenditure incurred by Lyttelton Harbour Board—The expenditure by the Lyttelton Harbour Board during the financial year ending on the thirtieth day of
5 September, nineteen hundred and fifty-eight, of the sum of nine hundred and sixty pounds eight shillings and tenpence, in connection with the holding of the Twenty-fifth Conference of the Harbours Association of New Zealand in Christchurch, and the entertainment of delegates thereto, is hereby validated
10 and declared to have been lawfully incurred.

19. Provision with respect to refund to Harbour Fund Account from loan money by Wellington Harbour Board—Whereas, before authority had been obtained to the raising of a loan of the sum of sixty thousand pounds known as the
15 Hutt Estuary Reclamation Loan 1957 (in this section referred to as the loan), the Wellington Harbour Board (in this section referred to as the Board) expended out of its Harbour Fund Account for certain purposes for which the loan was to be raised, money amounting in the aggregate to the sum of
20 thirteen thousand four hundred and fifty-three pounds seventeen shillings and sixpence: And whereas authority has since been obtained to the raising of the loan, and the Board is desirous of reimbursing its Harbour Fund Account out of the proceeds of the loan and it is expedient to make provision
25 accordingly: Be it therefore enacted as follows:

The Board is hereby authorised and empowered to refund to its Harbour Fund Account out of the proceeds of the loan a sum not exceeding thirteen thousand four hundred and fifty-three pounds seventeen shillings and sixpence.

30 *Affecting Two or More Classes of Public Bodies*

20. Authorising Nelson Harbour Board to transfer certain land to Waimea County Council—Whereas the land described in subsection ten of this section is vested in the Nelson Harbour Board (in this section referred to as the Board) as
35 an endowment: And whereas the Board does not require the said land and desires to vest the same in the Chairman, Councillors, and Inhabitants of the County of Waimea (in this section referred to as the Corporation) for the purposes hereinafter set out: Be it therefore enacted as follows:

(1) The land described in subsection ten of this section is hereby vested in the Corporation for an estate in fee simple for the use, benefit, or enjoyment of the public as pleasure grounds, sports grounds, camping grounds, and any other public amenities but otherwise freed and discharged from all trusts, reservations, and restrictions affecting the same other than the reservations referred to in this section. 5

(2) The District Land Registrar for the Nelson Land Registration District is hereby authorised and directed to enter in the appropriate folium of the register kept by him pursuant to the provisions of the Land Transfer Act 1952, a memorial that the Corporation is seised of all the estate and interest of the Board in the said land. 10

(3) The Corporation is hereby authorised and empowered, subject to the provisions of the Harbours Act 1950, to reclaim the said land. 15

(4) The Corporation before constructing any drains or other works on the said land shall first submit the plans and specifications thereof to the Board for its approval and on the said plans and specifications being approved by the Board the said drains and other works shall be constructed in accordance with the approved plans and specifications and thereafter the Corporation shall keep and maintain the drains and other works in good order repair and condition. 20

(5) If at any time the Corporation does not require the said land for the purposes aforesaid, or, if for a continuous period of twelve months the said land ceases to be used for the said purposes, the Corporation shall, at the request of the Board, execute under seal and deliver to the Board a certificate certifying that the said land is no longer required for the said purposes or that the said land has for a continuous period of twelve months ceased to be so used, and at the same time deliver to the Board the appropriate certificate of title issued therefor. 25 30

(6) Upon production of the certificate delivered to the Board under subsection five of this section to the District Land Registrar for the Nelson Land Registration District he shall forthwith register the same against the said certificate of title for the said land and thereupon the said land together with all buildings and improvements thereon shall vest in the Board for an estate in fee simple as an endowment upon the same trusts and conditions as the Board previously held 35 40

the said land and as if this section had not been passed but subject nevertheless to the easement reserved by subsection eight of this section if the said easement is then in force.

5 (7) No compensation shall be payable by the Board to the Corporation for any improvements that may be upon the said land at the date of the execution and delivery of the certificate referred to in subsection five of this section.

10 (8) There is hereby reserved in favour of the Institute de Notre Dame des Missions Trust Board, an organisation incorporated under the Religious, Charitable, and Educational Trusts Act 1908, and having its registered office at Christchurch, or other person for the time being the registered proprietor or proprietors of:

15 Firstly, all that piece of land in the Nelson Land District containing forty-four acres two roods eight perches and eight-tenths of a perch, more or less, situated in Block V, Wakapuaka Survey District, being part Sections 22, 23, and 57, District of Suburban North, and being part Lot 1, Deposited Plan 150, and being also the balance of the land 20 comprised and described in certificate of title, Volume 25, folio 143, Nelson Registry:

25 Secondly, all that piece of land containing one acre three roods five perches and five-tenths of a perch, more or less, situated in Block V, Wakapuaka Survey District, being Section 100, District of Suburban North, being all the land comprised and described in certificate of title, Volume 139, folio 81, Nelson Registry,—

30 full and free right, liberty, and license to construct, lay down, and forever hereafter maintain a pipe drain or drains under that part of the surface of the land described in subsection ten of this section and coloured yellow and marked “drainage easement” seven links and five-tenths of a link wide on the said Deposited Plan Number 5602 and use the same for the purpose of conveying sewage water and soil from the 35 premises constructed or to be constructed on the lands described in this subsection: And also full and free right and liberty as aforesaid with or without workmen, tools, and equipment to enter upon that part of the land described in the said subsection ten marked “drainage easement” 40 as aforesaid for the purpose of laying, constructing, maintaining, inspecting, cleaning, clearing, repairing, altering, and renewing the said drains or any of them or any part thereof:

Provided that all works so carried out shall be carried out as expeditiously as possible in a good and workmanlike manner and in accordance with the lawful requirements of all authorities having jurisdiction over the said land and that the surface thereof shall be disturbed as little as possible. All excavations shall be filled in and the surface of the said land restored as nearly as possible to its former state. 5

(9) The District Land Registrar for the Land Registration District of Nelson is hereby authorised and directed to register the reservation made by subsection eight of this section against the certificate of title for the said land and against the said certificates of title, Volume 25, folio 143, and Volume 139, folio 81, Nelson Registry. 10

(10) The land to which subsection one of this section relates is more particularly described as follows: 15

All that area of land containing by admeasurement fifteen acres three roods and thirty-four perches, more or less, being part of the area described in the First Schedule to the Nelson Harbour Act 1905, the said land being section 101 Suburban North, situated in Block V, Wakapuaka Survey District, and being more particularly delineated on the plan deposited in the Land Transfer Office at Nelson as Number 5602, and being all the land comprised and described in certificate of title, Volume 138, folio 40, Nelson Registry. 20

(11) This section shall, for the purposes of sections one hundred and fifty and one hundred and seventy-five of the Harbours Act 1950, be deemed a special Act. 25

21. Provision with respect to sale of certain land by Auckland Hospital Board to Northcote Borough Council—Whereas the lands described in subsection six of this section are vested in the Auckland Hospital Board (in this section referred to as the Board) for an estate in fee simple in trust as a site for a hospital and for or towards the maintenance and support of a hospital: And whereas the said lands are not required for those purposes and the Board has agreed to sell and the Northcote Borough Council (in this section referred to as the Council) has agreed to purchase the said lands for development for housing purposes for the sum of thirty thousand pounds: And whereas the Board and the Council have further agreed that the Board will accept payment of the said sum of thirty thousand pounds either by debentures to 30 35 40

the value of that sum issued by the Council under the Land Development Loan 1958, £33,000 (in this section referred to as the loan), or partly by cash and partly by debentures issued under the loan but the Board has no authority to do so: Be it
5 therefore enacted as follows:

(1) Notwithstanding the provisions of section sixty-nine of the Hospitals Act 1957, the Board may, without further authority than this section, sell to the Council for the
10 sum of thirty thousand pounds the lands described in subsection six of this section and may accept payment of that sum in debentures to the value of thirty thousand pounds issued by the Council under the loan, or partly in cash and partly in debentures issued under the loan to the value of such part of
15 that sum as is not paid in cash, and on the sale of those lands all trusts and reservations theretofore affecting the same shall be deemed to be cancelled.

(2) The proceeds derived by the Board from the sale of the said lands and from the redemption of the said debentures shall be held and applied by the Board in the manner provided by subsection two of section sixty-nine of the Hospitals
20 Act 1957.

(3) The said lands shall be held by the Council for housing purposes pursuant to the Municipal Corporations Act 1954.

(4) Notwithstanding anything contained in this section or
25 in any other enactment, where the Council at any time considers that any part or parts of the said lands are unsuitable for housing purposes, the Council may, instead of disposing of that part or parts in accordance with the provisions of the Municipal Corporations Act 1954, by resolution decide that
30 that part or parts shall be subject to the Northcote Borough Empowering Act 1956 and thereupon the provisions of that Act shall apply in all respects as if that part or parts were included in the First Schedule to that Act.

(5) The District Land Registrar for the Land Registration
35 District of Auckland is hereby authorised and directed to accept such documents for registration and to do all such things as may be necessary to give effect to this section.

(6) The lands to which this section relates are more particularly described as follows:

40 All those parcels of land containing together by admeasurement seventy-four acres four perches and one-tenth of a perch, more or less, being—

Firstly, Lots A, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, 28, 29, 30, 31, and part of Lot 17 on a plan lodged in the Deeds Register Office at Auckland as Number T32, being portion of allotments 14, 15, 16, and 17, Parish of Takapuna:

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Secondly, Lots 8 and 9 on Deposited Plan Number 37783, being portion of allotment 20, Parish of Takapuna:

Thirdly, portions of allotments 14, 15, and 17, Parish of Takapuna:

Being the whole of the land comprised in certificates of title, Volume 531, folios 14, 15, 16, 17, 18, and 19, and Volume 970, folios 74 and 289, and part of the land comprised in certificates of title, Volume 531, folios 10 and 13, Auckland Registry.

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Miscellaneous

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22. Validating certain *ex gratia* payments made by Hutt Valley Drainage Board in respect of contracts—Whereas by certain agreements made between Adams and Bond Limited, A. Walsh, J. C. Hobson Limited, Earthmovers and Contractors Limited, and M. Carey, contractors (in this section referred to as the contractors) of the one part, and the Hutt Valley Drainage Board (in this section referred to as the Board) of the other part, the contractors agreed to do certain work in connection with the construction of a main sewer: And whereas by reason of certain unexpected difficulties encountered in the execution of the said work the contractors have suffered a loss: And whereas the Board has paid to the contractors sums not covered by the terms of the said agreements of one hundred and thirty-nine pounds ten shillings, four hundred and seventy-five pounds three shillings, nine hundred and seventy-six pounds nineteen shillings and ninepence, seven hundred pounds, and one thousand four hundred and forty-four pounds three shillings, respectively: And whereas it is desirable to validate the said payments made by the Board: Be it therefore enacted as follows:

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The payments by the Board to the contractors of the sums of one hundred and thirty-nine pounds ten shillings, four hundred and seventy-five pounds three shillings, nine hundred and seventy-six pounds nineteen shillings and ninepence, seven hundred pounds, and one thousand four hundred and forty-four pounds three shillings, respectively, are hereby validated and declared to have been lawfully made.

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23. Validating certain debentures and interest coupons issued by the Dunedin Drainage and Sewerage Board—
Whereas the Dunedin Drainage and Sewerage Board (in this section referred to as the Board) has raised the sum of forty-six thousand pounds as part of the Drainage Extension Loan 1954 of two hundred and fifty thousand pounds: And whereas on the thirty-first day of May, nineteen hundred and fifty-seven, as security for that sum, the Board issued certain debentures numbered one hundred and seventy-one to three hundred and twenty-seven inclusive to the value of forty-six thousand pounds with interest coupons attached in the form prescribed by and expressed to be issued pursuant to the powers contained in the Dunedin District Drainage and Sewerage Act 1900: And whereas that Act had been repealed on the first day of April, nineteen hundred and fifty-seven, by the Local Authorities Loans Act 1956, and the debentures and interest coupons should have been in the form prescribed by and expressed to be issued pursuant to the powers contained in that Act: And whereas it is desirable that the debentures and interest coupons be validated: Be it therefore enacted as follows:

The debentures and interest coupons issued by the Board on the thirty-first day of May, nineteen hundred and fifty-seven, are hereby validated and shall have full force and effect according to their tenor as if they had been issued in the form and expressed to be pursuant to the powers contained in the Local Authorities Loans Act 1956.

24. Provision with respect to transfer of administration of Poukawa Drainage Area to Hawke's Bay Catchment Board—
Whereas the Poukawa Drainage Area (in this section referred to as the area) was constituted under the Swamp Drainage Act 1915 by Order in Council gazetted on the twenty-seventh day of April, nineteen hundred and sixteen, at page 1194: And whereas the amount of the rates that are necessary for the maintenance and capital charges in respect of the drainage works already constructed in the area (in this section referred to as the drainage works) greatly exceeds the maximum rates which a Catchment Board may make and levy under the Soil Conservation and Rivers Control Act 1941 (in this section referred to as the Act): And whereas it is expedient that the drainage works and the care, control, and management thereof be vested in the Hawke's Bay Catchment Board (in this section referred to as the Board): Be it therefore enacted as follows:

(1) The drainage works and the care, control, and management thereof shall vest in the Board on the first day of April, nineteen hundred and fifty-nine, and the area shall cease to be a drainage area under the Swamp Drainage Act 1915, and shall thereafter be a defined portion of the Hawke's Bay Catchment District for all purposes relating to the construction and maintenance of the drainage works and shall be known as the Poukawa Special Rating Area. 5

(2) Except in respect of an administrative rate, the limitations made upon the maximum rates which may be made and levied by a Catchment Board under the Act shall have no application to any rate made and levied by the Board within the Poukawa Special Rating Area. 10

(3) The classification of the lands within the Poukawa Special Rating Area and the proportions fixed in relation thereto shall continue in force on and after the first day of April, nineteen hundred and fifty-nine, as if they were a classification made and proportions fixed pursuant to the Act for the purposes of a separate rate upon all property liable to be rated within that portion of the district and the classification and proportions shall thereupon be in force as if made for the purposes aforesaid by the Board under the Act, and shall continue in force until determined by the Board by express resolution in that behalf. 15 20

(4) In every other respect the provisions of the Act shall, on and after the first day of April, nineteen hundred and fifty-nine, apply to and be observed in respect of the Poukawa Special Rating Area as part of the Hawke's Bay Catchment District. 25

(5) On and after the first day of April, nineteen hundred and fifty-nine, the debts, liabilities, engagements, powers, and functions of the Minister of Lands in respect of the area shall be the debts, liabilities, engagements, powers, and functions of the Board. 30

(6) As soon as possible after the first day of April, nineteen hundred and fifty-nine, the Board shall execute in favour of Her Majesty the Queen a debenture securing to Her Majesty the amount being the part of the cost of the drainage works which has not already been recouped by the Minister of Lands together with interest thereon as hereinafter specified as from the first day of April, nineteen hundred and fifty-nine. 35 40

(7) The amount referred to in subsection six of this section shall be fixed by the Minister of Lands and the Board and, failing agreement, shall be determined by the Audit Office.

- (8) The rate of interest shall be four and a half per cent per annum or such other rate as may from time to time be fixed in that behalf by the Minister of Finance.
- (9) The sum so secured shall be paid by the Board to the
5 Minister of Lands by equal annual instalments payable on or before the last day of February in the financial year to which the payment relates over a period of twenty-three years commencing with the first day of April, nineteen hundred and fifty-nine.
- 10 (10) The debenture shall be in a form approved by the Minister of Finance and shall be secured over and be a first charge on all lands and drainage works at any time owned by the Board in the area and all rates on lands in that area which are payable to the Board:
- 15 Provided that the debenture shall not be secured over any special rates made as security for any special loans raised by the Board.

25. Authorising North Canterbury Catchment Board to make compensation payment—Whereas under the Waimakariri River Improvement Act 1922 certain land in the Canterbury Land District, being more particularly described as all that piece of land containing fifty-three acres three roods twenty-eight perches and seven-tenths of a perch, more or less, being part of Rural Section 1152 and being all that land
20 on the northern side of the stop bank which runs through the property described in certificate of title, Volume 410, folio 162, Canterbury Registry, save and except those areas containing eleven acres and thirty-three perches which have already been purchased from John Christopher Dobby, of Ladbrooks,
30 farmer, was vested in the Waimakariri River Trust: And whereas by Order in Council made on the thirteenth day of February, nineteen hundred and forty-seven, the Waimakariri River Trust was abolished and all the powers, duties, functions, assets, and liabilities of the said Trust were transferred to the North Canterbury Catchment Board (in this
35 section referred to as the Board): And whereas the said John Christopher Dobby claims that the said land formed part of the land comprised and described in certificate of title, Volume 410, folio 162, Canterbury Registry, and that he was
40 the registered proprietor therein named and that he was

entitled to compensation for the taking thereof: And whereas no claims for compensation for the taking of the said land have been made within the time prescribed by law: And whereas the Board, being satisfied that the sum of one thousand pounds together with reasonable legal expenses would have been properly payable as compensation for the taking of the said land if a claim therefor had been made within the prescribed time, is desirous of making payment of that sum: Be it therefore enacted as follows:

The Board is hereby authorised, notwithstanding that a claim is barred by lapse of time, to pay from its Waimakariri River Account to John Christopher Dobby, the sum of one thousand pounds together with reasonable legal expenses in full satisfaction and discharge of all claims for compensation for the taking of the said land.