

**Reprint  
as at 31 March 1958**



**Local Legislation Act 1953**

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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 1953.

*County councils*

**2 Vesting certain land in Ashburton County Council as site for community centre war memorial hall**

Whereas the late John Holmes devised to certain trustees the area of land described in subsection (3) to be held by them upon trust to be dedicated and vested in the Mount Hutt Road Board (in this section referred to as the **Board**) or in the local authority for the time being having control of the Township of Methven, and to be held as a reserve for the benefit of the inhabitants of the Mount Hutt Road District (in this section referred to as the **Road District**), and to be kept open for the use of the public in like manner as the squares in the City of Christchurch:

And whereas the said trustees duly vested the said land in the Board:

And whereas the Road District has been merged in the County of Ashburton and the said land is now vested in the Chairman, Councillors, and Inhabitants of the County of Ashburton (in this section referred to as the **Corporation**) as the local authority for the time being having control of the Township of Methven:

And whereas the inhabitants of the Township of Methven desire to erect upon the said land a community centre war memorial hall:

And whereas the surviving relatives of the said John Holmes and the Corporation are in agreement with that proposal, but the Corporation is unable to sanction any proposal for the use of the said land which is not in accordance with the terms of the trust on which the said land is held:

And whereas it is desirable to modify the terms of the said trust:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the terms of the trust upon which the said land is held, the said land is hereby vested in the Corporation in trust as a site for a community centre war memorial hall, but otherwise freed and discharged from all trusts, reservations, and restrictions heretofore affecting the same.
- (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 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 in the Canterbury Land District containing 2 acres, more or less, situated in Block VII, Spaxton Survey District, being Lot 2 on Deposited Plan 2894, part of Rural Section 17230, and being the whole of the land comprised and described in certificate of title, Volume 257, folio 195, Canterbury Registry.

### **3 Authorizing Clutha County Council to sell certain lands**

Whereas the lands described in subsection (4) were vested in the Clinton Town Board in trust as endowments in aid of the funds of the Board:

And whereas the Clinton Town District has been merged in the Clutha County and the said lands have become vested in the Chairman, Councillors, and Inhabitants of that county:

And whereas it is expedient to empower the Clutha County Council (in this section referred to as the **Council**) to sell the said lands as hereinafter provided:

Be it therefore enacted as follows:

- (1) The Council may, without further authority than this section, sell the lands described in subsection (4) or any part or parts of those lands, by private treaty or otherwise, on such terms and subject to such conditions as it thinks fit, and on the sale of any such land any trust or reservation theretofore affecting the same shall be deemed to be cancelled.
- (2) The proceeds from all sales of the said lands and all rentals received under any lease granted of the said lands shall be paid by the Council into its General Account and shall form part of its ordinary revenue.
- (3) The District Land Registrar for the Land Registration District of Otago is hereby authorized and directed to accept such documents for registration and to do all such other things as may be necessary to give effect to this section.
- (4) The lands to which this section relates are more particularly described as follows:

All those areas in the Otago Land District, Clutha County, being:

Firstly, Section 3, Block XV, Town of Clinton, containing by admeasurement 1 rood, more or less, and being the whole of the land comprised and described in certificate of title, Volume 84, folio 111, Otago Registry.

Secondly, Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 33, Block XVI, Town of Clinton, containing by admeasurement 2 acres and 3 roods, more or less, and being the whole of the land comprised and described in certificate of title, Volume 84, folio 112, Otago Registry.

Thirdly, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, Block XVIII, Town of Clinton, containing by admeasurement 2 acres and 2 roods, more or less, and being the whole of the land comprised and described in certificate of title, Volume 84, folio 113, Otago Registry.

Fourthly, Sections 1, 2, 3, 4, 5, 6, and 7, Block XIX, Town of Clinton, containing by admeasurement 1 acre and 3 roods,

more or less, and being the whole of the land comprised and described in certificate of title, Volume 84, folio 114, Otago Registry.

Fifthly, Sections 3, 4, 5, 6, 11, 12, 13, and 14, Block XX, Town of Clinton, containing by admeasurement 2 acres, more or less, and being the whole of the land comprised and described in certificate of title, Volume 84, folio 115, Otago Registry.

Sixthly, Sections 4, 5, 6, 10, 11, 12, 13, 14, and 15, Block XXI, Town of Clinton, containing by admeasurement 2 acres and 1 rood, more or less, and being the whole of the land comprised and described in certificate of title, Volume 84, folio 116, Otago Registry.

Seventhly, Section 1, Block XXIV, Town of Clinton, containing by admeasurement 2 acres, more or less, and being the whole of the land comprised and described in certificate of title, Volume 84, folio 117, Otago Registry.

Eighthly, Section 4, Block XXV, Town of Clinton, containing by admeasurement 1 rood, more or less, and being the whole of the land comprised and described in certificate of title, Volume 84, folio 118, Otago Registry.

Ninthly, Section 1, Block XXVII, Town of Clinton, containing by admeasurement 14 acres 1 rood and 14 perches, more or less, and being the whole of the land comprised and described in certificate of title, Volume 84, folio 284, Otago Registry.

Tenthly, Part Section 1, Block XXVIII, Town of Clinton, and Lots 1, 2, 3, 4, 5, 6, and right of way on Deposited Plan 874, and Lots 7, 8, and 9 on Deposited Plan 936, being Part Section 1, Block XXVIII, Town of Clinton, containing by admeasurement 33 acres 1 rood 14 perches and three-tenths of a perch, more or less, and being the whole of the land comprised and described in certificate of title, Volume 238, folio 136, Otago Registry.

#### **4 Authorizing Coromandel County Council to make ex gratia payment in respect of a contract**

Whereas by an agreement dated 10 November 1949 made between J J Pike, of Coromandel, contractor (in this section referred to as the **contractor**), of the one part, and the Chairman,

Councillors, and Inhabitants of the County of Coromandel (in this section referred to as the **Council**), of the other part, the contractor agreed with the Council to construct a reinforced concrete bridge on the Whitianga–Kuaotunu Road over the Ake Ake River:

And whereas, owing to circumstances beyond his control causing delay in the completion of the works, increased costs were incurred by the contractor, and the contractor suffered considerable loss:

And whereas the Council, in the circumstances, is desirous of making a payment not exceeding the sum of 432 pounds to the contractor:

Be it therefore enacted as follows:

The Council is hereby empowered to pay an amount not exceeding the sum of 432 pounds to the contractor by way of compensation in respect of the loss incurred by the contractor.

##### **5 Authorizing Kaikoura County Council to raise a special loan for housing purposes**

Whereas the Kaikoura County Council (in this section referred to as the **Council**), prior to 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 moneys amounting in the aggregate to the sum of 3,925 pounds in the purchase of a dwellinghouse for occupation by an employee of the Council:

And whereas the Local Government Loans Board has 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 authorized and empowered to borrow by way of special loan under the Local Bodies' Loans Act 1926 an amount not exceeding the sum of 3,925 pounds for the purpose of refunding to its County Fund Account all moneys

applied by the Council as aforesaid in the purchase of the said dwellinghouse.

**6 Provision with respect to certain water rates and charges of Manukau County Council**

*[Repealed]*

Section 6: repealed, on 31 March 1958, by section 6(3).

**7 Provision with regard to further extension of period of appointment of Commissioner for County of Matakaoa**

*[Repealed]*

Section 7: repealed, on 25 October 1956, by section 10(2) of the Local Legislation Act 1956 (1956 No 48).

**8 Authorizing diversion of certain loan moneys by Raglan County Council**

Whereas, pursuant to an Order in Council made on 20 December 1950, the Raglan County Council (in this section referred to as the **Council**) raised a special loan of 2,400 pounds (in this section referred to as the **Housing Loan 1950**) for the purpose of advancing money to the County Clerk to enable him to build a house for himself and family:

And whereas the Council does not now require to expend the said loan moneys for the purpose for which they were raised:

And whereas, by Order in Council made on 21 October 1953, consent was given to the raising by the Council of a loan of 3,500 pounds (in this section referred to as the **Housing Loan 1953**) for the purpose of purchasing land and erecting a dwelling and garage thereon:

And whereas the Council is now desirous of applying the moneys raised under the Housing Loan 1950 towards the purpose for which the Housing Loan 1953 is authorized to be raised:

Be it therefore enacted as follows:

Notwithstanding anything to the contrary in the Local Bodies' Loans Act 1926, or in any other Act, the Council is hereby authorized to divert and apply the whole of the said sum of

2,400 pounds towards the purpose for which the Housing Loan 1953 is authorized to be raised.

*City and borough councils*

**9 Provision with respect to refund to General Account from loan moneys by Auckland City Council**

Whereas, prior to authority being obtained to the raising of a loan of the sum of 300,000 pounds, known as the Works Depot Loan 1953 of 300,000 pounds (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 certain purposes for which the loan was to be raised, moneys amounting in the aggregate to the sum of 17,180 pounds 9 shillings and 6 pence:

And whereas authority has since been obtained to the raising of the loan, and the Council is desirous of recouping its General Account out of the proceeds of the loan and it is expedient to make provision accordingly:

Be it therefore enacted as follows:

The Council is hereby authorized and empowered to refund to its General Account out of the proceeds of the loan a sum not exceeding 17,180 pounds 9 shillings and 6 pence.

**10 Authorizing Auckland City Council to remit certain rates**

Whereas, by section 7 of the Local Legislation Act 1941, the Auckland City Council (in this section referred to as the **Council**) was authorized to remit certain rates payable in respect of the land described in the said section and to absolve the Beth Israel Trust Board and also the said land from payment of rates for such period or periods not extending beyond the date of the expiration of 3 years from the termination of the Second World War (in this section referred to as the **specified date**) as the Council might at any time or from time to time determine:

And whereas, pursuant to the said authority, the Council from time to time determined to absolve the Beth Israel Trust Board and the said land from payment of rates up to and including the year ended on 31 May 1952:

And whereas, during the rating year ending on the date last mentioned, the said land became vested in the Auckland Chevra Kadisha and Benevolent Society's Trust Board (in this section referred to as the **Board**) to be held by the Board upon like trusts as the Beth Israel Trust Board theretofore held the same:

And whereas the Council is desirous of obtaining authority to remit arrears of rates and penalties amounting to 141 pounds 19 shillings and 3 pence (in this section referred to as the **said rates**) for the year ended on 31 May 1953, the said rates being levied by the Council and being due and payable by the Board in respect of the said land:

And whereas the Council is also desirous of obtaining authority to exempt the Board and the said land from payment of rates from time to time during the balance of the period still to expire before the specified date:

And whereas the Council has no legal authority to make such remission and exemption:

Be it therefore enacted as follows:

The Council is hereby authorized to remit the said rates and to absolve the Board and the land described in section 7 of the Local Legislation Act 1941 from payment of rates for such period or periods not extending beyond the specified date as the Council may at any time or from time to time determine.

#### **11 Authorizing raising of special loan by Auckland City Council**

Whereas the Auckland City Council (in this section referred to as the **Council**) has made application to the Local Government Loans Board for authority to raise a loan of 13,300 pounds to be known as the Municipal Abattoir Extension Loan 1953 (in this section referred to as the **proposed loan**) for the purposes of extensions to the Auckland Municipal Abattoir (in this section referred to as the **extensions**):

And whereas, prior to sanction being given to the raising of the proposed loan, the Council has expended out of its General Account moneys amounting in the aggregate to the sum of 13,300 pounds upon the extensions:

And whereas the Local Government Loans Board has no authority to sanction the raising of that part of the proposed loan which relates to the purposes for which the said moneys have been expended:

And whereas it is desirable to authorize the Council to raise a special loan not exceeding the sum of 13,300 pounds for the purpose of recouping its General Account in respect of the moneys expended therefrom as aforesaid:

Be it therefore enacted as follows:

The Council is hereby authorized and empowered to borrow by way of special loan pursuant to the Local Bodies' Loans Act 1926 an amount not exceeding the sum of 13,300 pounds for the purpose of refunding to its General Account all moneys expended therefrom in respect of the extensions.

**12 Authorizing diversion of certain loan moneys by Balclutha Borough Council**

Whereas the Balclutha Borough Council (in this section referred to as the **Council**) has raised a loan of 6,000 pounds for the purpose of erecting a milk treatment station in the Borough of Balclutha:

And whereas the Council is now desirous of utilizing the said sum of 6,000 pounds for the purpose of subscribing for 6 000 fully paid 1 pound shares in a company to be incorporated for the purpose of erecting and operating the said milk treatment station:

Be it therefore enacted as follows:

Notwithstanding anything to the contrary in the Local Bodies' Loans Act 1926, or in any other Act, or in any Order in Council relating to the said loan, the Council is hereby authorized to divert and apply the whole of the said sum of 6,000 pounds towards the acquisition at par of 6 000 fully paid 1 pound ordinary shares in the said proposed company.

**13 Validating donation by Cromwell Athenaeum Trustee to Cromwell District War Memorial Fund**

Whereas the Cromwell Borough Council as trustee for the Cromwell Athenaeum, has made a donation of the sum of

2,250 pounds to the Cromwell District War Memorial Fund out of the funds held in trust for the benefit of the Athenaeum: And whereas there is no provision authorizing the said donation:

Be it therefore enacted as follows:

The donation by the Council, as trustee for the Cromwell Athenaeum, of the sum of 2,250 pounds out of the trust funds to the Cromwell District War Memorial Fund is hereby validated and declared to have been lawfully made.

**14 Authorizing Dunedin City Renewal Fund Commissioners to make payment to Dunedin City Council for abattoir purposes**

Notwithstanding anything 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 authorized to appropriate out of the funds held by them in respect of the city abattoir a sum not exceeding 20,000 pounds, and to pay the said sum to the Dunedin City Council for the purpose of providing for the purchase and installation of a chilling plant at the said abattoir.

**15 Validating borrowing of certain loan moneys by Dunedin City Council**

Whereas on 25 March 1953 the Local Government Loans Board sanctioned the raising by the Dunedin City Council (in this section referred to as the **Council**) of a loan of 300,000 pounds, to be known as the Public Works Loan 1953 (in this section referred to as the **loan**), for the purpose of completing the street works resulting from the change over from electric tram to trolley bus transport, including the completion of the Stuart Street (Albert Street) extension, and the carrying out of new street works in various parts of the city:

And whereas on 15 June 1953 the Council resolved by way of special order to raise the loan and to apply for the consent of the Governor-General in Council to the raising of the loan as aforesaid:

And whereas, contrary to the provisions of the Local Bodies' Loans Act 1926 and the Local Government Loans Board Act 1926, the Council, prior to the making of the said special order and without first obtaining the consent of the Governor-General in Council, borrowed the sum of 30,000 pounds as part of the loan:

And whereas it is desirable that the action of the Council in borrowing the said sum of 30,000 pounds should be validated:

Be it therefore enacted as follows:

The action of the Council in borrowing the said sum of 30,000 pounds prior to the making of the said special order and without first obtaining the consent of the Governor-General in Council is hereby validated, and the said moneys shall be deemed to have been lawfully borrowed.

**16 Validating certain agreement made between Dunedin City Corporation and Downer and Company, Limited**

Whereas by agreement dated 18 November 1949, made between the Mayor, Councillors, and Citizens of the City of Dunedin (in this section referred to as the **Corporation**) of the one part, and Downer and Company, Limited (in this section referred to as the **contractor**), of the other part, the contractor agreed with the Corporation to complete and finish, or cause to be completed and finished, to the satisfaction of the Consulting Engineer of the Corporation all the works referred to in the said agreement:

And whereas, by reason of the unforeseen variation in the price of cement, it became expedient to vary the said agreement, and by agreement dated 5 November 1951 made between the Corporation of the one part, and the contractor of the other part (in this section referred to as the **supplemental agreement**), it was agreed that the contractor should be entitled to payment by the Corporation of any additional cost of cement used in the construction of the said works over and above the basic price of cement as determined in the supplemental agreement, and that the Corporation should be entitled to the benefit of any reduced cost to the contractor should the price of cement fall at any time during the performance of the contract below the said basic price:

And whereas the Corporation has made certain payments to the contractor under the supplemental agreement:

And whereas doubts have arisen as to the authority of the Corporation to enter into the supplemental agreement and as to the validity thereof, and it is desirable to remove those doubts and to validate the supplemental agreement:

Be it therefore enacted as follows:

Notwithstanding anything contained in the Municipal Corporations Act 1933 or in any other Act, the Corporation shall be deemed to have been at all times authorized and empowered to enter into and execute the supplemental agreement, which shall be binding on the parties thereto and shall for all purposes, without further authority than this section, be effective according to its tenor, and all payments heretofore made by the Corporation under the same are hereby validated.

**17 Validating agreement entered into between Marton Borough Council and J.C. Williamson Picture Corporation, Limited**

Whereas by an agreement dated 24 July 1951 made between the Mayor, Councillors, and Burgesses of the Borough of Marton (in this section referred to as the **Corporation**), of the one part, and J.C. Williamson Picture Corporation, Limited, a duly incorporated company having its registered office in Auckland (in this section referred to as the **company**), of the other part, the Corporation agreed to lease to the company a building owned by the Corporation and known as the Civic Theatre and situated at the corner of Wellington Road and Lower High Street, Marton, together with shop premises attached to the said Civic Theatre:

And whereas, to assist the Corporation to meet the cost of repairing and modernizing the said Civic Theatre, the company, prior to the execution of the said agreement, expended on the said repairs and modernization of the said Civic Theatre a sum in excess of 3,589 pounds 2 shillings and 10 pence:

And whereas by the terms of the said agreement it was agreed between the Corporation and the company that of the said sum of 3,589 pounds 2 shillings and 10 pence, 1,839 pounds

2 shillings and 10 pence thereof would be deemed to be an amount paid to the Corporation by the company as rent in advance, and 1,750 pounds, being the balance thereof, would be repaid to the company by the Corporation at the rate of 250 pounds per annum, together with interest thereon:

And whereas doubts have arisen as to the validity of the said agreement and it is desirable that it should be validated:

Be it therefore enacted as follows:

Notwithstanding anything contained in the Municipal Corporations Act 1933, or in any other Act, the Council shall be deemed to have been at all times authorized and empowered to enter into and execute the said agreement, which shall be binding on the parties thereto, and shall, for all purposes, without further authority than this section, be effective according to its tenor.

**18 Provision with respect to refund to District Fund Account from loan moneys by Morrinsville Borough Council**

Whereas by an Order in Council made on 8 July 1953, consent was given to the raising by the Morrinsville Borough Council (in this section referred to as the **Council**) of a loan of 10,000 pounds, being part of a loan of 27,500 pounds, to be known as the Water Supply Improvement Loan 1953 (in this section referred to as the **loan**), to carry out improvements to the Morrinsville Borough water supply:

And whereas it was necessary to perform certain work and to purchase certain plant and materials for the purpose of carrying out the works for which the loan was authorized to be raised prior to the authorization of the loan:

And whereas payments on account of the cost of the said work and the purchase of the said plant and materials, amounting in all to the sum of 3,234 pounds 6 shillings and 5 pence, have been made from the Council's District Fund Account in anticipation of the authorization of the loan:

And whereas it is expedient that the Council should be authorized to reimburse its District Fund Account out of the loan moneys:

Be it therefore enacted as follows:

The Council is hereby authorized and empowered to refund to its District Fund Account, out of the proceeds of the loan, the said sum of 3,234 pounds 6 shillings and 5 pence.

**19 Authorizing Motueka Borough Council to sell certain land**

Whereas, by the Motueka Borough Council Library Act 1928, the land described in subsection (3) of this section was vested in the Corporation of the Borough of Motueka, and the revenues therefrom were to be applied towards the purpose of a public library to be erected in the borough:

And whereas the said public library was erected in the year 1930, but is now inadequate for the needs of the community:

And whereas the Motueka Borough Council is in the course of establishing a new public library and reading room as part of the Motueka Borough War Memorial and Community Centre:

And whereas the cost of the maintenance and repair of the buildings upon the said land exceeds the revenues derived therefrom, and it is desirable to sell the said land:

Be it therefore enacted as follows:

- (1) Notwithstanding anything contained in the Motueka Borough Council Library Act 1928 or in any other Act, the Motueka Borough Council is hereby authorized and empowered to sell the land described in subsection (3) and to apply the proceeds towards the purpose of the erection of a public library in the Borough of Motueka.
- (2) The District Land Registrar for the Land Registration District of Nelson is hereby authorized and empowered to register such documents, make such entries in the register books, and do all such things as may be 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 piece of land situated in the Nelson Land District, Borough of Motueka, containing by admeasurement 1 rood, more or less, being part of Section 155, Motueka District, and being all the land comprised in certificate of title, Volume 62, folio 69, Nelson Registry, limited as to parcels and title.

**20 Validating certain expenditure incurred by Stratford Borough Council**

The expenditure by the Stratford Borough Council during the financial year ending on 31 March 1954 of the sum of 150 pounds in the purchase of a Mayoral chain and badge of office is hereby validated and declared to have been lawfully incurred.

**21 Changing purpose of certain lands vested in Corporation of Borough of Waitara**

Whereas the Corporation of the Mayor, Councillors, and Burgesses of the Borough of Waitara (in this section referred to as the **Corporation**) is registered as the proprietor of an estate in fee simple in the lands described in subsection (3):

And whereas the said lands are vested in the Corporation for the purposes of pleasure grounds or sports grounds under the provisions of section 308 of the Municipal Corporations Act 1933:

And whereas the said lands are no longer required by the Corporation for those purposes and the Corporation is desirous of leasing the said lands for housing purposes and of applying the revenues therefrom as part of the District Fund of the said Borough:

Be it therefore enacted as follows:

- (1) The said lands shall, on the commencement of this Act, cease to be held by the Corporation for the purposes of pleasure grounds or sports grounds under the provisions of section 308 of the Municipal Corporations Act 1933, but shall be held by the Corporation for the general purposes of the Borough of Waitara.
- (2) The District Land Registrar for the Land Registration District of Taranaki is hereby authorized and directed to make such entries in the register books and outstanding duplicates of title and generally to do all such things as are necessary to give effect to the provisions of this section.
- (3) The lands to which this section relates are more particularly described as follows:

Firstly, all those parcels of land situated in the Borough of Waitara, containing by admeasurement together 2 acres and 2 roods, more or less, being Sections 1, 3, 5, 6, 7, 8, 9, 10, 11, and 12 of Block XXXVII, Town of Waitara East, and being the whole of the land comprised and described in certificates of title, Volume 13, folio 202, Volume 13, folio 227, Volume 13, folio 240, Volume 13, folio 272, and Volume 167, folio 232 (Taranaki Registry).

Secondly, all those parcels of land situated in the Borough of Waitara containing by admeasurement together 1 acre and 2 roods, more or less, being Sections 1, 2, 3, 4, 5, and 6 of Block XLVI, Town of Waitara East, and being the whole of the land comprised and described in certificates of title, Volume 1, folio 104, Volume 7, folio 244, Volume 27, folio 279, and Volume 67, folio 50 (Taranaki Registry).

## **22 Authorizing raising of special loan by Wellington City Council**

Whereas the Wellington City Council (in this section referred to as the **Council**), prior to the sanction of the Local Government Loans Board being given to the raising of a loan for transport purposes, expended out of its Tramway Account moneys amounting in the aggregate to the sum of 90,000 pounds in connection with the proposed trolley bus service to Karori, in the City of Wellington:

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

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

Be it therefore enacted as follows:

The Council is hereby authorized and empowered to borrow by way of special loan under the Local Bodies' Loans Act 1926 an amount not exceeding the sum of 90,000 pounds for the purpose of refunding to its Tramway Account all moneys applied by the Council as aforesaid in connection with the proposed trolley bus service to Karori, in the City of Wellington.

**23 Provision with respect to payment of compensation by Dargaville Borough Council consequent on closing of municipal gasworks**

Whereas the Dargaville Borough Council (in this section referred to as the **Council**) carries on the undertaking of manufacturing and supplying gas and has established and maintains a Depreciation Fund, of which the Public Trustee is the sole Commissioner, in respect of the said undertaking:

And whereas from 31 March 1954 the Council proposes to terminate the manufacture and supply of gas, and the said Depreciation Fund will no longer be required for the purpose for which it is established and maintained:

And whereas the Council is desirous of making to its gas consumers some reimbursement in respect of expenses which will be incurred by them on the termination of the supply of gas and is desirous of applying in whole or in part the moneys standing to the credit of the said Fund and the moneys derived from the realization of the said undertaking for this purpose:

And whereas doubt has arisen as to the authority of the Council to make any such payments:

Be it therefore enacted as follows:

- (1) The Public Trustee is hereby directed and empowered, on the termination by the Council of the manufacture and supply of gas, to pay to the Council the whole of the moneys in the said Depreciation Fund, and upon any such payment the Public Trustee shall not be responsible for the further application of the said moneys.
- (2) The Council is hereby empowered to pay from any such moneys and from any moneys derived from the realization of the said undertaking to any person supplied by it with gas up to the time of the termination of the supply of gas by the Council such sums as the Council in its discretion may determine.
- (3) Any moneys paid to the Council under subsection (1) and not applied in the manner authorized by subsection (2), and any moneys derived from the realization of the said undertaking and not applied in a like manner, shall be applied by the Council, firstly, in repayment of so much of the Dargaville Borough

Conversion Loan No 1 1935 as relates to the said undertaking, and, secondly, in payment of any charges and maintenance costs incurred in connection with the said undertaking between the date of termination of the manufacture and supply of gas and the date when realization of the said undertaking is completed, and, finally, towards the cost of any capital works undertaken for the purpose of effecting permanent improvements in the Borough of Dargaville.

*Town boards*

**24 Validating certain expenditure incurred by Johnsonville Town Board**

The expenditure by the Johnsonville Town Board of the sum of 112 pounds 9 shillings and 10 pence in connection with functions on the occasion of the merger of the Johnsonville Town District in the City of Wellington is hereby validated and declared to have been lawfully incurred.

**25 Authorizing Kaponga Town Board to transfer certain moneys to its General Account**

Whereas the Kaponga Town Board (in this section referred to as the **Board**) holds certain moneys amounting to the sum of 150 pounds in trust for the purposes of a brass band:

And whereas the said moneys cannot now be applied for the purposes for which they were received:

And whereas it is desirable that the Board should be authorized to expend the said moneys for purposes other than those for which the said moneys are held in trust:

Be it therefore enacted as follows:

The existing trust for which the said moneys are held by the Board is hereby discharged, and the Board is authorized to transfer the moneys to its General Account to be expended for the general purposes of the Board.

*Electric power boards***26 Authorizing raising of special loan by Bay of Plenty Electric Power Board**

Whereas the Bay of Plenty Electric Power Board (in this section referred to as the **Board**) is desirous of undertaking certain works for the purpose of extending the supply of electric power to the townships of Kawerau and Murupara:

And whereas, prior to the sanction of the Local Government Loans Board being given to the raising of a loan for the purpose of carrying out the said works, it has been necessary for the Board to expend moneys out of its Power Fund Account in connection therewith:

And whereas the Local Government Loans Board has no authority to sanction the raising of a loan for the purpose of enabling the Board to refund to its Power Fund Account moneys expended thereout as aforesaid:

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

Be it therefore enacted as follows:

The Board is hereby authorized and empowered to borrow by way of special loan under the Local Bodies' Loans Act 1926 and, notwithstanding anything in section 9 of that Act, by special order and without the prior consent of the ratepayers, the amount of any moneys expended from its Power Fund Account, whether before the passing of this Act or within 4 months thereafter, for the purpose of extending the supply of electric power to the townships of Kawerau or Murupara.

**27 Validating variation of terms of raising certain loan by Franklin Electric Power Board**

Whereas by Order in Council made on 8 July 1953 consent was given to the raising by the Franklin Electric Power Board (in this section referred to as the **Board**) of a loan of 65,000 pounds, to be known as the Reticulation Loan 1953 (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:

And whereas one of those determinations was that the loan or any part thereof, together with interest thereon, should be repaid by equal aggregate annual or half-yearly instalments extending over the term of the loan:

And whereas the Board, pursuant to the said Order in Council, has raised as part of the loan the sum of 36,500 pounds on terms making the said part repayable over the first 9 years of the said term by 18 half-yearly payments of principal of 1,100 pounds, and over the next 3 years thereof by 6 half-yearly payments of principal of 1,200 pounds, and over the next 2 and a half years thereof by 5 half-yearly payments of principal of 1,300 pounds, and over the 25th year thereof by 1 half-yearly payment of principal of 1,400 pounds and by 1 half-yearly payment of principal of 1,600 pounds:

And whereas it is desirable to validate the action of the Board in varying the authorized manner of repaying the said part of the loan:

Be it therefore enacted as follows:

The action of the Board in raising the sum of 36,500 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 validated, and the said sum shall be deemed to have been lawfully borrowed.

## **28 Validating raising of certain loan moneys by Thames Valley Electric Power Board**

Whereas by Order in Council made on 1 November 1950 consent was given to the raising by the Thames Valley Electric Power Board (in this section referred to as the **Board**) of a loan of 100,000 pounds, to be known as the Extension Loan 1950 (in this section referred to as the **loan**), subject to the terms and conditions specified in the said Order in Council:

And whereas one of the said terms and conditions was that no moneys should be borrowed after the expiration of 2 years from the date of the said Order in Council:

And whereas at a date subsequent to the expiration of the said period of 2 years the Board raised the sum of 45,000 pounds as portion of the loan:

And whereas it is expedient that the action of the Board in raising the said portion of the loan should be validated:

Be it therefore enacted as follows:

The action of the Board in raising the said portion of the loan after the expiration of the period specified in the said Order in Council is hereby validated, the moneys received by the Board 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 Board and shall have full force and effect according to their tenor.

#### *Hospital boards*

### **29 Authorizing Otago Hospital Board to make certain compensation payments**

Whereas by Proclamation published in the *Gazette* of 2 April 1947 certain lands in the City of Dunedin including, firstly, all that parcel of land containing 7 perches and twenty-eight hundredths of a perch, more or less, being Lot 2 on Deposited Plan Number 92, Block XXIII, Town of Dunedin, and, secondly, all that parcel of land containing 7 perches and twenty-eight hundredths of a perch, more or less, being Lot 8 on the said deposited plan, were taken for a hospital and were vested in the Otago Hospital Board (in this section referred to as the **Board**):

And whereas no claims for compensation for the taking of the said Lot 2 and the said Lot 8 have been made within the time prescribed by law:

And whereas the Board, being satisfied that the sum of 1,100 pounds would have been properly payable as compensation for the taking of the said Lot 2, and that the sum of 600 pounds would have been properly payable as compensation for the taking of the said Lot 8, if claims therefor had been made within the prescribed time, is desirous of making payments of those sums:

Be it therefore enacted as follows:

The Board is hereby authorized, notwithstanding that the claims are barred by lapse of time, to pay from the moneys appropriated by it for the purpose, to the persons respectively otherwise entitled thereto, the sum of 1,100 pounds in full satisfaction and discharge of all claims for compensation for the taking of the said Lot 2, and the sum of 600 pounds in full satisfaction and discharge of all claims for compensation for the taking of the said Lot 8.

**30 Validating expenditure and authorizing diversion of loan moneys by Otago Hospital Board**

Whereas the Otago Hospital Board (in this section referred to as the **Board**) has for certain authorized purposes raised a loan of 183,000 pounds known as the Hospital No 1 Loan 1943 (in this section referred to as the **No 1 Loan**):

And whereas, of the moneys so raised, the sum of 146,635 pounds 10 shillings and 6 pence has been expended for the authorized purposes, and the sum of 8,515 pounds 9 shillings and 2 pence has been expended for a purpose not so authorized, namely, for architects' fees in respect of an operating theatre block, which project has since been abandoned, and the sum of 27,849 pounds and 4 pence remains unexpended:

And whereas it is expedient that the action of the Board in expending the said sum of 8,515 pounds 9 shillings and 2 pence for the said unauthorized purpose should be validated:

And whereas the said sum of 27,849 pounds and 4 pence is no longer required for the purpose for which the No 1 Loan was authorized to be raised and the Board is desirous of diverting and utilizing that sum for other purposes:

And whereas the Board has raised a loan of 250,000 pounds known as the Hospital No 2 Loan 1945 (in this section referred to as the **No 2 Loan**) for certain authorized purposes:

And whereas, of the money so raised, the sum of 243,401 pounds 10 shillings and 1 penny has been expended for authorized purposes and the sum of 6,598 pounds 9 shillings and 11 pence remains unexpended:

And whereas the said sum of 6,598 pounds 9 shillings and 11 pence is no longer required for the purposes for which the No 2 Loan was authorized to be raised and the Board is desirous of diverting and utilizing that sum for other purposes:

Be it therefore enacted as follows:

- (1) The action of the Board in expending the sum of 8,515 pounds 9 shillings and 2 pence for the purpose of architects' fees in respect of an operating theatre block is hereby validated.
- (2) Notwithstanding anything contained in any Act (with the exception of the provisions of subsection (3) of section 75 of the Hospitals Act 1926) or in any Order in Council relating to the said loans, the Board is hereby authorized to divert and utilize the unexpended portion of 27,849 pounds and 4 pence of the No 1 Loan and the unexpended portion of 6,598 pounds 9 shillings and 11 pence of the No 2 Loan for the purpose of erecting and equipping the Wakari Hospital or any part or parts thereof.
- (3) Nothing contained in this section shall be deemed to affect the right of the Board to raise any loan heretofore authorized or any loan which may hereafter be authorized for the purpose of meeting the cost of the works mentioned in subsection (2).

#### *Catchment boards*

### **31 Extending period during which classifications for rating purposes of certain lands in North Canterbury Catchment District shall continue in force**

Whereas the Ellesmere Lands Drainage Board, the Waimakariri River Trust, and the Ashley River Trust (in this section referred to as the **authorities**) have been dissolved and their powers and functions transferred to the North Canterbury Catchment Board (in this section referred to as the **Board**):

And whereas the Board has, since the dissolution of the authorities, continued to make and levy annual rates in the districts of the authorities in accordance with the specified classifications of the lands in those districts previously used for rating purposes:

And whereas, by subsection (3) of section 10 of the Soil Conservation and Rivers Control Amendment Act 1946, the Board

cannot, after the expiration of 6 years from the dissolution of the authorities, continue to exercise the powers of the authorities to make and levy the said rates other than as provided for in subsection (4) of section 13 of that Act:

And whereas, in respect of the Waimakariri River Trust and the Ashley River Trust, the said period of 6 years expired on 1 April 1953, and in respect of the Ellesmere Lands Drainage Board on 3 October 1953:

And whereas, before the Board could continue after the expiration of the said period of 6 years to make and levy rates in the said districts, it would require to classify the lands in the said districts pursuant to the provisions of section 102 of the Soil Conservation and Rivers Control Act 1941, but no such classifications have been carried out:

And whereas the Board is desirous of continuing the classifications that were in force in the districts of the authorities as at the date of the expiry of the said period of 6 years pending completion of new classifications of the said districts:

Be it therefore enacted as follows:

- (1) The classifications of the lands for rating purposes in the districts of the authorities as in force on 31 March 1953, and the proportions fixed in relation thereto, shall be deemed to have continued in full force and effect as if they were classifications made and proportions fixed pursuant to the provisions of the Soil Conservation and Rivers Control Act 1941, for a further period of 6 years commencing on 1 April 1953.
- (2) All rates made and levied by the Board in the said districts after the expiration of the said period of 6 years and before the passing of this Act, using the said classifications and proportions, shall be deemed to have been validly made and levied.

Section 31(1): amended, on 25 October 1957, by section 39(1) of the Local Legislation Act 1957 (1957 No 107).

### **32 Provision with respect to levying of certain separate rate by South Canterbury Catchment Board**

Whereas the Geraldine County River Board (in this section referred to as the **River Board**) raised the Geraldine County River Board Conversion Loan 1934 No 1, consisting of 40 debentures of 100 pounds each, due and payable on 1 Oc-

tober 1955, and as security for the payment of the interest, sinking fund, and other charges thereon made and levied a special rate of 1 and one-eighth pence in the pound on the rateable value of all rateable property in the Waihi River District:

And whereas the River Board also raised the Geraldine County River Board Conversion Loan 1934 No 2, consisting of 1 debenture of 6,150 pounds, due and payable on 1 October 1963, and as security for the payment of the interest, sinking fund, and other charges thereon made and levied a special rate of one-eighth of a penny in the pound on the rateable value of all rateable property in the South Orari River District:

And whereas, upon the abolition of the Geraldine County River District and the dissolution of the River Board, all the property, debts, liabilities, and engagements of the River Board vested in and became the property, debts, liabilities, and engagements of the South Canterbury Catchment Board (in this section referred to as the **Catchment Board**), and all rates and other moneys payable to the River Board became payable to the Catchment Board:

And whereas the works for the purposes of which the said loans were raised have become inadequate, and the Catchment Board proposes to incorporate them in a comprehensive scheme of flood control known as the Orari-Waihi-Temuka Flood Control Scheme:

And whereas the Catchment Board proposes to strike certain rates to finance the said flood control scheme, and for that purpose to define a special rating district to be called the Orari-Waihi-Temuka Special Rating District:

And whereas the Catchment Board is desirous of paying the interest, sinking fund, and other charges in respect of the said loans out of rates to be struck over lands in the proposed Orari-Waihi-Temuka Special Rating District instead of collecting the said special rates:

Be it therefore enacted as follows:

- (1) The Catchment Board may, instead of collecting the said special rates, decide by resolution to pay the interest, sinking fund, and other charges in respect of the said loans out of the pro-

ceeds of any separate rate which it may make and levy over the lands in the Orari-Waihi-Temuka Special Rating District, or any other special rating district defined by it incorporating the South Orari River District and the Waihi River District as previously constituted.

- (2) To the extent to which the payments authorized by subsection (1) are made as therein mentioned it shall not be necessary to collect the said special rates.
- (3) This section shall not be deemed to invalidate or in any way affect the special rates made and levied as security for the said loans, or the rights of the debenture holders in respect thereof.
- (4) All classifications which may hereafter be made, during the currency of the said loans, of lands previously included in the Waihi River District or the South Orari River District shall take into account the interest, sinking fund, and other charges to be paid out of a separate rate to be made and levied upon the said lands in accordance with the classification, and the special rates to which the said lands would otherwise be subject.

#### *Rabbit boards*

### **33 Authorizing Bruce Rabbit Board to raise a special loan for housing purposes**

Whereas the Bruce Rabbit Board (in this section referred to as the **Board**), prior to the sanction of the Local Government Loans Board being given to the raising of a loan for housing purposes, expended out of its General Account moneys amounting in the aggregate to the sum of 2,500 pounds in the purchase of a dwellinghouse for occupation by an employee of the Board:

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

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

Be it therefore enacted as follows:

The Board is hereby authorized and empowered to borrow by way of special loan under the Local Bodies' Loans Act 1926 an amount not exceeding the sum of 2,500 pounds for the purpose

of refunding to its General Account all moneys applied by the Board as aforesaid in the purchase of the said dwellinghouse.

**34 Validating raising of certain loan moneys by Otekaike Rabbit Board**

Whereas by Order in Council made on 24 February 1953 consent was given to the borrowing by the Otekaike Rabbit Board (in this section referred to as the **Board**) of the sum of 2,000 pounds by a loan to be known as the Housing Loan 1952, and also to the borrowing of the sum of 1,800 pounds by a loan to be known as the Maerewhenua Housing Loan 1952 (in this section referred to as the **loans**):

And whereas the Board, prior to the making of the said Order in Council, executed the debentures securing the loans and received payment of the loan moneys in respect of the Housing Loan 1952:

And whereas any such steps to raise loans are prohibited by section 10 of the Local Government Loans Board Act 1926 until such time as the consent of the Governor-General in Council has been given thereto:

And whereas it is expedient that the action of the Board in executing the debentures in respect of the loans should be validated:

Be it therefore enacted as follows:

The action of the Board in executing the said debentures in respect of the loans without the prior consent of the Governor-General in Council is hereby validated; the moneys received by the Board 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 and shall have full force and effect according to their tenor.

*Affecting 2 or more classes of public bodies*

**35 Validating purchase of waterworks by Auckland City Council from One Tree Hill Borough Council**

Whereas, prior to the year 1940, the water supply system of the One Tree Hill Borough Council (in this section referred to

as the **Borough Council**) included a high-level reservoir and certain 8-inch cast iron pipe water mains:

And whereas the Borough Council subsequently extended its water supply system by installing a low-level reservoir and certain 9-inch steel pipe water mains:

And whereas, for the purpose of financing the erection of the said low-level reservoir and the installation of the said 9-inch steel pipe water mains and other works, a loan of 30,000 pounds known as the Water Supply Loan 1940 (in this section referred to as the **loan**) maturing on 20 March 1966, was lawfully raised by the Borough Council and secured by a certain special rate on the annual value of all rateable property in its district:

And whereas the loan with interest thereon at the rate of 3.5% per annum is repayable over a period of 25 years by 50 half-yearly instalments of principal and interest of 905 pounds 4 shillings and 4 pence each:

And whereas, pursuant to the provisions of section 10 of the Local Legislation Act 1950, whereby the Borough Council was authorized to contract with the Auckland City Council (in this section referred to as the **City Council**) for such supply of water as the Borough Council might require for all purposes for the period therein mentioned, the City Council undertook the supply of water to the Borough Council:

And whereas, in undertaking the supply of water to the Borough Council, it was necessary for the City Council to use the said high- and low-level reservoirs and the said 8-inch and 9-inch mains:

And whereas, to facilitate the control, operation, and administration of the said water supply, the City Council and the Borough Council agreed that the City Council should purchase from the Borough Council the said reservoirs and mains upon the following terms:

- (a) that the City Council pay to the Borough Council in cash the sum of 1,340 pounds, being the whole of the price for the high-level reservoir:

- (b) that the City Council pay to the Borough Council in cash the sum of 700 pounds, being the whole of the price for the said 8-inch cast iron pipe water main:
- (c) that the City Council pay to the Borough Council in cash the sum of 3,817 pounds 7 shillings and 9 pence on account of the price for the said low-level reservoir, and reimburse the Borough Council annually, as from 7 September 1950, that portion of the loan charges on the loan applicable to the said reservoir, on which date the outstanding indebtedness for that portion of the loan was 9,682 pounds 12 shillings and 3 pence:
- (d) that the City Council pay to the Borough Council in cash the sum of 628 pounds 7 shillings and 1 penny on account of the purchase price for the said 9-inch steel pipe water main, and reimburse the Borough Council annually as from 30 January 1953 that portion of the loan charges on the loan applicable to the said water main, on which date the outstanding indebtedness for that portion of the loan was 1,051 pounds 12 shillings and 11 pence:
- (e) that the aggregate half-yearly payment required to be made by the City Council under paragraphs (c) and (d) amounts to the sum of 458 pounds and 9 pence:

And whereas the City Council has already paid to the Borough Council the said cash sums referred to in paragraphs (a), (b), (c), and (d), and has also reimbursed the Borough Council certain payments of purchase price and interest in respect of the low-level reservoir and the 9-inch steel pipe water main:

And whereas doubt has arisen as to the authority of the City Council to make the said arrangements:

And whereas it is desirable that the aforesaid sale and arrangements should be validated:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act, the purchase by the City Council from the Borough Council of the said reservoirs and mains is hereby validated.
- (2) The City Council is hereby and shall be deemed to have been duly authorized to make all such payments of purchase price

and interest as have become or may hereafter become payable by the City Council to the Borough Council in terms of the said arrangement.

- (3) Notwithstanding anything to the contrary in any Act, the Borough Council is hereby authorized to hold and apply the said sums of 1,340 pounds and 700 pounds for the purpose of ordinary maintenance within its Waterworks Department, and the sums of 3,817 pounds 7 shillings and 9 pence and 628 pounds 7 shillings and 1 penny for the purpose of extending, enlarging, or improving its water reticulation system, and the Borough Council is hereby further authorized to apply the sums heretofore and hereafter received from the City Council by way of reimbursements as aforesaid in and towards repayment, *pro tanto*, of the instalments of principal and interest from time to time payable in respect of the loan.

**36 Validating certain deed made between Auckland Electric Power Board and Auckland Transport Board**

The deed dated 21 September 1953, a copy of which is deposited in the Department of Internal Affairs at Wellington under number IA 105/734, made between the Auckland Electric Power Board and the Auckland Transport Board by way of modification of the agreement referred to in subsection (1) of section 53 of the Auckland Electric Power Board Act 1921–22, is hereby declared to be and always to have been valid and binding in all respects according to its tenor.

**37 Authorizing transfer of certain moneys by Otautau Town Board to Otautau Domain Board**

Whereas the Otautau Town Board (in this section referred to as the **Town Board**) holds certain moneys amounting to the sum of 60 pounds, being the proceeds arising from the sale by the Town Board of the land described in subsection (2), which said land was vested in the Town Board in trust for municipal purposes by Order in Council made on 13 February 1883:

And whereas the said moneys are not required for the purposes for which they are held in trust:

And whereas the Town Board acts as the Otautau Domain Board (in this section referred to as the **Domain Board**) and in

that capacity controls the recreation reserve at Otautau known as Holt Park:

And whereas the Town Board desires to transfer the said moneys to the Domain Board for expenditure on improvements to the said Holt Park:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act, it shall be lawful for the Town Board to transfer the said sum of 60 pounds to the Domain Board for the purpose of expenditure on improvements to the said Holt Park.
- (2) The land to which this section relates is more particularly described as follows:

All that parcel of land being Section 20, Block III, Town of Otautau, containing 1 rood, more or less, and being the whole of the land comprised and described in certificate of title, Volume 170, folio 10, Southland Registry.

**38 Authorizing sale of certain land vested in Clyde Athenaeum and Public Library and transferring assets to Vincent County Council**

Whereas by section 2 of the Clyde (Vincent County) Athenaeum and Public Library Act 1878, the lands described in subsection (6) of this section were vested in the body corporate known as the Clyde Athenaeum and Public Library (in this section referred to as the **Athenaeum**):

And whereas there is no record of any trustees of the Athenaeum ever having been appointed:

And whereas the affairs of the Athenaeum have been managed by a committee known as the Committee of the Clyde Athenaeum and Public Library (in this section referred to as the **Committee**):

And whereas the principal activity of the Committee has been the maintenance of a library and public hall in the Town of Clyde:

And whereas it now appears that the library could be more advantageously conducted by the Vincent County Council in a hall to be erected as a war memorial in the Town of Clyde:

And whereas the Committee has called for public tenders for the purchase of the said lands:

And whereas the only tender received was that of the Masonic Lodge Dunstan Number 103 of 500 pounds:

And whereas the Committee desires to sell the said lands to the said Lodge and to transfer the personal property of the Athenaeum, including the purchase price of the said lands, to the Vincent County Council for the purposes of the war memorial to be erected in the Town of Clyde, but doubts have arisen as to its powers to do so:

Be it therefore enacted as follows:

- (1) The Committee is hereby authorized on behalf of the Athenaeum to sell the lands described in subsection (6).
- (2) The Committee is hereby authorized to accept the tender of the Masonic Lodge Dunstan Number 103 of 500 pounds for the purchase of the said lands.
- (3) On the presentation to him of a transfer of the said lands to Thomas Ross Robertson, retired orchardist, of Timaru, Ernest Edward Love, farmer, of Clyde, and Richard Alderdice Annan, orchardist, of Clyde, the Trustees of the Masonic Lodge Dunstan Number 103, subject to the provisions of the Grand Lodge of Freemasons of New Zealand Trustees Act 1903, executed on behalf of the Athenaeum by the Chairman and Secretary for the time being of the Committee, the District Land Registrar for the Land Registration District of Otago is hereby authorized and directed to accept and register the said transfer.
- (4) All the personal property of whatsoever nature, including all furniture, furnishings, equipment, books, periodicals, and sums of money, including the purchase price of 500 pounds for the said lands, whether in cash or deposited in trading banks or savings banks or held by any person or persons or body on behalf of the Athenaeum, and all rights and powers exercisable thereunder or pertaining thereto belonging to the Athenaeum, are hereby vested in the Vincent County Council for the purposes of a war memorial in the Town of Clyde.
- (5) The Athenaeum is hereby dissolved.
- (6) The lands to which this section relates are more particularly described as follows:

All that piece of land situated in the Town of Clyde containing 39 perches and seven-tenths of a perch, more or less, being Sections 30 and 31 and part of Section 29, Block XXIII, on the map of the said Town and being the whole of the land comprised and described in certificate of title, Volume 52, folio 112, Otago Registry.

**39 Authorizing Wanganui City Council to grant renewal of certain lease to Wanganui-Rangitikei Electric Power Board**

Whereas, pursuant to the provisions of the Wanganui-Rangitikei Electric Power Board Enabling Act 1924, the Corporation of the Mayor, Councillors, and Citizens of the City of Wanganui (in this section referred to as the **Corporation**) and the Wanganui-Rangitikei Electric Power Board (in this section referred to as the **Board**) were authorized and empowered to enter into and execute the agreement referred to in the said Act, and the Corporation was authorized and empowered to lease to the Board certain land referred to in the said agreement without taking any of the steps required by section 155 of the Municipal Corporations Act 1920:

And whereas the said agreement was duly executed on 1 October 1924:

And whereas the lease to be given in terms of the said agreement was to be for a term of 21 years from the date of the execution of the said agreement, with perpetual rights of renewal for successive periods of 21 years:

And whereas there is no record of the said lease having been prepared and executed by the Corporation and the Board pursuant to the provisions of the said agreement, but the said lease if executed would have expired on 30 September 1945:

And whereas the Board inadvertently omitted to give the necessary notice of its desire to obtain a renewal of the lease under the provisions in that behalf contained in the said agreement:

And whereas the Board has now requested the Wanganui City Council (in this section referred to as the **Council**) to grant to it a renewed lease at a rental to be fixed in accordance with the

provisions in that behalf contained in the said agreement, the term of the lease to be for a period of 21 years and providing for perpetual rights of renewal for successive periods of 21 years: And whereas the Council is desirous of granting to the Board a renewed lease for a term of 21 years from 1 October 1945, in a form approved by the Council and providing for perpetual rights of renewal for successive periods of 21 years:

Be it therefore enacted as follows:

- (1) The Council is hereby authorized and empowered to grant to the Board a renewed lease of the land described in subsection (3) at a rental to be fixed in accordance with the provisions in that behalf contained in the said agreement, for a term of 21 years from 1 October 1945, in a form approved by the Council, and providing for perpetual rights of renewal for successive periods of 21 years.
- (2) The Council is hereby authorized and empowered to execute all necessary deeds and documents and to do all such other things as may be necessary for the effectual granting of the said lease to the Board.
- (3) The land to which this section relates is more particularly described as follows:

All that area in the Wellington Land District, City of Wanganui, containing 2 roods 31 perches and eighteen-hundredths of a perch, more or less, being Lot 5 on Deposited Plan Number 16786, part Lot 36 on Deeds Plan Number 133, part Reserve L, Town of Wanganui, and being part of the land comprised and described in certificate of title, Volume 343, folio 107, Wellington Registry.

#### **40 Authorizing Wanganui High School Board of Governors to transfer certain land to Wanganui City Corporation**

Whereas the Board of Governors of the High School of Wanganui (in this section referred to as the **Board**) is registered as the proprietor of an estate in fee simple in the land described in subsection (3):

And whereas the Board, at the request of the Wanganui City Council, has agreed to transfer the said land to the Corporation of the Mayor, Councillors, and Citizens of the City of Wanga-

nui (in this section referred to as the **Corporation**) for street widening purposes:

And whereas the Board has no authority to transfer the said land to the Corporation for the purposes aforesaid:

Be it therefore enacted as follows:

- (1) The Board is hereby authorized and empowered to transfer to the Corporation without consideration the land described in subsection (3), the land to vest in the Corporation for street widening purposes.
- (2) The Board is hereby authorized and empowered to execute all necessary deeds and documents and to do all other things as may be necessary for the effectual vesting of the said land in the Corporation for the purposes aforesaid.
- (3) The land to which this section relates is more particularly described as follows:

All that parcel of land situate in the City of Wanganui containing by admeasurement 1 perch and twenty-two hundredths of a perch, more or less, being part of Lot 3 on Deposited Plan Number 837, being part of Section 63, Left Bank, Wanganui River, and being part of the land comprised and described in certificate of title, Volume 491, folio 295, Wellington Registry: as the said parcel of land is delineated on the plan thereof deposited in the Department of Internal Affairs at Wellington under Number IA 105/709, and thereon coloured in outline red.

#### **41 Provision with respect to certain leases granted by Wanganui City Corporation**

Whereas, by Memorandum of Lease Registered Number 25433 dated 21 August 1951, the Corporation of the Mayor, Councillors, and Citizens of the City of Wanganui (in this section referred to as the **Corporation**) leased to the Wanganui Hospital Board (in this section referred to as the **Board**) a certain area of land situated in the City of Wanganui for a term of 11 years and 3 months from and inclusive of 1 June 1951:

And whereas, by Memorandum of Lease Registered Number 23138 dated 1 November 1942, the Corporation leased to John Jacob Meuli and George Henry Hadley a certain area of land

situated in the City of Wanganui for a term of 21 years from and inclusive of 1 September 1941, but the lessees' interest in the said lease has been transferred to the Board:

And whereas the lands comprised and described in the said Memoranda of Lease are adjoining and have now been subdivided into 3 allotments and the Corporation wishes to accept surrenders of the said leases and to grant to the Board 3 new leases of the said allotments, but doubts have arisen as to the authority of the Corporation to do so:

Be it therefore enacted as follows:

- (1) The Corporation is hereby authorized and empowered to accept surrenders of Memoranda of Lease Registered Numbers 25433 and 23138, and to grant to the Board 3 new leases, namely:
  - (a) a lease of all that piece of land situated in the City of Wanganui containing by admeasurement 1 acre 1 rood 18 perches and seventeen-hundredths of a perch, more or less, being part of Reserve L, Wanganui Town Belt, and being also Lot 7 on Deposited Plan Number 16786, and part of the land comprised and described in certificate of title, Volume 478, folio 7, Wellington Registry, at a rental of 32 pounds per annum:
  - (b) a lease of all that piece of land situated in the City of Wanganui containing by admeasurement 1 rood 4 perches and one-tenth of a perch, more or less, being part of Reserve L, Wanganui Town Belt, and being also Lot 20 on Deposited Plan Number 16786, and part of the land comprised and described in certificate of title, Volume 478, folio 7, Wellington Registry, at a rental of 12 pounds per annum; and
  - (c) a lease of all that piece of land situated in the City of Wanganui containing by admeasurement 1 rood 8 perches and ninety-one hundredths of a perch, more or less, being part of Reserve L, Wanganui Town Belt, and being also Lot 21 on Deposited Plan Number 16786, and part of the land comprised and described in certificate of title, Volume 478, folio 7, Wellington Registry, at a rental of 12 pounds per annum.

- (2) The first term of the said 3 new leases shall be for a period of years expiring on 30 August 1962, and the said leases shall be in a form approved by the Corporation and shall provide for perpetual rights of renewal for periods of 21 years at the end of the said first term and each successive period of 21 years at a rental to be fixed in accordance with the Municipal Corporations Act 1933.
- (3) The Corporation is hereby authorized and empowered to execute all necessary deeds and documents and to do all such other things as may be necessary for the effectual granting of the said 3 new leases to the Board.

**42 Provision in connection with financing certain works relating to Hutt Pipe Bridge**

Whereas, by Warrant issued on 10 September 1952, pursuant to the provisions of section 135 of the Public Works Act 1928, the Lower Hutt City Council was authorized to construct a bridge together with approaches thereto over the Hutt River (in this section referred to as the **bridge**) on the site more particularly delineated on the plan marked PWD 136071, deposited in the office of the Minister of Works at Wellington, and thereon coloured red:

And whereas, by the said Warrant, the local authorities therein named were required to bear the cost of the bridge and the approaches thereto in the proportions set out in the said Warrant:

And whereas additional provision has been made in the design of the bridge to enable water pipes to be installed for the purposes and at the cost of the Wellington City Council, to enable sewer mains to be installed for the purposes and at the cost of the Hutt Valley Drainage Board, and to enable gas mains to be installed for the purposes and at the cost of the Petone and Lower Hutt Gas Board:

And whereas it is necessary to carry out other works as a result of the construction of the bridge comprising the moving of water pipes by the Wellington City Council, the moving of gas mains by the Petone and Lower Hutt Gas Board, the construction of a traffic roundabout at the eastern end of the bridge by the Lower Hutt City Council, and the construction of street

works at the western end of the bridge by the Petone Borough Council:

And whereas it is expedient to authorize the local authorities so affected to raise a loan or loans for the several purposes hereinbefore recited:

Be it therefore enacted as follows:

- (1) The Wellington City Council is hereby authorized to raise by special order a loan for the purpose of providing the contribution payable by it in connection with the additional provision made in the design of the bridge to enable water pipes to be installed on the bridge for the purposes and at the cost of that Council and for the purpose of the acquisition and installation of water pipes required by that Council on the bridge and adjacent thereto.
- (2) The Petone Borough Council is hereby authorized to raise by special order a loan for the purpose of constructing street works at the western end of the bridge.
- (3) The Hutt Valley Drainage Board is hereby authorized to raise by special order a loan for the purpose of providing the contribution payable by it in connection with the additional provision made in the design of the bridge to enable sewer mains to be installed on the bridge for the purposes and at the cost of that Board.
- (4) The Lower Hutt City Council is hereby authorized to raise by special order a loan for the construction of a traffic roundabout at the eastern end of the bridge.
- (5) The Petone and Lower Hutt Gas Board is hereby authorized to raise by special order a loan for the purpose of providing the contribution payable by it in connection with the additional provision made in the design of the bridge to enable gas mains to be installed on the bridge for the purposes and at the cost of that Board and for the purpose of the acquisition and installation of gas mains required by that Board on the bridge and adjacent thereto.
- (6) The loans authorized to be raised under this section shall, for the purposes of the Local Government Loans Board Act 1926, be deemed to be moneys borrowed by the local authority for

the purpose of meeting a liability to which section 12 of that Act applies.

**43 Provision with respect to dissolution of Riverton Athenaeum Incorporated**

Whereas at an extraordinary general meeting of the Riverton Athenaeum Incorporated (in this section referred to as the **Athenaeum**), it was resolved that the Athenaeum be dissolved and its assets transferred to the Corporation of the Borough of Riverton (in this section referred to as the **Corporation**) for library purposes:

And whereas it is desirable to make provision accordingly:

Be it therefore enacted as follows:

- (1) The Athenaeum is hereby dissolved.
- (2) The lands described in subsection (6) are hereby vested in the Corporation in trust for library purposes.
- (3) All personal property of whatsoever nature, including all choses in action and the benefit of all contracts and agreements and all rights and powers exercisable thereunder or pertaining thereto belonging to the Athenaeum, are hereby vested in the Corporation for library purposes, and all debts and other liabilities lawfully incurred by the Athenaeum and existing on the passing of this Act shall hereafter be debts and liabilities of the Corporation.
- (4) The Corporation is hereby authorized and empowered to meet the said debts and liabilities out of a separate account, to be known as the Riverton District Library Account, which the Corporation shall establish, and to the credit of which shall be placed all moneys received by the Corporation pursuant to this section.
- (5) The District Land Registrar for the Land Registration District of Otago is hereby authorized and empowered to register such documents, make such entries in the register books, and to do all such other things as may be necessary to give effect to the provisions of this section.
- (6) The lands to which this section relates are more particularly described as follows:

Firstly, all that area of land in the Borough of Riverton, containing by admeasurement 1 rood 39 perches, more or less, being Section 2 and part Section 21, Town of Riverton, and being all the land comprised and described in certificate of title, Volume 20, folio 299, Southland Registry, and part of the land contained in certificate of title, Volume 5, folio 75, Southland Registry.

Secondly, all that area of land in the County of Wallace, containing by admeasurement 613 acres and 10 perches, more or less, being Sections 44, 45, 46, 55, 56, 64, 65, 66, 67, 68, and 69, Block VI, Jacobs River Hundred, and being all the land comprised and described in certificate of title, Volume 5, folio 71, Southland Registry.

*Miscellaneous*

**44 Authorizing payment of retiring allowance by Ohai Railway Board**

The Ohai Railway Board is hereby authorized to pay to Charles Balneaves, of Wairio, former Traffic Manager of the Board, the sum of 500 pounds in recognition of the services rendered by him while in the employment of the Board.

**45 Provision with respect to dissolution of Wairangi Public Library**

Whereas the Wairangi Public Library, a body incorporated under the Libraries and Mechanics' Institutes Act 1908 (in this section referred to as the **Library**), is the registered proprietor of the land described in subsection (5):

And whereas it is impossible to control effectively the affairs of the Library owing to the trustees now being deceased and there being no legal representatives of those trustees:

And whereas it is desired to make provision for vesting the said land in a society, to be known as the Waerenga Hall Society (Incorporated) (in this section referred to as the **Society**), which it is proposed to incorporate under the Incorporated Societies Act 1908:

Be it therefore enacted as follows:

- (1) Upon the incorporation of the Society the Library shall be dissolved, and the Registrar of the Supreme Court at Auckland is hereby authorized and directed to note the said dissolution on the court record of the incorporation of the Library.
  - (2) Upon the dissolution of the Library, the said land shall vest in the Society as a site for a social hall for the residents of the district, and the District Land Registrar for the Land Registration District of Auckland, on the written application of the Society and on payment of the appropriate fee, is hereby authorized and directed to make such entries in the register books and generally to do all such things as are necessary to give effect to the provisions of this section.
  - (3) Upon the dissolution of the Library, all moneys and other personal property of whatsoever nature formerly belonging to the Library and now held in trust by any persons shall be transferred to the Society.
  - (4) The said moneys shall be applied firstly in discharging any liabilities of the Library, and secondly towards the general purposes of the hall.
  - (5) The land to which this section relates is more particularly described as follows:  
All that area in the Waikato County, South Auckland Land District, containing by admeasurement 1 rood, more or less, being part of Allotment 63, Whangamarino Parish, and being the whole of the land comprised and described in certificate of title, Volume 565, folio 48 (limited as to parcels), Auckland Registry.
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## **Notes**

### **1 *General***

This is a reprint of the Local Legislation Act 1953. The reprint incorporates all the amendments to the Act as at 31 March 1958, 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 Legislation Act 1957 (1957 No 107): section 39(1)

Local Legislation Act 1956 (1956 No 48): section 10(2)

Local Legislation Act 1953 (1953 No 106): section 6(3)

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