



Palmerston North Showgrounds Act Repeal Act 2009

Private Act 2009 No 2
Date of assent 23 November 2009
Commencement see section 2

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Preamble

- (1) Pursuant to a deed of agreement between the Manawatu and West Coast Agricultural and Pastoral Association (Incorporated) (the **Society**) and the Palmerston North City Council (the

- Council**), which was subject to the authority of the Palmerston North Showgrounds Act 1974,—
- (a) the land comprising the Palmerston North Showgrounds was taken by proclamation and vested in the Council for the purpose of recreation; and
 - (b) the Society was allowed the continuing use of that land as showgrounds for a number of days in each year:
- (2) The land is held by the Council and is subject to the provisions of the Reserves Act 1977 as a recreation reserve:
 - (3) The Palmerston North Showgrounds Board of Control (the **Board**) manages and controls the land and owns certain assets:
 - (4) The Society no longer requires the use of the land and the Board seeks to be dissolved and to transfer its rights, assets, and liabilities to the Council:
 - (5) Legislation is the only means by which—
 - (a) the Board can transfer its rights, assets, and liabilities to the Council; and
 - (b) the Board can be dissolved; and
 - (c) the Palmerston North Showgrounds Act 1974 can be repealed:

The Parliament of New Zealand therefore enacts as follows:

- 1 Title**
This Act is the Palmerston North Showgrounds Act Repeal Act 2009.
- 2 Commencement**
This Act comes into force on the day after the date on which it receives the Royal assent.

Part 1

Preliminary provisions

- 3 Purpose**
The purpose of this Act is to—
 - (a) dissolve the Board; and

- (b) transfer the property, rights, and liabilities of the Board to the Council; and
- (c) repeal the Palmerston North Showgrounds Act 1974.

4 Interpretation

In this Act, unless the context otherwise provides,—

Board means the Palmerston North Showgrounds Board of Control

Council means the Palmerston North City Council

deed of agreement has the same meaning as in the Palmerston North Showgrounds Act 1974

land comprising the Palmerston North Showgrounds has the same meaning as in the Palmerston North Showgrounds Act 1974

property—

- (a) means every type of property; and
- (b) includes—
 - (i) every type of estate or interest in property; and
 - (ii) money

Society means the Manawatu and West Coast Agricultural and Pastoral Association (Incorporated).

Part 2 Dissolution of Board

5 Dissolution of Board and transfer of property, rights, and liabilities

On and from the commencement of this Act,—

- (a) the Board is dissolved; and
- (b) the following are cancelled:
 - (i) the deed of agreement; and
 - (ii) any liability or obligation under the deed owed by the Council to the Society or the Board; and
- (c) the property belonging to the Board vests in the Council; and
- (d) money payable to or by the Board becomes payable to or by the Council; and

- (e) the liabilities, contracts, engagements, rights, and authorities of the Board become the liabilities, contracts, engagements, rights, and authorities of the Council; and
- (f) proceedings by or against the Board may be continued, completed, or enforced by or against the Council.

6 Certain matters not affected by transfer to Council

Nothing done or authorised by this Act—

- (a) is to be regarded as placing the Board, the Council, or other person in breach of contract or confidence, or as otherwise making any of them guilty of a civil wrong; or
- (b) is to be regarded as giving rise to a right for any person to terminate or cancel any contract or arrangement or to accelerate the performance of any obligation; or
- (c) is to be regarded as placing the Board, the Council, or other person in breach of an enactment or rule of law or contractual provision prohibiting, restricting, or regulating the assignment or transfer of property or the disclosure of information; or
- (d) releases a surety wholly or in part from an obligation; or
- (e) invalidates or discharges a contract.

7 Transfer not gift, supply of services, or disposition for certain purposes

To avoid doubt, anything transferred to the Council by section 5 is not—

- (a) a dutiable gift for the purposes of the Estate and Gift Duties Act 1968;
- (b) a supply of goods and services for the purposes of the Goods and Services Tax Act 1985;
- (c) a sale, disposition, distribution, or transfer of property or liability for the purposes of the Income Tax Act 2007.

8 Palmerston North Showgrounds Act 1974 repealed
The Palmerston North Showgrounds Act 1974 (1974 No 3 (P))
is repealed.

Legislative history

29 May 2008	Introduction (Bill 219–1)
2 July 2008	First reading and referral to Local Government and Environment Committee
21 August 2009	Reported from Local Government and Environment Committee
23 September 2009	Second reading
18 November 2009	Third reading
23 November 2009	Royal assent
