

Mrs Stevenson

TOKOROA AGRICULTURAL AND PASTORAL ASSOCIATION EMPOWERING

[PRIVATE]

ANALYSIS

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A BILL INTITULED

An Act to enable the Tokoroa Agricultural and Pastoral Association to dispose of certain land in the County of Matamata and to enter into arrangements with the Matamata County Council for use of the land and the adjoining recreation reserve

WHEREAS the Tokoroa Agricultural and Pastoral Association (hereinafter called "the Association") is registered as proprietor of an estate in fee simple in the land described in the Schedule hereto which is situated in the Town of Tokoroa within the boundaries of the Matamata County: and whereas the said land was acquired by the Association on the 18th day of June 1957 as a gift from Virginie Mossop of Tokoroa: And whereas for some years the Association has conducted its annual shows on the said land and also on portion of the adjoining Tokoroa Memorial Sports Ground which is constituted a reserve under the Reserves and

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Domains Act 1953: And whereas the Matamata County Council desires to develop and improve the said sports grounds for recreational, sports, and parkland purposes but it is not practicable to do so without acquiring the said land owned by the Association: And whereas at a general meeting of the Association held at Tokoroa on the 20th day of July 1967 the Association requested the Council to apply for the legislative authority in this Act contained to enable the Association to transfer the said land to the Council on the condition that the Association will continue to have the use thereof and of the adjoining sports ground for a number of days each year without charge: And whereas the Council has agreed to pay compensation to the Association for the said land if, at any time, the Association decides to change the venue of its shows and other activities: And whereas the requisite authority is attainable only by legislation: 5
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BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by authority of the same, as follows:

1. Short Title—This Act may be cited as the Tokoroa Agricultural and Pastoral Association Empowering Act 1968. 20

2. Transfer of land by Association—Notwithstanding the provisions of section 7 of the Agricultural and Pastoral Societies Act 1908 or of the rules of the Association or of any of its bylaws, the Association may (on the resolution of two-thirds of the members present at a general meeting of the Association held within two years of the date of the commencement of this Act), without charge, transfer the freehold of the said land, and all the improvements of the Association thereon, free of all encumbrances and charges, to the Chairman, Councillors, and Inhabitants of the County of Matamata (in this Act called the Council). 25
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3. Creation of recreation reserve—Upon completion of the transfer by the Association of the said land to the Council, the said land shall forthwith become a recreation reserve within the meaning of the Reserves and Domains Act 1953. 35

4. Use of reserves by Association for shows, etc.—The Council is hereby authorised to and shall, provided it receives not less than two months notice each year in that regard, grant to the Association the exclusive use, free of charge in all respects, for six days in each year after the commencement of this Act, for any of the purposes of the Association, the said land and all such portions and facilities of the adjoining sports ground as shall be reasonably required by the Association. In addition the Association shall be entitled to access to the grounds for a reasonable number of days before and after the annual shows of the Association for the purposes of preparation for and termination of the shows.

5. Nomination of member to controlling committee—From the date of the transfer of the said land to the Council as aforesaid the Association shall be entitled each year to nominate one of its members to the committee or organisation of the Council for the time concerned with the management or control of the said Tokoroa Memorial Sports Ground.

6. Financial arrangements if Association changes venue of shows, etc.—(1) In the event of the Association deciding at any time to hold future shows and other activities of the Association on premises other than the said land or the sports ground adjoining the same, the Association shall give notice in writing in that regard to the Council, and it shall thereupon become entitled to receive from the Council and the Council may pay, compensation for the said land on the basis of the market value thereof at the date of the notice to the Council including the value of all permanent improvements effected by the Association on the said land with the consent of the Council after the date of the transfer of the said land as aforesaid, but excluding the value of any improvements effected after the last-mentioned date by the Council or by any person or organisation (other than the Association).

(2) If the Council and the Association are unable to agree upon the amount of compensation payable by the Council pursuant to subsection (1) of this section, the amount shall be fixed by arbitration of two arbitrators, one to be appointed by the Council and one by the Association with power to the two arbitrators to appoint an umpire; and the decision of the two arbitrators or umpire shall be final. For the purposes of any such arbitration this section shall be deemed to be a submission within the meaning of the Arbitration Act 1908, and the relevant provisions of that Act shall apply to any such arbitration.

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(3) From the date of the notice referred to in subsection (1) of this section the rights of the Association contained in section 4 of this Act shall cease and determine, except that, for a period of not more than three years after the date of the notice, the Association shall be entitled to continue to use the said land and all such portions and facilities of the adjoining sports ground as shall be reasonably required by the Association for six days in each year, subject to payment by the Association of such reasonable rental as shall be fixed by the Council.

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7. **Private Act**—This Act is hereby declared to be a private Act.

SCHEDULE

ALL that parcel of land situated in the County of Matamata containing 7 acres and 3 perches, more or less, being Lot 3 on Deposited Plan S. 4625, and being part of the Tokoroa No. 1 Block, and being also all the land in certificate of title, Volume 1420, folio 77, South Auckland Registry, together with the right of way over the part of Lot 4 on the said Deposited Plan S. 4625, shown coloured blue thereon, created by transfer S. 126547 and subject to the agreement as to fencing contained in transfer S. 126547.