

Reprint
as at 1 November 2010

**Auckland Harbour Board and
Takapuna Borough Council
Empowering Act 1923**

Local Act 1923 No 7
Date of assent 29 August 1923

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

An Act to confer Additional Powers upon the Auckland Harbour Board and the Takapuna Borough Council.

1 Short Title

This Act may be cited as the Auckland Harbour Board and Takapuna Borough Council Empowering Act, 1923.

2 Interpretation

In this Act, if not inconsistent with the context,—

The Board means the Auckland Harbour Board

The Council means the Takapuna Borough Council.

3 Land in Schedule 1 vested in Borough of Takapuna

- (1) The Board is hereby authorized and empowered to convey, transfer, or otherwise vest in the Corporation of the Borough of Takapuna for a nominal consideration the land described in Schedule 1 hereto, being part of the soil of the Auckland Harbour and part of land reclaimed from the sea by the Board, for an estate in fee-simple, subject, however, to such powers, encumbrances, restrictions, and interests as are prescribed by this Act.
- (2) The District Land Registrar of the Land Registration District of Auckland is hereby authorized, on the presentation to him of an appropriate instrument of conveyance, to issue to the Council a certificate of title for such land.

4 Restrictions on vesting

The transfer and vesting of such land and the issue of a certificate of title therefor shall be subject to the conditions—

- (a.) That no riparian rights, or rights of access by water, shall attach to the said land; and
- (b.) That if the Council or any body or person claiming through or under it shall use, deal with, or dispose of such land or any part thereof otherwise than as prescribed by this Act, and such user, dealing, or disposition shall be repeated within or continue for the period of six calendar months after objection by notice in writing from the Board to the Council, then the Board

may by resolution declare that the said land should be revested in the Board either absolutely or subject to such conditions, interests, and restrictions as may be expressed in such resolution; and the District Land Registrar of the Auckland Land Registration District is empowered and required, on application by the Board, to issue a certificate of title in the name of the Board, and to make such alterations in the Register as shall be necessary in the premises.

5 User of land in Schedule 1

The Auckland Council or any body or person claiming through or under it shall use the land described in Schedule 1 hereto as a site of and for the purposes of boating-sheds, public swimming-baths, social hall, or for any similar or incidental purpose, but so that the said parcel of land or any part thereof or any building thereon shall not be used for private gain.

Section 5: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

6 Empowering Council to convey, transfer, grant, or lease land in Schedule 2

Subject to the conditions and restrictions prescribed by this Act, the Auckland Council may convey, transfer, and grant, either absolutely or subject to such additional conditions, interests, and restrictions as it may resolve, or may from time to time lease for any term of years at a peppercorn rental, the land described in Schedule 2 hereto to any incorporated club or society not constituted for the purpose of private gain.

Section 6: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Schedule 1

ALL that area of land, containing 1 rood 7.3 perches, more or less, at Bayswater, near Auckland, comprising part of the soil of the Auckland Harbour and part of land reclaimed from the sea by the Auckland Harbour Board: commencing at a point distant 196 links in

a straight line, bearing 225° , in a south-westerly direction, from a point where the continuation of the south-eastern boundary-line of Norwood Road, in the Borough of Takapuna, would reach the original mean high-water mark of the Auckland Harbour; thence extending in a straight line, bearing $308^{\circ} 28'$, in a north-westerly direction, 162.70 links; thence in a straight line, bearing $218^{\circ} 28'$, at right angles to such last-mentioned line, in a south-westerly direction, 181.81 links; thence in a straight line, bearing $128^{\circ} 28'$, at right angles to such last-mentioned line, in a south-easterly direction, 162.70 links; thence in a straight line, bearing $38^{\circ} 28'$, at right angles to such last-mentioned line, in a north-easterly direction, 181.81 links, to the point of commencement: as the said piece of land is delineated on a plan deposited in the office of the Marine Department, at Wellington, and marked MD 5678.

Schedule 2

ALL that area of land, containing 19.5 perches, more or less, situate at Bayswater, near Auckland, and being the south-eastern part of the land described in Schedule 1 hereto: commencing at the north-eastern corner of the land comprised in such Schedule 1; thence extending in a straight line, bearing $308^{\circ} 28'$, in a north-westerly direction, 67.06 links; thence in a straight line, bearing $218^{\circ} 28'$, at right angles to such last-mentioned line, in a south-westerly direction, 181.81 links; thence in a straight line, bearing $128^{\circ} 28'$, at right angles to such last-mentioned line, in a south-easterly direction, 67.06 links; thence in a straight line, bearing $38^{\circ} 28'$, at right angles to such last-mentioned line, in a north-easterly direction, 181.81 links, to the point of commencement: as the said piece of land is more particularly delineated, edged in green, on the said plan MD 5678.

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Notes

1 *General*

This is an eprint of the Auckland Harbour Board and Takapuna Borough Council Empowering Act 1923. The eprint incorporates all the amendments to the Act as at 1 November 2010. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the eprint are also included, after the principal enactment, in chronological order.

2 *About this eprint*

This eprint has not been officialised. For more information about eprints and officialisation, please see <http://www.pco.parliament.govt.nz/eprints/>.

3 *List of amendments incorporated in this eprint (most recent first)*

Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37): section 113(1)
