

Reprint  
as at 3 June 2017



## Hutt Road Act 1939

Public Act 1939 No 18  
Date of assent 29 September 1939  
Commencement 29 September 1939

Hutt Road Act 1939: repealed, on 3 June 2017, by section 3(1) of the Statutes Repeal Act 2017 (2017 No 23).

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#### Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**This Act is administered by the Ministry of Transport.**

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**An Act to abolish the Wellington City and Suburban Highways Board of Control, to repeal certain enactments making special provision for the construction and maintenance of the Hutt Road and certain other roads and streets situated in or near to the City of Wellington, and to make provision for matters incidental thereto**

**1 Short Title**

This Act may be cited as the Hutt Road Act 1939.

**2 Interpretation**

In this Act, unless the context otherwise requires,—

**Board** means the Wellington City and Suburban Highways Board of Control established under section 3 of the Wellington City and Suburban Highways Construction and Hutt Road Amendment Act 1924

**Council** means the Wellington City Council

**Hutt Road** means the road or street constructed by the Minister of Railways under section 4 of the Hutt Railway and Road Improvement Act 1903 and in that Act referred to as the new Hutt Road, as the same is shown on the plan marked SO 223/1 to 11, deposited in the office of the Chief Surveyor at Wellington.

**Part 1**

**Abolition of Board, and incidental provisions**

**3 Commencement of this Part**

This Part shall come into force on 1 April 1940.

**4 Abolition of Wellington City and Suburban Highways Board of Control**

The Board is hereby abolished.

**5 Hutt Road vested in appropriate authorities as an ordinary road or street**

- (1) The portion of the Hutt Road that is situated within the City of Wellington is hereby declared to be vested in fee simple in the Corporation of the City of Wellington as a street.
- (2) The portion of the Hutt Road that is situated within the County of Makara is hereby declared to be vested in the Crown as a road.
- (3) The portion of the Hutt Road that is situated within the Borough of Petone is hereby declared to be vested in fee simple in the Corporation of the Borough of Petone as a street.
- (4) All contracts of the Wellington City Council that relate to advertisements on the Hutt Road and are in existence at the commencement of this Part shall thereupon—
  - (a) in so far as they relate to any portion of the Hutt Road that is situated within the County of Makara, become contracts of the Crown; and
  - (b) in so far as they relate to any portion of the Hutt Road that is situated within the Borough of Petone, become contracts of the Petone Borough Council.

**6 Crown to indemnify Wellington City Council in respect of certain loans**

*[Repealed]*

Section 6: repealed, on 1 July 2003, by section 266 of the Local Government Act 2002 (2002 No 84).

**7 Repeal of special legislation**

- (1) The enactments specified in Schedule 2 are hereby repealed.
- (2) No bylaws made by the Council shall apply after the commencement of this Part with respect to any portion of the Hutt Road that is situated outside the City of Wellington.

**8 Security of debenture holders not affected**

Nothing in this Act shall diminish, affect, or prejudice the security of the holders of any debentures issued in respect of any of the loans specified in Schedule 1.

**Part 2**  
**Transitional provisions**

**9 Extending powers of Wellington City Council**

- (1) For the purposes of section 6 of the Hutt Road Act 1915, all moneys expended by the Council with the consent of the Board at any time before the commencement of Part 1 in providing lighting and a central kerbing or division for the portion of the Hutt Road that is situated within the City of Wellington, and in completing the railway overbridge at Thorndon and the approaches thereto

shall be deemed to be part of the expenditure of the Council in maintaining the Hutt Road.

- (2) Any expenditure of the Council in maintaining the Hutt Road (including any expenditure incurred in accordance with subsection (1)) may, with the consent of the Board, be made out of moneys paid to the Council by other local authorities under section 7 of the Wellington City and Suburban Highways Construction and Hutt Road Amendment Act 1924 as contributions in respect of other roads and streets.

**10 Refund by Wellington City Council of balance of maintenance moneys contributed by local authorities**

The unexpended balance, as at the date of the commencement of Part 1, of the moneys paid to the Council by other local authorities under section 6 of the Hutt Road Act 1915 as contributions to the cost of the maintenance of the Hutt Road or under section 7 of the Wellington City and Suburban Highways Construction and Hutt Road Amendment Act 1924 as contributions in respect of other roads and streets shall forthwith after that date be refunded by the Council to those local authorities in such proportions as the Board determines.

**11 Powers of Main Highways Board**

All expenditure incurred and all acts done by the Main Highways Board before the commencement of Part 1 (whether before or after the passing of this Act) in relation to the portion of the Hutt Road that is situated within the County of Makara shall be deemed to be and to have always been as valid and lawful as if that portion of the Hutt Road had been duly declared to be a main highway and had been duly classified under section 4 of the Main Highways Amendment Act 1936 as a State highway.

**Schedule 1**  
**Loans in respect of which the Wellington City Council is indemnified**  
**by the Crown**

|   | <b>£</b> |
|---|----------|
| Wellington City and Suburban Highways Loan, 1924                                | 130,000  |
| Wellington City and Suburban Highways Loan (No 1), 1928                         | 65,400   |
| Wellington City and Suburban Highways Loan (No 2), 1928                         | 5,000    |
| Wellington City and Suburban Highways Loan 1930<br>Conversion Loan (No 4), 1934 | 20,520   |
| Wellington City - Hutt Road Construction Renewal Loan, 1934                     | 34,500   |
| Wellington City and Suburban Highways Loan 1928<br>Conversion Loan (No 2), 1935 | 20,600   |

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## Schedule 2 Enactments repealed

**Appropriation Act 1916 (1916 No 18)**

*Amendment(s) incorporated in the Act(s).*

**Finance Act 1927 (No 2) (1927 No 74)**

*Amendment(s) incorporated in the Act(s).*

**Finance Act 1929 (1929 No 29)**

*Amendment(s) incorporated in the Act(s).*

**Hutt Railway and Road Improvement Act 1903 (1903 No 85)****Hutt Railway and Road Improvement Act 1905 (1905 No 34)****Hutt Railway and Road Improvement Act 1907 (1907 No 26)****Hutt Railway and Road Improvement Act 1910 (1910 No 10)****Hutt Railway and Road Improvement Amendment Act 1919 (1919 No 25)****Hutt Road Act 1915 (1915 No 30)****Hutt Road Amendment Act 1917 (1917 No 23)****Hutt Road Amendment Act 1922 (1922 No 1 (L))****Local Legislation Act 1931 (1931 No 43)**

*Amendment(s) incorporated in the Act(s).*

**Main Highways Amendment Act 1926 (1926 No 43)**

*Amendment(s) incorporated in the Act(s).*

**Wellington City and Suburban Highways Construction and Hutt Road  
Amendment Act 1924 (1924 No 23 (L))****Wellington City and Suburban Highways Construction and Hutt Road  
Amendment Act 1927 (1927 No 16 (L))****Wellington City and Suburban Highways Construction and Hutt Road  
Amendment Act 1929 (1929 No 4 (L))****Wellington City and Suburban Highways Construction and Hutt Road  
Amendment Act 1930 (1930 No 18 (L))**

**Wellington City Empowering and Amendment Act 1932 (1932 No 4 (L))**

*Amendment(s) incorporated in the Act(s).*

## Reprints notes

### **1** *General*

This is a reprint of the Hutt Road Act 1939 that incorporates all the amendments to that Act as at the date of the last amendment to it.

### **2** *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3** *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4** *Amendments incorporated in this reprint*

Statutes Repeal Act 2017 (2017 No 23): section 3(1)

Local Government Act 2002 (2002 No 84): section 266