

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 8 November 1967

Words struck out by the Committee 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 Kinsella

THAMES BOROUGH COUNCIL EMPOWERING

[LOCAL]

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A BILL INTITULED

An Act to vest certain land in the Corporation of the Borough of Thames, to authorise the reclamation of certain land, to authorise the removal of trust provisions (*and mining reservations*) in respect of certain lands, and to (*prevent*) restrict the granting of mining privileges over the surface of such lands under the provisions of the Mining Act 1926, and to authorise the Corporation to dispose of certain lands

WHEREAS by the certificate of title mentioned in the Schedule to this Act the Thames Harbour Board was seized of an estate in fee-simple in, *inter alia*, the lands firstly described in that Schedule in trust for the improvement and maintenance of the harbour of the Port of Thames and the construction and maintenance of such harbour works at the said port as might be deemed advisable by the said Board:

No. 93—2

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And whereas the said lands, pursuant to section 5 of the Thames Harbour Act 1936, are now vested in the Corporation of the Borough of Thames (in this Act referred to as the Corporation): And whereas, pursuant to section 6 of the Reserves and Other Lands Disposal Act 1964, the land secondly described in the Schedule to this Act is held by the Corporation upon trust for the improvement and maintenance of the harbour of the Port of Thames and the construction and maintenance of such harbour works at the said port as may be deemed advisable, subject to the provisions of the Thames Harbour Act 1936, and subject to the provision that the Minister of Railways, acting in the name and on behalf of Her Majesty, may at any time resume for railway purposes of the whole or any portion of such land upon payment to the Corporation of the sum (if any) actually expended by the Corporation in reclaiming the land so resumed: And whereas the necessity to retain the said lands for the improvement and maintenance of the harbour of the Port of Thames and the construction and maintenance of such harbour works at the said port has now ceased to exist: And whereas the lands thirdly described in the Schedule to this Act are Crown land forming part of the bed of the Thames Harbour: And whereas it is expedient to vest such Crown land in the Corporation, to authorise the reclamation of the lands firstly, secondly, and thirdly described in the Schedule to this Act, to remove the trust provisions (*and mining reservations*) from the said lands, and to authorise the Corporation to sell or otherwise dispose of the said lands:

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 Thames Borough Council Empowering Act 1967.

2. Vesting of Crown land—The land thirdly described in the Schedule to this Act is hereby vested in the Corporation for an estate in fee simple subject nevertheless to the same reservations and restrictions as are imposed by section 59 of the Land Act 1948.

3. Authority to reclaim land—The Corporation is hereby authorised, notwithstanding anything in subsections (2) and (3) of section 175 of the Harbours Act 1950, but subject to the provisions of sections 176 to 182 of that Act, to reclaim
5 from the bed of the Thames Harbour any portions of the lands firstly, secondly, and thirdly described in the Schedule to this Act that are for the time being below the ordinary spring tide high-water mark.

4. Restriction on granting of mining privileges—(1) From
10 the date of the passing of this Act no mining privilege shall, without the prior consent of the Corporation, be granted or created under the provisions of the Mining Act 1926, over the surface of any part of the lands firstly, secondly, and thirdly
15 described in the Schedule to this Act, or within a distance of fifty feet from the surface of that part, so long as that part continues to be vested in the Corporation.

(2) The District Land Registrar shall enter on the register and on every certificate of title issued to the Corporation in
20 respect of the said lands a memorandum stating that the reservations as to minerals therein are subject to the provisions of this section.

5. Removal of trust provisions from title—From the date of the passing of this Act, on application by the Corporation and without payment of any fee, the District Land Registrar
25 shall remove the trust provisions from certificate of title, Volume 2020, folio 144, South Auckland Registry, in so far as that title relates to the land firstly described in the Schedule to this Act.

6. Removal of trust provisions from title—From the date
30 of the passing of this Act, on application by the Corporation and without payment of any fee, the District Land Registrar shall remove the trust provisions from the certificate of title relating to the land secondly described in the Schedule to this Act.

7. Vesting of lands in fee simple—The lands firstly and
35 secondly described in the Schedule to this Act are hereby vested in the Corporation for an estate in fee simple freed and discharged from all trusts and reservations affecting the same immediately before the passing of this Act,

New

but the vesting of those lands shall henceforth be subject to the reservations and conditions in favour of Her Majesty the Queen imposed by section 59 of the Land Act 1948 as if the land so vested had been granted under that Act.

8. District Land Registrar to issue titles—The District Land Registrar for the South Auckland Land Registration District is hereby authorised and directed to issue such titles, to make such entries in the register, and to do all such other things as may be necessary to give effect to the provisions of this Act.

Struck Out

9. Authority to sell or lease and to dispose of proceeds—Notwithstanding anything to the contrary in any Act or rule of law, the Corporation may, without other authority than this section, sell, transfer, lease, or let the whole or any portion or portions of the lands firstly, secondly, and thirdly described in the Schedule to this Act in such manner on such terms and subject to such conditions as the Corporation thinks fit and the Corporation is hereby empowered from time to time to use and apply all or any of the proceeds arising from any such sale, transfer, lease, or letting for any of the purposes of the Corporation after first meeting therefrom all costs of reclamation and development, and after making therefrom adequate financial provision for the maintenance and development of the harbour works vested in the Corporation:

Provided that no portion of the said lands situated below high-water mark at ordinary spring tide shall be so sold or transferred except with the prior consent of the Minister of Marine:

Provided also that the Minister of Railways, acting in the name and on behalf of Her Majesty, may at any time hereafter resume for railway purposes the whole or any portion of the land secondly described in the Schedule to this Act upon payment to the Corporation of the sum (if any) actually expended by the Corporation in reclaiming the land so resumed, and no compensation shall be payable by the Crown in respect of the resumption of such land or any portion thereof except as provided in this section.

New

5 **9. Sale of land and disposal of proceeds—**(1) No portion of the lands described in the Schedule to this Act situated below high-water mark at ordinary spring tide shall be sold or transferred except with the prior consent of the Minister of Marine.

10 (2) Notwithstanding the provisions of subsection (1) of this section, before the whole or any part of the land fourthly described in the Schedule to this Act is dealt with in accordance with the provisions of this section, the Corporation shall give notice to the Minister of Railways and thereafter the Minister of Railways may, within three months after his receiving such notice from the Corporation, take for railway purposes the said land or part thereof upon payment to the Corporation of the sum (if any) actually expended by the Corporation in reclaiming the land so taken, and no compensation shall be payable by the Crown in respect of the taking of such land or any portion thereof except as provided in this subsection.

20 (3) The Corporation is hereby empowered from time to time to use and apply all or any of the proceeds of the sale, transfer, lease or letting of any of the lands described in the Schedule to this Act for any of the purposes of the Corporation after first meeting therefrom all costs of reclamation and development, and after making therefrom adequate financial provision for the maintenance and development of the harbour works vested in the Corporation.

30 **10. Application of Municipal Corporations Act 1954—**The powers conferred by this Act on the Corporation are additional to those conferred by the Municipal Corporations Act 1954, and the provisions of that Act shall, so far as the same are applicable, apply to the exercise by the Corporation of the powers hereby conferred as if the powers hereby conferred had been conferred by that Act.

35 **11. Special Act for purposes of Harbours Act 1950—**This Act shall be deemed to be a special Act for the purposes of the Harbours Act 1950.

SCHEDULE

SOUTH AUCKLAND LAND DISTRICT—BOROUGH OF THAMES

Firstly: Parts Moanataiari 1A, 2A, 3, 4A, 4B, 5, 6, 7, 8A, 8B, and 9 Blocks, Parts Kauaeranga B 10, B 11, B 12, B 12A, B 13, B 13A, and 28A Blocks, Part Karaka B Block, Part Te Tapuae B Block, Part Whakaupapa B Block, Part Te Tapuae Ouenuku B Block, Part Hangaruru B Block, Part B Whakaharatau A Block, Parts B Nokenoke A and B Blocks, Parts B Rangiriri A, D, F, G, H, and L Blocks, Part Whakaruaki B Block, and Part B Kauaeranga S 28 Block all situated in Block IV, Thames Survey District: Area, 185 acres 1 rood 16.7 perches, more or less, excepting nevertheless and reserving to Her Majesty the Queen all minerals within and under the above land together with power to enter upon the said land to search and work for and remove minerals, etc. Part certificate of title 2020/144.

Secondly: Part Thames Foreshore situated in Block IV, Thames Survey District: Area, 35 acres 2 roods 16.2 perches, more or less. Vested in Thames Borough Council in trust for improvement and maintenance of the Harbour of Port of Thames. (*section 6, Reserves and Other Lands Disposal Act 1964.*)

Thirdly: Part bed of Thames Harbour (Firth of Thames), part being Part Karaka B Block, Part Te Tapuae B Block, Part Whakaupapa B Block, Part Te Tapuae Ouenuku B Block, Part Hangaruru B Block, Part B Whakaharatau A Block, Parts B Nokenoke A and B Blocks, Parts B Rangiriri A and D Blocks, all situated in Block IV Thames Survey District: Area, 50 acres and 33.6 perches, more or less.

Struck Out

All the above are shown on the Plan marked L. and S. (S.O. Plan 44175) deposited in the Head Office, Department of Lands and Survey at Wellington, and thereon edged red.

New

Fourthly: Parts of the land firstly and secondly described in this Schedule being the areas shown edged yellow on a plan marked and numbered L.O. 22241, in the office of the Minister of Railways, Wellington.