

**Reprint  
as at 1 July 2003**



**Local Legislation Act 1949**

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**Note**

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

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

**This Act is administered by the Department of Internal Affairs.**

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**An Act to confer certain powers on certain public bodies and to validate certain transactions**

**1 Short Title**

This Act may be cited as the Local Legislation Act 1949.

*County councils*

**2 Validating raising of certain loan moneys by Wairewa County Council**

Whereas the Local Government Loans Board on 17 July 1946 sanctioned the borrowing in New Zealand by the Wairewa County Council (in this section referred to as the **Council**) of the sum of 2,750 pounds by a loan, to be known as the Kinloch Riding Roding Loan, 1946 (in this section referred to as the **loan**):

And whereas a poll of the ratepayers of the Kinloch Riding of the County of Wairewa taken on the proposal to raise the loan was duly carried, and notification of the result of the poll was published in the *Gazette* of 3 October 1946, but the Council omitted to send to the Minister of Finance for publication in the *Gazette* a notice of the number of votes recorded for and against the proposal as required by subsection (1) of section 13 of the Local Bodies' Loans Act 1926:

And whereas the Council duly raised the loan, but, contrary to the provisions of section 3 of the Local Government Loans Board Act 1926, the consent of the Governor-General in Council, to the raising of the loan was not first obtained:

Be it therefore enacted as follows:

The action of the Council in raising the loan without the prior consent of the Governor-General in Council is hereby valid-

ated, and the publication of the result of the poll in the *Gazette* in the manner hereinbefore mentioned shall be deemed to have been due compliance with section 13 of the Local Bodies' Loans Act 1926, and the loan shall be deemed to have been lawfully raised and the securities given in respect thereof to have been lawfully issued.

**3 Authorising Murchison County Council to refund its County Fund Account in respect of moneys expended in purchase of electrical machinery**

Whereas the Murchison County Council (in this section referred to as the **Council**), prior to the raising of the Maruia Hydro Development Loan, 1948, of the sum of 15,600 pounds (in this section referred to as the **loan**), and before being duly authorised within the meaning of section 44 of the Finance Act 1933 (No 2), to raise the loan, expended, out of its County Fund Account, moneys amounting in the aggregate to the sum of 1,270 pounds 7 shillings and 3 pence in the purchase of electrical machinery and appliances as part of the works for which the loan was intended to be raised:

And whereas the loan has since been raised pursuant to authority granted in that behalf, and the Council is desirous of recouping its County Fund Account out of the proceeds of the loan:

Be it therefore enacted as follows:

The Council is hereby authorised and empowered to refund to its County Fund Account, out of the proceeds of the loan, the said sum of 1,270 pounds 7 shillings and 3 pence.

**4 Validating making and levying of drainage rate by Waimate County Council**

Whereas the Morven Drainage District is a drainage district within the South Canterbury Catchment District and was constituted by the Waimate County Council (in this section referred to as the **Council**) under the powers conferred by the Counties Act 1920:

And whereas on 28 July 1947 the Council purported to make and levy a rate for administrative purposes on the capital rate-

able value of all lands within the Morven Drainage District in the following manner:

- (a) on the capital rateable value of all lands in Class “A,” a rate of one and one-tenth of a penny in the pound:
- (b) on the capital rateable value of all lands in Class “B,” a rate of six-tenths of a penny in the pound:

And whereas the said rate purported to be for the period that commenced on 1 April 1947 and ended on 31 March 1948 and was payable on 14 August 1947:

And whereas by section 3 of the South Canterbury Catchment Board Act 1946 all watercourses in the South Canterbury Catchment District were brought under the exclusive care, control, and management of the South Canterbury Catchment Board:

And whereas the Council had no authority to make and levy the said rate:

Be it therefore enacted as follows:

- (1) The said rate shall be deemed to have been made and levied by the Council pursuant to a special order made by the South Canterbury Catchment Board under section 95 of the Soil Conservation and Rivers Control Act 1941 directing the Council to make and levy the rate.
- (2) The said rate made and levied by the Council shall be valid and effectual for all purposes as from the date on which the Council purported to make and levy the same.

## **5 Vesting certain libraries in the Corporation of the County of Lake**

Whereas certain books, magazines, and periodicals, of historical interest, formerly the property of the Upper Shotover Public Library at Skippers in the Provincial District of Otago and known as the Skippers library, are at present in the possession of Egbert Sainsbury of Skippers:

And whereas certain other books, magazines, and periodicals formerly the property of the Moke Creek Public Library in the said Provincial District and known as the Moke Creek library are at present in the possession of John Seffer of Moke Creek:

And whereas it is desirable that both of the above-described libraries should be vested in the Corporation of the Chairman, Councillors, and Inhabitants of the County of Lake (in this section referred to as the **Corporation**):

Be it therefore enacted as follows:

- (1) The Skippers library and the Moke Creek library, as hereinbefore described, are hereby vested in the Corporation.
- (2) The Corporation shall have the sole right to immediate possession and custody of the said libraries and of all books, magazines, periodicals, and other choses in action comprising the same.

**6 Special provisions with regard to advance made by Geraldine County Council from County Fund Account**

Whereas the Geraldine County Council (in this section referred to as the **Council**) on 14 October 1947 advanced from its County Fund Account the sum of 226 pounds 14 shillings and 7 pence (in this section referred to as the **advance**), for the purpose of providing improvements in the quality and supply of water to the ratepayers of the Peel Forest Township, in the County of Geraldine, without first complying with the provisions of section 45 of the Finance Act 1933 (No 2):

And whereas for the purpose of recouping the advance, together with the interest thereon, the said ratepayers, before the advance was made, agreed to the levying by the Council of an annual charge not exceeding 4 pounds on every dwellinghouse served with the said supply of water:

And whereas the Council, on 3 March 1948, resolved that a charge of 3 pounds be levied annually on every dwellinghouse in the said Peel Forest Township served with the said supply of water until the advance, together with the interest thereon, was recouped:

And whereas it is desirable to validate the advance made by the Council from its County Fund Account and to authorise the Council to recoup the said County Fund Account in respect of the advance and the interest thereon, by means of an annually-recurring charge levied on all dwellinghouses in the Peel Forest Township served with the said supply of water:

Be it therefore enacted as follows:

- (1) The advance made by the Council from its County Fund Account is hereby validated and declared to have been lawfully made.
- (2) The Council is hereby authorised, and shall be deemed to have been authorised and empowered, to recoup its County Fund Account in respect of the advance, and the interest thereon, by means of a recurring charge not exceeding 4 pounds per annum in respect of each dwellinghouse in the Peel Forest Township served with the said supply of water.

**7 Authorising Hobson County Council to raise a special loan for housing purposes**

Whereas the Hobson County Council (in this section referred to as the **Council**), in anticipation of the sanction of the Local Government Loans Board being given to the raising of a loan for housing purposes, expended out of its County Fund Account the sum of 1,300 pounds in the purchase and repair of a dwellinghouse for one of the Council's employees:

And whereas the Local Government Loans Board has now no authority to sanction the raising of a loan for the purpose of enabling the Council to refund the said sum to its County Fund Account:

And whereas it is desirable that authority be given for that purpose:

Be it therefore enacted as follows:

The Council is hereby authorised and empowered to borrow by way of special loan under the Local Bodies' Loans Act 1926, by special order and without taking the steps prescribed by sections 9 to 13 of that Act, an amount not exceeding the sum of 1,300 pounds for the purpose of refunding to its County Fund Account all moneys applied by the Council as aforesaid in the purchase and repair of the said dwellinghouse.

**8 Authorising Hutt County Council to sell certain land**

Whereas the land described in subsection (2) is owned as an estate in fee simple by the Corporation of the Chairman, Coun-

cillors, and Inhabitants of the County of Hutt (in this section referred to as the **Corporation**):

And whereas the said land was acquired by the Corporation by way of gift from the Lowry Bay Estate Company, Limited:

And whereas doubts have arisen as to the Corporation's power to sell the said land or any part thereof:

And whereas it is expedient that the Corporation should be authorised to sell such part or parts of the said land as may no longer be required for the purposes of the Corporation:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act or rule of law, the Corporation may by special order from time to time sell such part or parts of the land described in subsection (2) as in the opinion of the Corporation shall no longer be required for the purposes of the Corporation.

- (2) The land to which this section relates is more particularly described as follows:

All that area in the Wellington Land District, Hutt County, containing 2 acres 3 roods 8 perches and eight-tenths of a perch, more or less, situated in Block XVI, Belmont Survey District, being Part Sections 20 and 22, Harbour District, and being also the part marked "Reserve" on Block III, on Deposited Plan Numbered 2041, and being also all the land comprised and described in certificate of title, Volume 540, folio 125, Wellington Registry.

#### *City and borough councils*

### **9 Provision with respect to refund to general account from loan moneys by Auckland City Council**

Whereas, in anticipation of consent being given to the raising of a loan of the sum of 135,900 pounds, known as the Waterworks Extension Additional Loan 1948, £135,900 (in this section referred to as the **loan**), the Auckland City Council (in this section referred to as the **Council**) expended out of its general account for the purposes of the loan, moneys amounting in the aggregate to the sum of 80,200 pounds:

And whereas the loan has since been raised pursuant to authority granted in that behalf, and the Council is desirous of recouping its general account out of the proceeds of the loan:

And whereas it is desirable to authorise the Council to recoup its general account in respect of the moneys advanced thereout in anticipation of consent being given to the raising of the loan:

Be it therefore enacted as follows:

The Council is hereby authorised and empowered to refund to its general account out of the proceeds of the loan the sum of 80,200 pounds, and any payment by way of refund of that amount made by the Council to its general account out of the proceeds of the loan before the passing of this Act is hereby validated and declared to have been lawfully made.

**10 Authorising Hamilton City Council to contribute £500 towards cost of motion-picture film**

The Hamilton City Council is hereby authorised to join with any person in the manufacture and production of motion-picture film relating to the City of Hamilton, upon such terms and conditions as the Council shall deem proper, and to expend an amount not exceeding the sum of 500 pounds towards the cost of the manufacture and production of the said film.

**11 Authorising Wellington City Council to transfer moneys from the Selling-price Stabilisation Reserve Fund**

Whereas under the provisions of section 8 of the Wellington City Empowering and Amendment Act 1932 the Wellington City Council (in this section referred to as the **Council**) was authorised to provide a Selling-price Stabilisation Reserve Fund to meet fluctuations in the price of milk and to enable the Council to stabilise its selling prices for milk:

And whereas those prices are now controlled by the Minister of Marketing and the necessity for the said Reserve Fund has ceased to exist:

And whereas the balance of the said Reserve Fund as at 31 March 1949 amounted to the sum of 6,872 pounds 12 shillings and 6 pence:

And whereas the Council is desirous of transferring portion of the said balance amounting to the sum of 6,500 pounds to the Extensions and Improvements Reserve Fund established in connection with the Council's milk-supply undertaking:

And whereas it is expedient that the transfer be authorised:

Be it therefore enacted as follows:

The Council is hereby authorised to transfer the sum of 6,500 pounds from the said Selling-price Stabilisation Reserve Fund to the Extensions and Improvements Reserve Fund established in connection with the milk-supply undertaking of the Council.

**12 Validating certain expenditure incurred by the Whangarei Borough Council**

The expenditure by the Whangarei Borough Council of the sum of 250 pounds towards the purchase of 3 000 copies of a booklet of aerial photographs of various parts of the Borough of Whangarei and surrounding districts, is hereby validated and declared to have been lawfully made.

**13 Authorising remission of rates by Napier Borough Council**  
*[Repealed]*

Section 13: repealed, on 1 July 2003, by section 138(1) of the Local Government (Rating) Act 2002 (2002 No 6).

**14 Special provision with respect to purchase of collection of Maori antiques by Hastings Borough Council**

Whereas George Ebbett, of Hastings, retired solicitor, is the owner of a collection of Maori antiques and books dealing with the early history of New Zealand (in this section referred to as the **collection**):

And whereas the Hastings Borough Council (in this section referred to as the **Council**) is desirous of purchasing the collection, and the said George Ebbett has agreed to sell the collection to the Council for the sum of 3,800 pounds:

And whereas the cost of providing showcases for the display of the collection and for cataloguing the same will amount to the sum of 500 pounds:

And whereas the Council wishes to obtain authority to complete the purchase of the collection and to display and catalogue the same:

And whereas Harry William Abbott, of Hastings, builder and contractor, by his last will gave, devised, and bequeathed his real and personal estate unto trustees upon trust to pay to his wife a legacy of 300 pounds and to stand possessed of the residue upon trust to pay the income arising therefrom to his wife during her widowhood and on her death or remarriage upon trust to pay out of the said residue legacies totalling 4,150 pounds and to stand possessed of the ultimate residue upon trust for the Council to be used for the erection or establishment of a Maori Museum in Hastings:

And whereas the said Harry William Abbott died at Hastings on or about 12 December 1944, and probate of his said will was granted on 19 January 1945:

And whereas it is estimated that the residue of the estate which will be held on the death or remarriage of the widow of the deceased in trust for the Council will amount to the sum of approximately 16,000 pounds:

And whereas the Council desires to raise the said sum of 3,800 pounds by means of a debenture:

And whereas it is desirable that the Council be authorised to purchase, display, and catalogue the collection and to issue a debenture on the terms herein set forth:

Be it therefore enacted as follows:

- (1) The Council is hereby authorised to purchase the collection, and for that purpose to issue a debenture for the sum of 3,800 pounds, with interest at the rate of 3 pounds 10 shillings per centum per annum for a term not exceeding the life or widowhood of the widow of the said Harry William Abbott, but subject to a condition that the Council may make repayment of principal upon giving 1 month's notice in writing to the holder of the debenture.
- (2) The Council is hereby authorised to expend out of its District Fund Account the sum of 500 pounds for the purpose of displaying and cataloguing the collection.

- (3) The Council may out of the proceeds of the residuary estate of the said Harry William Abbott, when the same becomes payable to the Council, refund to its District Fund Account all moneys now or hereafter advanced thereout on account of the costs of displaying or cataloguing the collection.
- (4) The Council is hereby authorised to pay interest on the sum of 3,800 pounds at the rate of 3 pounds 10 shillings per centum per annum from the date of delivery of the collection to the Council up to the date of the issue of the debenture referred to in subsection (1), and any such payment made before the passing of this Act is hereby validated and declared to have been lawfully made.

**15 Validating raising of loan by Kaitaia Borough Council**

Whereas by Order in Council made on 22 October 1936 consent was given to the raising by the Kaitaia Town Board of a loan of 12,360 pounds, to be known as the Kaitaia Water Supply Loan, 1936 (in this section referred to as the **loan**):

And whereas the said Board, in pursuance of the consent, raised by way of loan the sum of 12,062 pounds 1 shilling and 10 pence for the purposes authorised by the said Order in Council:

And whereas, to secure the repayment of the loan, the said Board issued 20 debentures each for the sum of 363 pounds 19 shillings and 3 pence, payable half-yearly, and 1 debenture for 8,860 pounds 3 shillings and 6 pence, payable on 12 July 1947:

And whereas the Kaitaia Borough Council (in this section referred to as the **Council**), as successor to the Kaitaia Town Board, on 14 July 1947, without first complying with the provisions of the Local Government Loans Board Act 1926, raised a further loan for the purpose of repaying the said sum of 8,860 pounds 3 shillings and 6 pence:

And whereas to secure repayment of the said further loan the Council issued 40 debentures each for the sum of 300 pounds 2 shillings and 9 pence, numbered 1 to 40 inclusive:

And whereas it is expedient that the action of the Council in raising the said further loan and issuing the said debentures in respect thereof should be validated:

Be it therefore enacted as follows:

The action of the Council in raising a further loan to repay the balance of the loan authorised by the said Order in Council is hereby validated, the moneys received by the Council in respect thereof shall be deemed to have been lawfully borrowed, and the debentures issued in respect thereof shall be deemed to have been lawfully executed and issued by the Council, and shall have full force and effect according to their tenor.

**16 Authorising Christchurch City Council to contribute towards cost of air race**

The Christchurch City Council is hereby authorised to pay to the Canterbury International Air Race Council the sum of 5,000 pounds as a contribution towards the cost of organising an air race from England to Christchurch, to be held in the year 1953.

**17 Authorising payment of compensation in respect of land taken for street purposes in Taranaki Street, in the City of Wellington**

Whereas by a Proclamation dated 1 December 1930, published in the *Gazette* of 4 December 1930, and registered in the Land Registry Office at Wellington as Number 2104, part of Section 185, Town of Wellington, containing, firstly, 2 perches and thirty-four one-hundredths of a perch, more or less, being part of the land comprised in certificate of title, Volume 154, folio 204, Wellington Registry; secondly, 3 perches and sixteen one-hundredths of a perch, more or less, being part of the land comprised in certificate of title, Volume 252, folio 145, Wellington Registry; thirdly, forty-six one-hundredths of a perch, more or less, being, as to 3 undivided fourth shares, part of the land comprised in certificate of title, Volume 252, folio 145, Wellington Registry, and, as to 1 undivided fourth share, part of the land comprised in certificate of title, Volume 112, folio 300, Wellington Registry; and, fourthly, 2 perches and seventy-seven one-hundredths of a perch, more or less, being part of the

land comprised in certificate of title, Volume 112, folio 300, Wellington Registry (as the said 4 pieces of land are delineated on the plan marked PWD 80498, deposited in the office of the Minister of Works, at Wellington, and thereon coloured respectively red, neutral, yellow, and blue), was taken for street purposes and vested in the Corporation of the Mayor, Councilors, and Citizens of the City of Wellington on and after 14 December 1930:

And whereas the owner of the fee simple of the said land, Lemuel Thomas Watkins, of the City of Wellington, printer, failed to make a claim for compensation within the period limited in that behalf by the Public Works Act 1928, and his right to any compensation in respect of the taking of the said land has ceased by reason of the provisions of that Act:

And whereas the said Lemuel Thomas Watkins and the Wellington City Council (in this section referred to as the **Council**) have agreed that the Council shall pay to the said Lemuel Thomas Watkins the sum of 940 pounds, and that the Council shall be freed and discharged from all actions in respect of the said taking:

Be it therefore enacted as follows:

The Council is hereby authorised and empowered to pay to the said Lemuel Thomas Watkins or his executors or administrators, the sum of 940 pounds in full settlement of any claim in respect of the taking of the said land.

#### **18 Validating raising of portion of loan moneys by Te Kuiti Borough Council**

Whereas by Order in Council made on 22 October 1946 consent was given to the raising by the Te Kuiti Borough Council (in this section referred to as the **Council**) of the sum of 10,000 pounds (in this section referred to as the **said loan**) being part of the unraised balance of a loan of 30,000 pounds known as the Waterworks Improvement Loan, 1939, subject to the determinations as to borrowing and repayment set forth in the said Order in Council, one of those determinations being that no moneys should be borrowed after the expiration of 2 years from the date of the Order in Council:

And whereas the Council borrowed as part of the said loan on 19 November 1948 the sum of 2,000 pounds:

And whereas it is desirable that the raising of this part of the said loan and the borrowing of the said sum of 2,000 pounds should be validated:

Be it therefore enacted as follows:

The action of the Council in borrowing as aforesaid the said sum of 2,000 pounds as part of the said loan after the expiration of the period specified in the said Order in Council is hereby validated and the said sum shall be deemed to have been lawfully borrowed.

**19 Authorising raising of special loan by Waipukurau Borough Council**

Whereas the Waipukurau Borough Council (in this section referred to as the **Council**) applied to the Local Government Loans Board for authority to raise a loan of 30,000 pounds for certain purposes, including the installation of a new starter, the provision of an additional suction and delivery main at its pumping station, and the purchase of a new loading bucket for tar-sealing work:

And whereas the said equipment, being urgently required, was ordered and delivered prior to sanction being given to the raising of the said loan:

And whereas, in anticipation of sanction being given to the raising of the said loan, the Council paid the cost of the said equipment, amounting to the sum of 1,900 pounds, out of its District Fund Account:

And whereas the Local Government Loans Board has no authority to sanction that part of the loan relating to the cost of the said equipment:

And whereas it is desirable to authorise the Council to raise a loan of 1,900 pounds for the purpose of recouping its District Fund Account in respect of the moneys advanced thereout as aforesaid:

Be it therefore enacted as follows:

- (1) The Council is hereby authorised to borrow by way of special loan under the Local Bodies' Loans Act 1926 an amount not

exceeding the sum of 1,900 pounds for the purpose of refunding to its District Fund Account all moneys advanced there-out towards the purchase and installation of the said pumping plant, equipment, and loading bucket.

- (2) The Council is hereby authorised to refund to its District Fund Account, out of the proceeds of the loan, all moneys advanced out of that account towards the purchase and installation of the said equipment.

**20 Validating variation of terms of raising Street Improvement Loan, 1947, and Domain Housing Loan, 1947, by Ashburton Borough Council**

Whereas the Ashburton Borough Council (in this section referred to as the **Council**) was by Order in Council made on 14 January 1948 authorised to raise a loan of 12,500 pounds, to be known as the Street Improvement Loan, 1947 (in this section referred to as the **first loan**), subject to certain terms and conditions:

And whereas one of the terms and conditions was that the first loan, together with interest thereon, should be repaid by equal aggregate annual or half-yearly instalments:

And whereas the Council, pursuant to the said Order in Council, has raised as part of the first loan the sum of 8,000 pounds, but instead of making provision for repayment by equal aggregate annual or half-yearly instalments, established a sinking fund to provide for the repayment thereof:

And whereas the Council has issued a series of 80 debentures numbered 1 to 80 inclusive, each for the sum of 100 pounds to secure the amount so raised, together with interest thereon at the rate of 3 pounds 2 shillings and 6 pence per centum per annum:

And whereas the Council was by Order in Council made on 3 March 1948 authorised to raise a loan of 2,500 pounds, to be known as the Domain Housing Loan, 1947 (in this section referred to as the **second loan**), subject to certain terms and conditions:

And whereas one of the terms and conditions was that the second loan, together with interest thereon, should be repaid by equal aggregate annual or half-yearly instalments:

And whereas the Council, pursuant to the said Order in Council, has raised the second loan, but instead of making provision for repayment by equal aggregate annual or half-yearly instalments established a sinking fund to provide for the repayment thereof:

And whereas the Council has issued a series of 25 debentures numbered 1 to 25 inclusive, each for the sum of 100 pounds, to secure the amount so raised, together with interest thereon at the rate of 3 pounds 2 shillings and 6 pence per centum per annum:

And whereas it is desirable to validate the action of the Council in raising the sum of 8,000 pounds as part of the first loan, and in raising the second loan, and securing the repayment thereof by the issue of the said debentures:

Be it therefore enacted as follows:

The action of the Council in raising the sum of 8,000 pounds as part of the first loan and in raising the second loan is hereby validated, and the said moneys shall be deemed to have been lawfully borrowed, and the securities given in respect thereof to have been lawfully issued, and the said debentures shall have full force and effect according to their tenor, and the Council is empowered to, and shall, continue and maintain the sinking-fund payments during the currency of the said debentures at a rate of not less than 5 pounds 17 shillings and 1 penny per centum per annum in respect of the first loan, and at a rate of not less than 2 pounds 14 shillings and 10 pence per centum per annum in respect of the second loan.

**21 Authorising Dunedin City Renewal Fund Commissioners to make payment to Dunedin City Council for gasworks purposes**

Notwithstanding anything contained in the Dunedin City Council Empowering Act 1914 or in any other Act, the Renewal Fund Commissioners appointed by the Dunedin City Council, pursuant to section 5 of the said Act, are hereby

authorised to appropriate out of the funds held by them in respect of the municipal gasworks, a sum not exceeding 35,000 pounds, and to pay the said sum to the Dunedin City Council for the purpose of providing for the purchase and installation of a carburetted-water gas plant at the said gasworks.

*Electric power boards*

**22 Validating variation of terms of raising of portion of Reticulation and Building Loan, 1946, by Waitomo Electric-power Board**

Whereas by Order in Council made on 21 August 1946 consent was given to the raising by the Waitomo Electric-power Board (in this section referred to as the **Board**) of a loan of 20,000 pounds, to be known as the Reticulation and Building Loan, 1946 (in this section referred to as the **loan**), subject to the determinations as to borrowing and repayment set forth in the said Order in Council, one of those determinations being that the loan or any part thereof, together with interest thereon, should be repaid by equal aggregate annual or half-yearly payments extending over the term of the loan:

And whereas on 1 March 1947, the Board, pursuant to the said Order in Council, raised as part of the loan the sum of 5,000 pounds on terms making the said part repayable by half-yearly payments of principal amounting to 125 pounds, together with half-yearly payments of interest calculated at the rate of 3 pounds 2 shillings and 6 pence per centum per annum on all capital redeemable in the first 10 years of the period within which the loan was to be repaid, and 3 pounds 5 shillings per centum per annum on all capital redeemable in the second 10 years of that period:

And whereas it is desirable to validate the Board's action in varying the authorised manner of repaying the said part of the loan and interest thereon:

Be it therefore enacted as follows:

The action of the Board in raising the sum of 5,000 pounds as part of the loan and providing for repayment thereof in a manner varying from the determinations as to borrowing and repayment set forth in the said Order in Council is hereby val-

idated, and the said sum shall be deemed to have been lawfully borrowed.

**23 Authorising Marlborough Electric-power Board to raise a special loan of £17,000**

Whereas by an agreement dated 18 March 1947, made between the Corporation of the Mayor, Councillors, and Burgesses of the Borough of Picton (in this section referred to as the **Corporation**) and the Marlborough Electric-power Board (in this section referred to as the **Board**) the Picton Borough Council, on behalf of the Corporation, agreed to sell and the Board agreed to purchase all the electric works of the Corporation on the terms and conditions set forth in the said agreement, a copy of which agreement has been deposited in the Office of the Minister in Charge of the State Hydro-electric Department:

And whereas by Order in Council made on 8 October 1947, and published in the *Gazette* of 9 October 1947, the Governor-General authorised the Board to purchase the said electric works on the terms and conditions set forth in the said agreement:

And whereas by Proclamation dated 11 December 1947 and published in the *Gazette* of 18 December 1947, the boundaries of the Marlborough Electric-power District were altered so as to include the area comprising the Borough of Picton:

And whereas it is necessary in order to carry out the said agreement that the Board should reticulate the Borough of Picton, change the system of supply of electric power in the borough from the direct current system to the alternating current system, and make alterations to the consumers' installations and appliances, which works are estimated to cost 17,000 pounds:

And whereas it is desirable that the Board be authorised to borrow the said sum by way of special loan:

Be it therefore enacted as follows:

- (1) The Board is hereby authorised and empowered to borrow an amount not exceeding the sum of 17,000 pounds by way of special loan under the Local Bodies' Loans Act 1926, by special order and without taking the steps prescribed by sections 9

to 13 of that Act, for the purposes of meeting the cost of the reticulation of the Borough of Picton, of changing over from the direct current system of supply to the alternating current system of supply in the said borough, and of making alterations to consumers' installations and appliances.

- (2) The Board is hereby authorised out of the proceeds of the said loan when raised to refund to its Power Fund Account such moneys as may have been advanced thereout for the purposes for which the said loan is to be raised.

**24 Authorising Buller Electric-power Board to borrow moneys for the purpose of meeting temporary financial difficulties**

Whereas by agreement dated 8 April 1949, made between the Buller Electric-power Board (in this section referred to as the **Board**), of the one part, and the Westport Borough Council (in this section referred to as the **Council**), of the other part, the Council agreed to sell and the Board agreed to purchase the electric-supply undertaking, including the licences, hydro-electric works, reticulation, depreciation fund, and other assets of the Council more particularly set out in the said agreement:

And whereas from a date specified in the said agreement the Board has been supplying power to its consumers:

And whereas it is desirable that the Board be authorised to borrow sums not exceeding in all 6,000 pounds for the purpose of making temporary provision to pay portion of its operating expenses:

Be it therefore enacted as follows:

- (1) For the purpose of meeting portion of its operating expenses the Board is hereby authorised to borrow in the manner prescribed by section 3 of the Local Bodies' Finance Act 1921–22, sums not exceeding in the aggregate 6,000 pounds.
- (2) The moneys borrowed under the authority of this section shall be repaid by equal annual instalments so that all such amounts shall be repaid by 31 March 1954.
- (3) Moneys borrowed from time to time under the authority of this section shall not be taken into account, nor shall any amount at any time lawfully owing under this section hereafter be taken

into account, in determining the amount that may be borrowed or that may be owed by the Board pursuant to the said Act.

*River Board*

**25 Provision with respect to renewal of mortgage by  
Manawatu-Oroua River Board**

Whereas pursuant to section 34 of the Local Legislation Act 1940, the Manawatu-Oroua River Board constituted under the Manawatu-Oroua River District Act 1923 (in this section referred to as the **Board**), purchased the land described in the said section 34 and left the sum of 2,000 pounds owing to the vendor and secured to him by memorandum of mortgage registered No 250593 over the said land for a term of 7 years from 1 October 1940:

And whereas during the currency of the said mortgage the vendor, as mortgagee, transferred the said mortgage to Agnes Eliza McCormick, of Bulls, widow:

And whereas the Board was unable during the 7-year term of the mortgage to make provision from its General Fund for repayment of the amount of 2,000 pounds thereby secured, and agreed with the mortgagee for an extension of the term of the said mortgage to 1 October 1952, and a reduction in the rate of interest thereby secured from 4 pounds 5 shillings per centum per annum to 4 pounds per centum per annum:

Be it therefore enacted as follows:

- (1) The action of the Board in extending the term of the said mortgage securing repayment of the said balance of purchase money of 2,000 pounds until 1 October 1952 is hereby validated.
- (2) For the purpose of paying the said sum of 2,000 pounds, together with interest and incidental expenses, the Board is hereby authorised to raise a special loan under the Local Bodies' Loans Act 1926, by special order, and without taking the steps prescribed by sections 9 to 13 of that Act.
- (3) The authority conferred by subsection (2) may be exercised by the Board within the period of 12 months immediately following the date of the passing of this Act and not otherwise.

*Fire Board*

**26 Validating agreement made between Upper Hutt Fire Board and the Crown**

Whereas the Upper Hutt Fire Board (in this section referred to as the **Board**) and the Crown entered into an agreement dated 22 August 1949 whereby the Board agreed to undertake the protection from fire of property in an area outside the Upper Hutt Fire District known as the Trentham Camp area, upon the terms and conditions therein set out:

And whereas the agreement included a provision for the expenditure of moneys on buildings otherwise than within the fire district:

And whereas it is desirable to validate the said agreement:

Be it therefore enacted as follows:

Notwithstanding anything contained in the Fire Services Act 1949 or any other Act, the Board shall be deemed to have been at all times authorised and empowered to enter into the said agreement, which is hereby validated and shall for all purposes have effect according to its tenor.

*Hospital boards*

**27 Validating irregularities in connection with raising of loan by South Otago Hospital Board, and authorising Board to raise balance of loan**

Whereas by Order in Council made on 26 June 1946 consent was given to the raising by the South Otago Hospital Board (in this section referred to as the **Board**) of a loan of 40,000 pounds, to be known as the Building Extension Loan, 1946 (in this section referred to as the **loan**), subject to the condition that no moneys should be borrowed under the said consent after the expiration of a period of 2 years from the date of the said Order in Council:

And whereas during the said period of 2 years the Board borrowed the sum of 1,702 pounds 2 shillings and 9 pence as part of the loan:

And whereas the Board has, since the expiration of the said period of 2 years, borrowed the sum of 9,348 pounds 9 shillings and 3 pence as part of the loan:

And whereas debentures were issued by the Board in respect of the whole of the amount of the loan after the expiration of the said period of 2 years:

And whereas the Board is now desirous of borrowing the sum of 28,949 pounds and 8 shillings, being the unraised balance of the loan:

And whereas it is expedient that the actions of the Board in respect of the loan should be validated, and that the Board should be authorised to borrow the sum of 28,949 pounds and 8 shillings as part of the loan:

Be it therefore enacted as follows:

- (1) The action of the Board in borrowing the sum of 9,348 pounds 9 shillings and 3 pence as part of the loan, after the expiration of the period specified by the said Order in Council, is hereby validated, and the moneys received by the Board in respect thereof shall be deemed to have been lawfully borrowed.
- (2) The debentures issued in respect of the whole of the loan shall be deemed to have been lawfully executed and issued by the Board and shall have full force and effect according to their tenor.
- (3) The Board is hereby authorised to borrow in terms of the said debentures the sum of 28,949 pounds and 8 shillings, which shall be deemed to form part of the loan.

## **28 Varying conditions of vesting of Wilson Home for Crippled Children in Auckland Hospital Board**

Whereas by a certain deed of trust dated 20 July 1937, made between William Robert Wilson, of the City of Auckland, company director, Ernest Hyam Davis, of the City of Auckland, company director, and the Auckland Hospital Board (in this section referred to as the **Board**), certain land described in the First Schedule to the said deed was vested in the Board for the establishment of an institution, to be known as the Wilson Home for Crippled Children, for the reception, relief, and treatment, and otherwise for the benefit of crippled children resident within the Auckland Provincial District:

And whereas certain other land described in the Second Schedule to the said deed was vested in the Board as a site for the es-

establishment of an institution for the reception, relief, and treatment of certain other children:

And whereas, by virtue of the said deed, the Board stands possessed of an Endowment Fund amounting to the sum of 25,843 pounds 4 shillings and 5 pence upon trust with power to use so much as shall be necessary of the net income arising from the investment thereof, but not exceeding the income arising from the investment of a sum of 10,200 pounds, for the maintenance and upkeep of the grounds of the said Wilson Home for Crippled Children and upon trust to use the balance of the income arising from the investment thereof for the maintenance of crippled children in the said home:

And whereas the said deed further provided that if at any time there were unoccupied beds in the said home which should not be required for crippled children, the Board could, while any such beds were not so required, receive into the said home non-crippled convalescent children not suffering from pulmonary tuberculosis or other infectious diseases:

And whereas the said deed further provided that no part of the income arising from the said Endowment Fund should be applied for the benefit of non-crippled children (if any) received into the said home, but that the net annual income from the said Endowment Fund and the annual value of the said home (which was agreed as being 550 pounds) should, after payment of upkeep and maintenance of the gardens and grounds of the said home, be treated as a fund to enable crippled children to receive treatment and care in the said home at a charge lower than that fixed by the Board for non-crippled children received therein:

And whereas the lands described in the First and Second Schedules of the said deed could be used to better advantage for the benefit of crippled children if the whole of the said land were available for the building and developing of one institution:

And whereas by virtue of the provisions of the Social Security Act 1938 no charges or fees are now payable by crippled or non-crippled children maintained or treated in the institutions controlled by the Board, and it is therefore not now practicable

to assist crippled children in the manner prescribed by the said deed:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the said deed, the Board may use the whole of the lands described in the First and Second Schedules of the said deed for the building and establishment thereon of an institution or institutions within the meaning of the Hospitals Act 1926 for the reception, relief, convalescence, and post-operative care and treatment, and otherwise for the benefit and advancement of crippled children resident within the Auckland Provincial District:

provided that if at any time there are in any such institution or institutions beds which are not required for crippled children, the Board may, while any such beds are not so required, receive into the said institution or institutions non-crippled convalescent children:

provided also that children suffering from pulmonary tuberculosis or other infectious diseases shall not be received into the said institution or institutions.

- (2) Notwithstanding anything to the contrary in the said deed, the Board shall hold the said Endowment Fund upon the following trusts, that is to say—
- (a) as to the income from a sum of 10,200 pounds thereof, for the maintenance and upkeep of the gardens and grounds of the said institution or institutions:
- (b) as to the balance of the Fund, to expend the capital and income thereof for the purposes of the said institution or institutions:

provided that no part of the capital shall be expended except upon improvements of a permanent character.

*Affecting 2 or more classes of public bodies*

**29 Authorising Onehunga Patriotic Committee to transfer funds to Onehunga Borough Council for war memorial purposes**

Whereas a committee of residents of the Borough of Onehunga, known as the Onehunga Patriotic Committee, was established by the Mayor of that borough, and with his authority

raised by public subscriptions, a separate fund, known as the Onehunga Citizens' Soldiers' Farewell and Welcome Home Fund, for the purpose of making gifts to residents within the borough who were proceeding to or returning from service with any of His Majesty's Naval, Military, or Air Forces, during the recent war, and the said committee is now possessed of a balance in the fund of 380 pounds or thereabouts:

And whereas it is now no longer possible to apply the said fund for the purposes aforesaid, and it is not known what persons subscribed thereto, and the said committee is, consequently, desirous of transferring the moneys now comprising the said fund to the Onehunga Borough Council (in this section referred to as the **Council**) for certain purposes:

Be it therefore enacted as follows:

- (1) The Onehunga Patriotic Committee is hereby empowered to transfer or pay to the Council all moneys constituting or forming part of the fund known as the Onehunga Citizens' Soldiers' Farewell and Welcome Home Fund.
- (2) The Council is hereby empowered to accept any moneys transferred or paid to it under subsection (1), and shall apply any such moneys to the following purposes:
  - (a) the expenditure of such amount as the Council may deem desirable in the purchase of suitable memorial plaques of a permanent nature to commemorate the services of residents of the Borough of Onehunga with His Majesty's Naval, Military, or Air Forces, and in the affixing of the plaques to the Memorial Arch in Jellicoe Park, in the said borough; and
  - (b) the payment of any residue thereof remaining, after so purchasing and affixing the said plaques, to any war memorial fund approved of by the Council in that behalf.

**30 Provision with respect to taking over of Westport Borough Council's electric-supply undertaking by Buller Electric-power Board**

Whereas by agreement dated 8 April 1949 (in this section referred to as the **agreement**), made between the Westport Borough Council (in this section referred to as the **Council**), of the one part, and the Buller Electric-power Board (in this sec-

tion referred to as the **Board**), of the other part, the Council agreed to sell and the Board agreed to purchase the electric-supply undertaking, including the licences, hydro-electric works, reticulation, depreciation fund, and other assets of the Council more particularly set out in the agreement, for the sum of 31,320 pounds, subject to the issue of an Order in Council pursuant to section 76 of the Electric-power Boards Act 1925, authorising the said purchase, and subject also to the consent of the Land Valuation Court to the said purchase, and to the consent of the Local Government Loans Board to the raising by the Board of a loan to provide the said purchase price:

And whereas an Order in Council authorising the said purchase has been made and the consent of the Land Valuation Court to the said purchase has been granted:

And whereas it is desirable that the agreement should be validated and that the Board be authorised to borrow a sum not exceeding 21,000 pounds to provide portion of the purchase price of the said undertaking:

Be it therefore enacted as follows:

- (1) The agreement is hereby validated and shall have full force and effect according to its tenor.
- (2) The Board is hereby authorised to raise under the Local Bodies' Loans Act 1926, by special order, and without taking the steps prescribed by sections 9 to 13 of that Act, a special loan not exceeding the sum of 21,000 pounds for the purpose of meeting portion of the cost of the purchase of the said undertaking.

### **31 Validating an agreement between the Hutt County Council and the Wellington City Council**

Whereas the Hutt County Council (in this section referred to as the **County Council**) proposes to provide a water-supply and sewerage system for the benefit of residents of Days Bay, in the County of Hutt, and to raise a special loan for the construction of the said works and to levy special rates to meet the interest and principal repayments in respect of the said loan:

And whereas it may also be necessary to levy separate rates for the maintenance of the said works:

And whereas the Corporation of the Mayor, Councillors, and Citizens of the City of Wellington are the owners of certain lands in Days Bay as mentioned and described in a certain agreement dated 8 September 1939, of which a certified copy is deposited in the Department of Internal Affairs at Wellington, under Number IA 105/545, made between the County Council of the one part, and the Wellington City Council (in this section referred to as the **City Council**) on behalf of the said Corporation of the other part:

And whereas by the said agreement it was agreed that no special rates levied in respect of the said loan or separate rates levied in respect of the said works should be collected by the County Council in respect of any of the said lands owned by the City Council, and that, so long as the said rates were not levied, the City Council should pay to the County Council annually during the period of the loan a sum equal to forty-seven three-thousandths of the net capital cost of the works to the County Council after deducting Government contributions, but not exceeding in any one year the sum of 200 pounds, and that in case of any dispute as to the said net capital cost the same should be determined by the Controller and Auditor-General:

And whereas it is expedient that the said agreement should be validated and given full force and effect:

Be it therefore enacted as follows:

Notwithstanding anything contained in the Counties Act 1920, or the Municipal Corporations Act 1933, or in any other Act, the County Council and the City Council shall be deemed to have been at all times authorised and empowered to enter into and execute the said agreement and the agreement is hereby declared to be valid and binding according to its tenor.

**32 Authorising Wellington City Council and Wellington Harbour Board to install clock and bells on private property**

Whereas the Mutual Life and Citizens Assurance Company, Limited (in this section referred to as the **company**), are the owners of a building situate at the corner of Lambton Quay and Hunter Street, in the City of Wellington:

And whereas proposals are being considered by the Wellington City Council (in this section referred to as the **Council**), and the Wellington Harbour Board (in this section referred to as the **Board**), whereby a clock and bells shall be installed in the said building, upon and subject to an agreement being concluded between the said parties:

And whereas it is expedient that the Council and the Board be authorised to proceed accordingly:

Be it therefore enacted as follows:

- (1) The Council and the Board are hereby authorised to install a clock and bells in the said building subject to such terms and conditions as may be agreed on by the Council, the Board, and the company.
- (2) The said clock and bells shall remain the property of the Council and the Board while they remain in the said building, or until they are disposed of by the Council and the Board.

### **33 Authorising Hastings Borough Council to sell certain lands to Hawke's Bay Crematorium Board**

Whereas the Corporation of the Borough of Hastings, in acquiring lands for the purpose of a cemetery, acquired the lands described in subsection (2) (in this section referred to as the **lands**):

And whereas the lands are adjacent to the land described in the agreement set out in Schedule 2 of the Hawke's Bay Crematorium Act 1944:

And whereas the Hastings Borough Council (in this section referred to as the **Council**), on behalf of the said Corporation, is desirous of selling the lands to the Hawke's Bay Crematorium Board (in this section referred to as the **Board**) constituted under the Hawke's Bay Crematorium Act 1944:

And whereas the Board desires to acquire the lands for the purpose of a memorial garden:

And whereas the lands have not been used for the interment of human remains:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act, the Council is hereby authorised to sell the lands to the Board and

to pay the proceeds of the sale into the General Account of the Council.

- (2) The lands to which this section relates are more particularly described as follows:

Firstly, that piece of land situated in the Provincial District of Hawke's Bay containing 1 rood 10 perches and seven-tenths of a perch, more or less, being part of the Heretaunga Block and being Lot Number 2 on Deposited Plan Number 7065, and being part of the land comprised and described in certificate of title, Volume 111, folio 298, Hawke's Bay Registry.

Secondly, all those parcels of land in the Hawke's Bay Land District, containing together 2 roods 23 perches, more or less, situate in Block XV, Heretaunga Survey District, comprising part of the Heretaunga Block, and being part of the land comprised and described in certificate of title, Volume 111, folio 298, Hawke's Bay Registry, and being also, firstly, Lot 2 on plan deposited in the office of the District Lands Registrar at Napier as Number 7065, containing 1 rood 10 perches and seven-tenths of a perch, more or less; secondly, part of Lot 1 on plan deposited in the office of the District Lands Registrar at Napier as Number 3538, containing 1 rood 12 perches and three-tenths of a perch, more or less: bounded on the north by Orchard Road, 67.7 links, on the west and south by Lot 1, DP 7065, 482.6 links and 67.4 links respectively, and on the east by other part of Lot 1, DP 3538, 487.9 links.

**34 Authorising Vincent County Council to transfer certain land to Vincent and Maniototo Hospital Boards**

Whereas the Corporation of the Chairman, Councillors, and Inhabitants of the County of Vincent is registered as the proprietor of an estate in fee simple in that parcel of land containing 6 acres, more or less, situated in the Lauder District (in this section referred to as the **district**), being part of Section 9, Block IV, on the public maps of the district, the said parcel of land being more particularly shown on a plan deposited in the Land Registry Office at Dunedin as Number 3565, and being the whole of the land comprised and described in certificate of title, Volume 218, folio 12, Otago Registry (in this section referred to as the **land**):

And whereas the land was purchased by the Vincent County Council (in this section referred to as the **Council**) on behalf of the said Corporation at the joint request of the Vincent and Maniototo Hospital Boards (in this section referred to as the **Hospital Boards**) for the purpose of providing a residence for a medical practitioner in the district:

And whereas it now appears desirable that the land should be transferred to the Hospital Boards for the purpose aforesaid, and the Council has agreed to transfer the land to the Hospital Boards for that purpose:

Be it therefore enacted as follows:

- (1) The Council is hereby empowered to execute a transfer to the Hospital Boards of its estate and interest in the land, and the Hospital Boards are hereby empowered to accept the land, which shall be held by the Hospital Boards jointly for the purposes of a residence for a medical practitioner practising in the district and surrounding districts.
- (2) Upon the execution by the Council of the said transfer and its delivery to the Hospital Boards the Hospital Boards shall refund to the Council the sum of 2,000 pounds, being the amount of the moneys expended by the Council on the purchase of the land, the erection of a dwellinghouse, buildings, and other improvements thereon, and on repairs and renovations to the said dwellinghouse, buildings, and improvements.
- (3) The Hospital Boards may from time to time let the land and the said dwellinghouse and other buildings thereon to any medical practitioner for the time being practising in the district and surrounding districts for such term, at such rent, and upon such conditions as they think fit.

**35 Provision with respect to diversion of unexpended loan moneys by Cook County Council and Gisborne Borough Council**

Whereas pursuant to an Order in Council made on 19 June 1946 the Gisborne Borough Council and the Cook County Council (in this section respectively referred to as the **Borough Council** and the **County Council**) raised a joint special loan of 1,500 pounds, known as the Makaraka–Taruheru Cemetery-

ies Cottage Loan, 1946 (in this section referred to as the **loan**), for the purpose of erecting a sexton's dwelling at the Taruheru Cemetery:

And whereas the County Council is the principal local authority for the purposes of the loan:

And whereas after the loan was raised the existing building theretofore used as a sexton's dwelling was put into good repair, and thereupon the purpose for which the loan was raised no longer existed:

And whereas no part of the loan has been expended, and both the said Councils desire to apply the same towards the cost of erecting a ladies' restroom in the Borough of Gisborne:

And whereas it is desirable to enable the County Council, as the principal local authority, to make application to the Local Government Loans Board under section 47 of the Finance Act 1929 for authority to divert the loan as if the same were the unexpended balance of a loan:

Be it therefore enacted as follows:

- (1) The purpose for which the loan was raised shall, for the purposes of section 47 of the Finance Act 1929, be deemed to have been completed and the provisions of that section shall apply in respect of the said sum of 1,500 pounds as if it were the unexpended balance of a loan.
- (2) Any application under the said section 47 to the Local Government Loans Board for authority to divert the proceeds of the loan may be made by the County Council as the principal local authority.

**36 Provision with respect to the constitution of Hutt Valley  
Joint Transit Housing Committee**

*[Repealed]*

Section 36: repealed, on 23 November 1973, by section 22(2) of the Local Legislation Act 1973 (1973 No 109).

*Miscellaneous***37 Vesting certain land held by the Presbyterian Church Property Trustees in the Corporation of the City of Christchurch**

Whereas the land firstly described in subsection (4) is vested for an estate in fee simple in the Presbyterian Church Property Trustees, by the Presbyterian Church Property Act 1885, for the purposes of a cemetery upon the trusts set out in a certain deed of declaration of trust bearing date 3 August 1882:

And whereas the said deed provides that the said land shall be under the control and management of the Deacons' Court of St Andrews' Presbyterian Church, Christchurch:

And whereas the land secondly described in subsection (4) is vested in the Presbyterian Church Property Trustees for an estate in fee simple, and is used for the purpose of the cemetery office, storeroom, and tool-shed:

And whereas the land firstly described in subsection (4) has now been fully utilised for burials and it is desirable that the future control and management of the cemetery should be vested in the Corporation of the City of Christchurch freed from any of the trusts of the said deed but subject to such burial rights as now exist, but neither the said Trustees nor the said Deacons' Court have power to transfer to the said Corporation the lands described in subsection (4):

Be it therefore enacted as follows:

- (1) The vesting of the land firstly described in subsection (4) in the Presbyterian Church Property Trustees for an estate in fee simple for the purpose of a cemetery, and the vesting of the land secondly described in subsection (4) in the Presbyterian Church Property Trustees for an estate in fee simple, is hereby cancelled, and those lands are hereby vested in the Corporation of the City of Christchurch for an estate in fee simple for the purposes of a closed cemetery, freed and discharged from the trusts affecting the said land as set out in the said deed but subject to such burial rights as now exist.
- (2) The District Land Registrar for the Land Registration District of Canterbury is hereby empowered and directed to make such entries in the register books, to deposit such plans, and to issue

such certificates of title or other documents, and generally to do all such things as are necessary to give effect to the provisions of this section.

- (3) The said Trustees and the said Deacons' Court are hereby empowered to pay and transfer to the said Corporation all moneys or securities for money in their hands respectively arising out of the past management and control of the said cemetery, to be held and administered by the said Corporation for the future purposes of the cemetery as it thinks fit.
- (4) The land to which this section relates is more particularly described as follows:

Firstly, all that parcel of land containing 5 acres, more or less, situated in the City of Christchurch, being part of Rural Section 66, and being more particularly described in Conveyance Registered No 39683 (67/183), and being all the land comprised and described in certificate of title, Volume 380, folio 104, Canterbury Registry, limited as to parcels and title.

Secondly, all that parcel of land containing 9 perches and seven-tenths of a perch, more or less, situated in the City of Christchurch, being part of Rural Section 66, and being the balance of the land comprised and described in certificate of title, Volume 27, folio 210, Canterbury Registry.

As the same are more particularly delineated in the plan marked L and S 2/639, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red and green respectively.

### **38 Validating an agreement made between Auckland Veterans' Home Board and the New Zealand Patriotic Fund Board and Canteen Fund Board**

Whereas the Auckland Veterans' Home (in this section referred to as the **Home**) is vested in the Auckland Veterans' Home Board (in this section referred to as the **Board**), a society incorporated under the War Funds Act 1915 as an institution for the maintenance, relief, and benefit of veterans of wars prior to 1914, and of members of the New Zealand Expeditionary Force of the First World War:

And whereas it is necessary to provide additional accommodation for the said veterans and the said members, but the Board does not consider that it has sufficient funds to enable it so to do:

And whereas the New Zealand Patriotic Fund Board and the Canteen Fund Board (in this section referred to as the **Joint Boards**), in pursuance of their powers and functions under the Patriotic and Canteen Funds Act 1947, are desirous of acquiring suitable accommodation for the future maintenance, relief, and benefit of servicemen within the meaning of that Act:

And whereas, in order to achieve their respective objects, the Board and the Joint Boards have entered into an agreement dated 7 June 1949, a copy of which is deposited in the Department of Internal Affairs, under Number IA 154/27, whereby the Joint Boards have agreed to purchase the Home upon and subject to the terms and conditions set out in the said agreement:

And whereas doubts have arisen as to whether the Board and the Joint Boards have power to enter into the said agreement, and it is desirable that the said agreement should be validated:

Be it therefore enacted as follows:

- (1) Notwithstanding anything contained in the War Funds Act 1915, the Patriotic and Canteen Funds Act 1947, or in any other Act, or in any rules of the Board, the Board and the Joint Boards are hereby authorised, and shall be deemed to have been at all times authorised and empowered, to enter into the agreement dated 7 June 1949, and the said agreement is hereby validated and declared to have been lawfully made.
- (2) Nothing contained in subsection (1) shall be construed so as to derogate in any way from the provisions of the Servicemen's Settlement and Land Sales Act 1943:  
provided that the period of 1 month referred to in section 45 of that Act shall, for the purposes of that Act, be deemed to commence on the date of the passing of this Act.
- (3) No stamp duty under the Stamp Duties Act 1923, or registration fees under the Land Transfer Act 1915, shall be payable in respect of the said agreement, or any transfer in pursuance thereof.

**39 Vesting certain land held by Presbyterian Church Property Trustees in the Corporation of the County of Featherston**

Whereas the land described in subsection (3) is situate in the Borough of Martinborough and is vested in the Presbyterian Church Property Trustees (in this section referred to as the **Trustees**) incorporated under the Presbyterian Church Property Act 1885, subject to the provisions of that Act:

And whereas the said land has been used as a cemetery, but is now no longer used for that purpose:

And whereas the Trustees are unable to maintain the said cemetery in proper order and condition, and it is now in a state of neglect:

And whereas it is desirable that the said land be vested in the Corporation of the County of Featherston for the purpose of maintaining the said cemetery in proper order and condition, but the Trustees have no power to transfer the said land to the said Corporation:

Be it therefore enacted as follows:

- (1) The vesting of the land described in subsection (3) in the Trustees is hereby cancelled and the said land is hereby vested in the Corporation of the County of Featherston for an estate in fee simple as a closed cemetery but subject to such burial rights as now exist.
- (2) The District Land Registrar for the Land Registration District of Wellington is hereby authorised and directed to make such entries in the register books and outstanding duplicates of titles, to issue such certificates or documents, and generally to do all such things as are necessary to give effect to the provisions of this section.
- (3) The land to which this section relates is more particularly described as follows:

All that area situate in Block IX, Huangarua Survey District, containing 2 roods 1 perch and fifty-one hundredths of a perch, more or less, being part Section 3, Wharekaka Block, and being also Lot 1 on Deposited Plan 12414, and being part of the land described in certificate of title, Volume 402, folio 208, Wellington Registry.

**40 Validating certain transfers of moneys by South Canterbury Catchment Board for administration purposes**

The transfers made by the South Canterbury Catchment Board to its Administration Account of the costs incurred in the collection of rates, namely, the sum of 175 pounds, from the Ashburton Hinds Loan (£42,000) Interest Account, and the sum of 10 pounds from the No 17 Waihi River District Loan No 1 Interest Account, are hereby validated and declared to have been lawfully made.

**41 Validating certain expenditure incurred by Christchurch Tramway Board in publicising a loan poll**

Whereas on 17 November 1948 the Christchurch Tramway Board (in this section referred to as the **Board**) duly submitted to a poll of ratepayers in its district a proposal to raise a special loan, known as the Modernisation Loan, 1948:

And whereas, for the purpose of placing before the ratepayers and the public of its district its views on the question submitted to the said poll, the Board expended the sum of 309 pounds 5 shillings and 11 pence on the printing of brochures, postage, newspaper advertisements, hire of halls, and cost of posters:

And whereas by section 7 of the Christchurch Tramway District Amendment Act 1932–33, the amount which the Board is authorised to expend for the said purposes is limited to the sum of 100 pounds, and it is expedient that the expenditure incurred in excess of the limits prescribed by the said section should be validated:

Be it therefore enacted as follows:

The expenditure of the sum of 209 pounds 5 shillings and 11 pence by the Board, out of its General Account, during the year ended on 31 March 1949, in excess of the limits prescribed by section 7 of the Christchurch Tramway District Amendment Act 1932–33, is hereby validated and declared to have been lawfully made.

**42 Provisions with respect to contracts of Kekerangu Rabbit Board**

- (1) Notwithstanding anything to the contrary in the Local Authorities (Members' Contracts) Act 1934, the provisions of that Act shall not be deemed to have applied to any contract made by the Kekerangu Rabbit Board prior to the passing of this Act, in which James Anderson Chaffey was concerned or interested.

- (2) *[Repealed]*

Section 42(2): repealed, on 28 October 1965, by section 30 of the Local Legislation Act 1965 (1965 No 122).

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**Notes****1 *General***

This is a reprint of the Local Legislation Act 1949. The reprint incorporates all the amendments to the Act as at 1 July 2003, as specified in the list of amendments at the end of these notes. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

**2 *Status of reprints***

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

**3 *How reprints are prepared***

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted.

For a detailed list of the editorial conventions, *see* <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

#### **4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989***

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

## **5** *List of amendments incorporated in this reprint (most recent first)*

Local Government (Rating) Act 2002 (2002 No 6): section 138(1)

Local Legislation Act 1973 (1973 No 109): section 22(2)

Local Legislation Act 1965 (1965 No 122): section 30

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