

Victory Park Act 1919

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An Act to vest certain Land, formerly known as Lancaster Park, in His Majesty the King, in trust as a Recreation-ground, and to

provide for the Control and Management of the same by a Board of Trustees.

Preamble

WHEREAS the land described in Schedule 1 hereto is vested in Lancaster Park, Limited, a company duly incorporated under the Companies Act 1908, in trust for the purposes of promoting and developing football and cricket and other amateur athletic sports: And whereas the said land and the buildings thereon have been used for many years for the purposes of cricket, football, and other sports under the auspices of the directors of the said company, consisting of the Mayor of Christchurch for the time being, three persons representing the Canterbury Cricket Association, three persons representing the Canterbury Rugby Football Union, and one person appointed to represent amateur sports other than cricket and football: And whereas there has been contributed by the public, mainly by the efforts of the Canterbury Commercial Travellers' and Warehousemen's Association (Incorporated), the sum of sixteen thousand dollars, or thereabouts, for the purpose of discharging the mortgage debt owing by the said company upon the said land conditionally upon the said land being vested in His Majesty the King to be held for all time in trust for the purposes mentioned in this Act in commemoration of the victory of the Allies in the recent war with Germany and of the Canterbury soldiers who have died in the service of their country: And whereas the said company and the said cricket association and the said Rugby football union desire that the said land should be vested in His Majesty the King for the purposes mentioned in this Act, and that the same shall henceforth be under the entire control and management of a Board with the powers and authorities hereinafter provided:

The words "sixteen thousand dollars" were substituted, as from 10 July 1967, for the words "eight thousand pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1 Short Title

This Act may be cited as the Victory Park Act 1919.

2 Land vested in His Majesty in trust for purposes of recreation

The land described in Schedule 1 hereto (hereinafter referred to as the said land) shall, on the discharge of the mortgage referred to in the recital hereto, be vested without conveyance or transfer in His Majesty the King, and shall be held by him and his successors for the purposes and objects defined in this Act.

3 Purposes for which land may be used

The said land shall be available for all time for the following purposes:—

- (a) Cricket played under the control or with the sanction of the committee for the time being of the Canterbury Cricket Association;
- (b) Rugby football played under the control or with the sanction of the committee for the time being of the Canterbury Rugby Football Union; and
- (c) Such other sports, exhibitions, amusements, and entertainments as the Board of Trustees constituted as hereinafter set forth may from time to time deem expedient.

4 Land to be administered by Board of Trustees

The said land shall for the purposes aforesaid be under the exclusive control and management of a Board of Trustees (hereinafter called the Board).

5 Saving of certain existing rights

The rights and privileges conferred upon holders of life members' tickets issued by Lancaster Park, Limited, shall continue in full force, and all contracts entered into by the

said company with any of its employees shall be adopted by and be binding on the Board.

6 Incorporation of Board

The Board shall be a corporate body under the name of **The Victory Park Board**, with perpetual succession and a common seal, with full power and authority by that name to sue and be sued in all Courts whatsoever, and shall be capable in law for the purposes and subject to this Act of holding real and personal property and of selling, letting, mortgaging, or otherwise dealing with the same, and of doing and suffering all such acts and things as bodies corporate may do or suffer.

7 Leasing-powers of Board

In addition to the general powers hereinafter conferred on it, the Board may from time to time exercise all or any of the following powers:—

- (a) By deed under its corporate seal lease from time to time, at such rent and upon such conditions as it may think fit, for any of the purposes aforesaid, the whole or any part of the said land for any term or terms of years and on conditions not inconsistent with any of the purposes aforesaid:
- (b) Erect, develop, improve, and maintain training-halls with necessary gymnastic appliances, lecture-rooms, clubhouses, refreshment-rooms, baths, and any other buildings upon the said land, and effect such improvements thereon or thereto as from time to time it may think fit, or remove and dispose of any buildings thereon, and grant any easements over or in regard to the said land, but not so as to interfere with the use or enjoyment of the same.

8 General authority of management conferred on Board

The said land shall be under the management, control, and direction in all things of the Board, but the Board shall have no power to mortgage, charge, or encumber the said land or alienate the same further than may be necessary to effectuate the powers and purposes conferred upon it by this Act.

9 General powers of Board

The Board may—

- (a) Issue tickets entitling the holders to admission to the said land or to any stand thereon for such period and upon such terms as it thinks fit;
- (b) Charge for admission to the said land at such rates and upon such terms as the Board deems fit;
- (c) Make grants or allowances from its funds to clubs, associations, or persons for the purpose of fostering and encouraging any amateur athletic sport, or to players or competitors who may sustain injury in any athletic sport, or to the dependants of any such players or competitors;
- (d) Engage, at such remuneration as it thinks fit, lecturers and instructors in cricket, football, and other sports calculated to promote physical health and well-being, and expend revenue or funds in any manner tending to promote any of the purposes mentioned in this Act;
- (e) Allow the free use of the said land and buildings and improvements thereon for the purposes of charity or education, or other purposes of public importance or utility;
- (f) Erect a permanent memorial on the said land, or within the buildings thereon, recording the names of the Canterbury soldiers who have lost their lives in the war.

10 Rules governing procedure of Board

It shall be lawful for the Board, by resolution, from time to time to make rules—

- (a) Regulating its own proceedings, its quorum, the proceedings of its committees, and the appointment of its Chairman;
- (b) Prescribing the conditions on which the public or any portion thereof shall be permitted to have access to the said land or any part thereof, or to any building or enclosure thereon, upon any day when the same shall be used for any of the aforesaid purposes;
- (c) Regulating the price for admission on any occasion; and
- (d) Regulating the charges that may be made for the occupation of the said land or any portion thereof.

11 Land not to be public reserve or public domain within the meaning of the Reserves Act 1977

The Reserves Act 1977, and any other enactments relating to public reserves and domains shall not apply to the said land.

The reference to the Public Reserves and Domains Act 1928 was substituted, as from 1 April 1929, for a reference to the Public Reserves and Domains Act 1908 pursuant to section 103 Public Reserves and Domains Act 1928. That Act was in turn substituted, as from 1 April 1954, by section 107(1) Reserves and Domains Act 1953. That Act was in turn substituted, as from 1 April 1978, by section 125(1) Reserves Act 1977 (1977 No 66).

12 Constitution of Board

- (1) The first members of the Board shall be the persons named or indicated in Schedule 2 to this Act, who shall hold office until their successors come into office pursuant to the provisions of this Act in that behalf, and shall then retire from office.
- (2) Their successors shall be the following:—
 - (a) Three persons elected by the committee for the time being of the Canterbury Cricket Association;
 - (b) Three persons elected by the committee for the time being of the Canterbury Rugby Football Union;
 - (c) Two persons elected by the committee for the time being of the Canterbury Commercial Travellers' and Warehousemen's Association (Incorporated);
 - (d) The Mayor of Christchurch for the time being; and
 - (e) One person representing sports or athletic pastimes other than cricket or Rugby football to be appointed by the Board.
- (3) Any member of the Board retiring from office pursuant to this section shall be eligible for re-election or reappointment.

13 Mode of election or appointment of members of Board

- (1) The persons referred to in paragraphs (a), (b), and (c) of the last preceding section shall be elected from time to time by the said associations or union respectively for such periods and upon such conditions as such associations or union shall respectively from time to time determine.
- (2) The Board shall not be concerned to see or inquire as to the mode of such election, and shall be entitled to accept as conclusive evidence of the validity thereof a notification

in writing from the secretary for the time being of such associations or union respectively of the election of the person or persons for the time being representing such associations or union respectively.

- (3) The person referred to in paragraph (e) of the last preceding section shall from time to time be appointed by the Board in such manner, for such term, and upon such conditions as it thinks fit.
- (4) The said associations, union, and the Board respectively may from time to time in like manner rescind the election and representation of any person or persons elected or appointed by them.
- (5) The first elections of members shall take place within two months after the passing of this Act, and the members shall come into office immediately after the last of such elections.
- (6) Any casual vacancy on the Board caused by the death, resignation, or incapacity of any person elected under paragraphs (a), (b), or (c) of subsection two of the last preceding section shall, within six weeks after such vacancy has occurred, be filled by the committee of the association or union which elected such person.

14 Acts of Board not affected by reason of manner of election, &c, of members

- (1) The validity or legality of acts done by the Board shall not be affected by any error or defect in the election or appointment of any member of the Board, or by the fact that the full number of members has not been elected or appointed, or by the fact that any person acting as a member of the Board is disqualified or has vacated his seat.
- (2) Any resolution of the Board, or any act, deed, or thing verified by the seal of the Board, shall be deemed conclusive evidence of the fact or act therein recorded or stated.

15 Accounts to be kept by Board

The Board shall keep accurate accounts of all sums of money received by it, and of all costs, charges, and disbursements in connection with the maintenance and management of the said

land or of its property, and shall in each and every year prepare a balance-sheet showing the receipts and disbursements of the Board during the previous year and the actual financial state of the Board as on the thirty-first day of December of that year, and such balance-sheet shall be exhibited during the month of March following in some prominent place on the said land or on one of the buildings or erections thereon.

16 Board may make by-laws

- (1) The Board may from time to time, by resolution, make by-laws for all or any of the following purposes, that is to say:—
 - (a) For the safety and preservation of and to prevent injury to the buildings, fences, turf, and all other property under the control of the Board;
 - (b) For preventing and repressing betting, gambling, or disorderly or unseemly conduct or behaviour of persons, whether players or spectators, in or about the said land;
 - (c) For preventing persons gaining or attempting to gain admission to any land, building, or enclosure under the control of the Board without payment of the proper charge payable for admission to such land, building, or enclosure on any day when the land is being used for any of the purposes mentioned in section three hereof; and
 - (d) For the regular and efficient government and management of all buildings and land under the control of the Board, and for providing for the comfort and convenience of players and spectators attending or making use of the said buildings or land.
- (2) No by-laws made by the Board shall come into operation until the same have been approved by the Governor-General and have been gazetted.
- (3) The publication in the *Gazette* of any by-laws purporting to have been made by the Board under this Act and to have been approved by the Governor-General shall, until the contrary is shown, be sufficient evidence that the same have been duly made and approved in accordance with this Act.

17 Penalty for breach of by-laws

Every person who commits any breach of any by-law under this Act is liable to a fine not exceeding ten dollars, and shall also be liable to pay damages in respect of any injury done by such person. All such fines and damages may be recovered in a summary way, and when so recovered shall be paid without deduction to the Board.

The words “ten dollars” were substituted, as from 10 July 1967, for the words “five pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

18 Board may exercise powers of absolute owner

Generally and without limitation by the express powers hereinbefore conferred, but subject to the provisions of this Act, the Board may, in carrying out the purposes of this Act, exercise over the said land all the powers, rights, and authorities of an absolute owner.

Schedule 1

ALL the land in certificate of title, Volume 78, folio 229, situate in the Sydenham Ward of the City of Christchurch, containing 10 acres 3 roods 30 perches, and being part of RS 62; and all the land in certificate of title, Volume 190, folio 64, situate in the Sydenham Ward of the City of Christchurch, containing 3 acres and 20 ½ perches, and being Lots 20 to 30 and Lot 50 on Deposited Plan 1384 and part RS 62.

Schedule 2

THE Mayor of Christchurch.

Charles Reginald Clark,
Auctioneer.

Daniel Reese, Merchant.

William Simpson, Tobacconist.

Francis Thomas Evans,
Schoolmaster.

Francis David Kesteven, Agent.

Frederick Wilding, Solicitor.

Samuel Frederick Wilson,
Merchant.