

Auckland Harbour Board Empowering Act 1933

Local Act 1933 No 1
Date of assent 6 December 1933

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An Act to provide for the Determination and Payment of such Amounts as should be contributed by certain Lessees of the Auckland Harbour Board in relation to a Sum of Money to be paid by the Auckland Harbour Board to the Government Railways Board for the Formation and Dedication of certain Streets and Rights-of-way on Land adjoining certain Lands of the Board and occupied by such Lessees.

Preamble.

WHEREAS by section fourteen of the Reserves and other Lands Disposal Act, 1930 (hereinafter referred to as the said section), the Auckland Harbour Board (hereinafter referred to as the Board) and the lessees of certain specified lands of the Board were empowered to enter into agreements for the purposes therein recited, and by the said section it was enacted that every such agreement duly made should be binding on the parties thereto according to its tenor: And whereas the lands of the Board referred to in the said section include the lands more particularly mentioned

and described in the Schedule hereto, and are hereinafter referred to as the said lands: And whereas the Government Railways Board has now formed and dedicated certain streets and rights-of-way providing access to the said lands, and the Board claims that a resulting betterment increase has attached to the said lands and to the respective leasehold interests therein: And whereas the Board, pursuant to the powers and authorities conferred on it by virtue of the provisions of the said section, has agreed to pay to the Government Railways Board, for the cost of formation of the said streets and rights-of-way and as compensation for the use thereof, the sum of nineteen thousand two hundred and seventy-six pounds fourteen shillings and ninepence: And whereas, in accordance with the said section, some of the lessees of the said lands have entered into agreements with the Board determining the proportion of the said sum of nineteen thousand two hundred and seventy-six pounds fourteen shillings and ninepence which should be paid by them in respect of their respective leasehold interests in the said lands and the manner of payment thereof, but no such agreements have as yet been entered into by and with other lessees of the said lands: And whereas it is desirable to fix and determine the proportion (if any) of the said sum of nineteen thousand two hundred and seventy-six pounds fourteen shillings and ninepence which should be paid to the Board by those lessees of the said lands who have not yet entered into such agreements and the manner of payment thereof:

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 Auckland Harbour Board Empowering Act, 1933.

2 Notice of claim.

The Board may forward by registered post to any lessee who has not entered into any such agreement as aforesaid a claim in writing setting out the proportion of the said sum of nineteen thousand two hundred and seventy-six pounds fourteen shillings and ninepence which the Board considers should be payable by such lessee, and claiming payment thereof by such lessee.

3 Failure to object within twenty-eight days amount claimed becomes debt.

If such lessee does not within twenty-eight days from the receipt of such claim give notice in writing to the Board that he does not admit such claim, the amount thereof shall thereupon constitute a debt due by such lessee to the Board, and shall be recoverable accordingly.

4 Provisions for arbitration.

If such lessee by writing addressed and delivered to the Board within such period of twenty-eight days gives notice that he does not admit the claim, the following provisions shall apply:

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- (a) The Board on the one hand, and the lessee on the other hand, shall be deemed to have agreed to submit to two arbitrators, one to be appointed by each party as a submission under the Arbitration Act, 1908, the determination of the question as to what proportion (if any) of the said sum of nineteen thousand two hundred and seventy-six pounds fourteen shillings and ninepence should fairly and reasonably be paid by such lessee to the Board in respect of the leasehold interest of such lessee in the said lands.
- (b) Such proportion of the said sum of nineteen thousand two hundred and seventy-six pounds fourteen shillings and ninepence as shall on such reference be found to be fairly and reasonably payable by such lessee as aforesaid shall constitute a debt due by the lessee to the Board, and shall be payable in such manner, subject to such terms, and upon such conditions as may be determined by the arbitrators to whom was referred the question mentioned in the last preceding subsection hereof.
- (c) The award of the arbitrators may provide that the proportion payable by such lessee shall be payable to the Board by instalments, in which case such instalments shall be deemed to form part of the rental payable under the lease, and shall be recoverable accordingly.

Schedule

Lots 86 and 87 on deposited plan No. 205, being part of Section 1, Town of Auckland, comprising the whole of the land in certificate of title, Volume 429, folio 212, of the register-books in the Land Registry-Office at Auckland.

Lots 93, 94, 95 on deposited plan No. 205, being part of Section 1, Town of Auckland, comprising the whole of the land in certificate of title, Volume 429, folio 215, of the register-books in the Land Registry-Office at Auckland.

Lots 105 and 106 on deposited plan No. 2770, being part of Section 1, Town of Auckland, comprising the whole of the land in certificate of title, Volume 429, folio 220, of the register-books in the Land Registry- Office at Auckland.

Lots 112 and 113 on deposited plan No. 2770, being part of Section 1, Town of Auckland, comprising the whole of the land in certificate of title, Volume 429, folio 223, of the register-books in the Land Registry Office at Auckland.

Lot 90 and the western half of Lot 91 on deposited plan No. 205, being part of Section 1, Town of Auckland, comprising part of the land in certificate of title, Volume 429, folio 214, of the register-books in the Land Registry Office at Auckland.

Lots 100 and 101 on deposited plan No. 2044, being part of Section 1, Town of Auckland, comprising part of the land in certificate of title, Volume 429, folio 218, of the register-books in the Land Registry Office at Auckland.

Lots 117, 118, and 119 on deposited plan No. 626, being part of Section 1, Town of Auckland, comprising the whole of the land in certificate of title, Volume 429, folio 201, of the register-books in the Land Registry Office at Auckland.

Lot 120 on deposited plan No. 626, being part of Section 1, Town of Auckland, comprising the whole of the land in certificate of title, Volume 429, folio 202, of the register-books in the Land Registry Office at Auckland.

Lot 121 on deposited plan No. 626, being part of Section 1, Town of Auckland, comprising the whole of the land in certificate of title, Volume 429, folio 203, of the register-books in the Land Registry Office at Auckland.

Lots 122, 123, 124, 125, 126, and 127 on deposited plan No. 626, being part of Section 1, Town of Auckland, comprising the whole of the land in certificate of title, Volume 429, folio 204, of the register-books in the Land Registry Office at Auckland.