

**Reprint  
as at 1 July 2003**



## **Local Legislation Act 1983**

Public Act      1983 No 8  
Date of assent    23 September 1983  
Commencement    see section 1(2)

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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 powers on certain public bodies and to authorise and validate certain transactions and other matters**

**1 Short Title and commencement**

- (1) This Act may be cited as the Local Legislation Act 1983.
- (2) Except as provided in section 8(3), this Act shall come into force on the day on which it receives the Governor-General's assent.

**2 Auckland Harbour Board: authorising payments for surrendered leases**

- (1) In this section,—
  - the Board** means the Auckland Harbour Board
  - the said land** means the land described in subsection (5)
  - the said leases** means the leases Nos 715502–1 and 715502–2 referred to in subsection (5).
- (2) The lessees under the said leases are hereby authorised and empowered to surrender them to the Board; and the Board is hereby authorised and empowered to pay to any lessee under either of the said leases, in respect of the surrender of that lease to it, any sum the Board thinks fit.
- (3) So soon as the said leases have both been surrendered in respect of any part of the said land, that part of the said land shall thereupon be freed from all trusts, reservations, and restrictions (not being trusts, reservations, or restrictions, applicable to all land vested in Harbour Boards) other than lease No 715502–3, and the party wall rights, referred to in subsection (5).
- (4) The District Land Registrar of the Land Registration District of North Auckland shall do all such things and make all such entries in his registers as may be necessary to give effect to subsection (3).
- (5) The said land comprises—
  - (a) all that parcel of land situated in the City of Auckland containing approximately 260 m<sup>2</sup>, being Lot 140, DP 626, and being part of the land comprised and described in certificate of title No 429/209 (North Auckland Registry), subject to leases Nos 715502–1, 715502–2, and 715502–3; and
  - (b) all that parcel of land situated in the City of Auckland containing approximately 521 m<sup>2</sup>, being Lots 141 and 142, DP 626, and being all the land comprised and described in certificate of title No 429/210 (North

Auckland Registry), subject to party wall rights created by transfers Nos 39408 and 57094 and to leases Nos 715502–1, 715502–2, and 715502–3.

**3 Featherston Borough Council: validation of informal rates**

Notwithstanding that the rates described in the Schedule (hereafter in this section referred to as the said rates) may not have been lawfully made,—

- (a) the said rates are hereby validated, and deemed to have been lawfully resolved to be made and levied, in respect of the year that ended with 31 March 1982, on 23 July 1981:
- (b) all actions of the said Council in levying and collecting the said rates are hereby validated and deemed to have been lawful:
- (c) all money received by the said Council in payment of the said rates is hereby deemed to have been lawfully paid to and received by it:
- (d) such part of the said rates as has not yet been paid to the said Council is hereby deemed to be lawfully payable and capable of being collected as if it had always been lawfully payable.

**4 Greytown Borough Council: validation of excessive rate**

Notwithstanding that the special rate on the land value of all rateable property in the Borough of Greytown of 1.014164 cents in the dollar resolved to be made and levied in respect of the year that ended with 31 March 1982 by the Greytown Borough Council at a duly notified meeting held on 6 July 1981 was invalid by virtue of its exceeding the limit imposed by section 47(1) of the Local Authorities Loans Act 1956,—

- (a) the said rate is hereby validated and deemed to have been lawfully made:
- (b) all actions of the said Council in levying and collecting the said rate are hereby validated and deemed to have been lawful:
- (c) all money received by the said Council in payment of the said rate is hereby deemed to have been lawfully paid to and received by it:
- (d) such part of the said rate as has not yet been paid to the said Council is hereby deemed to be lawfully payable, and capable of being collected as if it had always been lawfully payable.

**5 Mount Albert City Council: validation of agreement to purchase land**

- (1) Notwithstanding that they were without the consent of the Minister of Local Government as required by section 228 of the Local Government Act 1974, the actions of the Mount Albert City Council in entering into an agreement, dated 1 April 1981, with Her Majesty the Queen under the Housing Act 1955, for the purchase of the land described in subsection (2) of this section are hereby validated and deemed to have been lawful; and that agreement is hereby validated and deemed to have been lawful; and the said Council is hereby authorised and

empowered to pay the purchase price for that land, and interest on the balance of that price from time to time outstanding, from revenue by instalments as provided in that agreement.

- (2) The said land comprises all that parcel of land situated in the City of Mount Albert containing approximately 2.451 ha, being Lot 2, DP 92460, and being parts Allotments 52 and 53, Parish of Titirangi, and being all the land comprised and described in certificate of title No 48D/1306 (North Auckland Registry).

#### **6 Nelson Provincial Museum Trust Board: validation of amendment to agreement by contributing authorities**

- (1) The agreement dated 13 June 1983, a certified copy of which is recorded in the Department of Internal Affairs at Wellington on file 105/887, between the territorial authorities specified, immediately before the commencement of this section, in section 22(9) of the Local Legislation Act 1976 is hereby validated and deemed to have been lawfully made; and the actions of those authorities in entering into that agreement are hereby validated and deemed to have been lawful.
- (2) *Amendment(s) incorporated in the Act(s).*
- (3) The Governor-General may by Order in Council, on the advice of the Minister of Local Government, repeal the following provisions:
  - (a) section 22 of the Local Legislation Act 1976:
  - (b) subsections (1) and (2).
- (4) The Minister of Local Government shall not advise the making of an Order in Council under subsection (3) unless he is satisfied that each of the territorial authorities specified in section 22(9) of the Local Legislation Act 1976 (as amended by subsection (2) of this section) or, as the case requires, its lawful successor, agrees that it should be made.
- (5) Upon the repeal of the provisions specified in subsection (3), the agreement specified in section 40 of the Local Legislation Act 1963 relating to the establishment of a museum for the Provincial District of Nelson, together with the amendments specified in section 22(1) of the Local Legislation Act 1976 and subsection (1) of this section, shall be deemed to have been abrogated.
- (6) Nothing in subsection (3) or subsection (5) shall affect the validity of anything validated by any provision specified in subsection (3).

#### **7 Northland Harbour Board: validation of illegal payment of retirement gratuity**

Notwithstanding that the actions of the Northland Harbour Board in paying to Ronald Norman Griggs, during the year ending with 30 September 1983, a retirement gratuity of \$7,559.25 were unlawful in that he had not been in the service of the said Board for 10 years, as required by section 6 of the Finance

Act (No 2) 1941, those actions are hereby validated and deemed to have been lawful.

**8 North Shore Drainage Amendment Act 1983 amended**

- (1), (2) *Amendment(s) incorporated in the Act(s).*
- (3) Subsections (1) and (2) shall be deemed to have come into force on 13 August 1983.

**9 Patea Borough Council: validation of excessive rate**

Notwithstanding that the general rate on the land value of all rateable property in the Borough of Patea of 7.78 cents per dollar resolved to be made and levied in respect of the year that ended with 31 March 1982 by the Patea Borough Council at a duly notified meeting held on 17 June 1981 was invalid by virtue of its exceeding the limit imposed by section 136 of the Local Government Act 1974,—

- (a) the said rate is hereby validated and deemed to have been lawfully made:
- (b) all actions of the said Council in levying and collecting the said rate are hereby validated and deemed to have been lawful:
- (c) all money received by the said Council in payment of the said rate is hereby deemed to have been lawfully paid to and received by it:
- (d) such part of the said rate as has not yet been paid to the said Council is hereby deemed to be lawfully payable, and capable of being collected as if it had always been lawfully payable.

**10 Wairoa Borough Council: authorising special agreement to supply water**

- (1) The Wairoa Borough Council is hereby authorised and empowered by deed to agree with Swift New Zealand Company Limited and Waitaki NZ Refrigerating Limited (each of which is a duly incorporated company having its registered office in Christchurch) that it will not, otherwise than in accordance with the terms of the deed concerned, reduce or discontinue the supply of water referred to in that deed; and, notwithstanding any enactment or bylaw to the contrary, but subject to subsection (2), to the extent that the said Council so agrees, that deed shall be binding upon the said Council according to its tenor.
- (2) Notwithstanding anything in subsection (1), or in any deed made under that subsection, the said Council may at any time reduce or discontinue the said supply—
- (a) in accordance with section 397 of the Local Government Act 1974; or
- (b) for so long as, and (subject to paragraph (d)) to the extent only that, any part of the Council's waterworks (being a part used in, or affected by, the said supply) is about to fail, or is undergoing maintenance or repair, or is being replaced; or

- (c) for so long as, and (subject to paragraph (d)) to the extent only that, for any reason beyond its control, the said Council is unable to maintain the said supply; or
- (d) for so long as, and to the extent only that, in the opinion of the said Council, a drought, a flood, or some other emergency, makes it necessary to reduce or discontinue the said supply in order to ensure that the supply of water to other consumers supplied by the Council—
  - (i) is not reduced below the quantity necessary for the preservation of public health; or
  - (ii) is reduced as little as possible below that quantity.

**11 Whakatane District Council: varying amount of rate**

*[Repealed]*

Section 11: repealed, on 1 July 2003, by section 138(1) of the Local Government (Rating) Act 2002 (2002 No 6).

**12 Whangarei City Council: removal of limitations on title**

- (1) The land described in subsection (3) is hereby freed from all trusts, reservations, and restrictions, to which it was subject immediately before the commencement of this section (not being trusts, reservations, or restrictions, applicable to all land vested in City Councils).
- (2) The District Land Registrar of the Land Registration District of North Auckland shall do all things and make all such entries in his registers as may be necessary to give effect to subsection (1).
- (3) The said land comprises all that parcel of land situated in the City of Whangarei containing approximately 2 060 m<sup>2</sup>, being Lots 3 and 4, DP 10925, and being all the land comprised and described in certificate of title No 1035/24 (North Auckland Registry).

**Schedule**  
**Rates validated (expressed in cents in the dollar on the land value of  
all rateable property in the Borough of Featherston)**

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<i>Group 1 (residential)</i>		<i>Group 2 (urban)</i>	
Loans	2.1750	Loans	1.5225
Works and services	.9844	Works and services	.6891
General rate	5.0919	General rate	3.5643
	8.2513		5.7759
<i>Group 3 (2 units)</i>		<i>Group 4 (3 units)</i>	
Loans	2.8275	Loans	3.4800
Works and services	1.2797	Works and services	1.5750
General rate	6.6194	General rate	8.1470
	10.7266		13.2020
<i>Group 5 (4 units)</i>		<i>Group 6 (5 units)</i>	
Loans	4.1326	Loans	4.7851
Works and services	1.8703	Works and services	2.1656
General rate	9.6745	General rate	11.2021
	15.6774		18.1528
<i>Group 7 (6 units)</i>		<i>Group 8 (7 units)</i>	
Loans	5.4376	Loans	6.0901
Works and services	2.4609	Works and services	2.7562
General rate	12.7296	General rate	14.2572
	20.6281		23.1035
<i>Group 9 (8 units)</i>		<i>Group 10 (9 units)</i>	
Loans	6.7426	Loans	7.3851
Works and services	3.0516	Works and services	3.3569
General rate	15.7847	General rate	17.3123
	25.5789		28.0543

Schedule	<b>Local Legislation Act 1983</b>		Reprinted as at 1 July 2003
<i>Group 11 (over 9 units)</i>		<i>Group 12 (commercial)</i>	
Loans	8.0476	Loans	3.1623
Works and services	3.6422	Works and services	1.4312
General rate	18.8398	General rate	7.4032
	<u>30.5296</u>		<u>11.9967</u>

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## Notes

### ***1 General***

This is a reprint of the Local Legislation Act 1983. 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)