

**Reprint
as at 22 October 1936**



**Sumner Borough Empowering Act
1936**

Local Act 1936 No 8
Date of assent 21 October 1936
Commencement 21 October 1936

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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.

An Act to remove certain restrictions and Harbour Board rights in respect of a recreation reserve in the Borough of Sumner, to make provision for the stopping of a certain unformed street along the seashore in order to provide a further recreation reserve, and to confer certain powers on the Sumner Borough Council in respect of the said reserves

Preamble

Whereas under section 34 of the Reserves and other Lands Sale, Disposal, and Enabling and Public Bodies Empowering Act 1901, the Corporation of the Borough of Sumner (hereinafter referred to as the **Corporation**) is seised of an estate in fee simple in all that parcel of land described in Schedule 1 as a reserve for recreation purposes without power of sale or lease and subject to the condition that should the Lyttelton Harbour Board or any other Harbour Board at any time require the land for harbour or harbour works purposes they shall have the right to enter upon, occupy, and use the same without having to pay compensation for so doing:

And whereas the land will not be required by the Lyttelton Harbour Board or any other Harbour Board for harbour or harbour works purposes:

And whereas it is desirable to grant to the Sumner Borough Council (hereinafter referred to as the **Council**) power to lease the said land:

And whereas all that parcel of land described in Schedule 2 is vested in the Corporation and is part of an unformed street along the margin of the sea and is not required for use as a street:

And whereas it is desirable to vest the said land described in Schedule 2 in the Corporation as a reserve for recreation purposes without power of sale but with power to lease the said land.

1 Short Title

This Act may be cited as the Sumner Borough Empowering Act 1936.

2 Changing reservation of recreation reserve, and cancelling Harbour Board rights

The Governor-General may by Order in Council cancel the existing reservation over the land described in Schedule 1, and also cancel the hereinbefore recited condition in favour of the Lyttelton Harbour Board or any other Harbour Board, and declare the said land to be vested in the Corporation as a reserve for recreation purposes.

3 Power to stop unformed street along seashore for recreation reserve

Notwithstanding anything to the contrary in the Municipal Corporations Act 1933, the Council may, in the manner and upon the conditions set out in Schedule 5 of that Act, stop the portion of a street described in Schedule 2. Nothing in the foregoing provisions of this section shall be construed to affect the power of the Governor-General to close that portion of a street under section 12 of the Land Act 1924. Upon the said portion of a street being stopped or closed the land described in Schedule 2 shall be deemed to be vested in the Corporation as a reserve for recreation purposes.

4 Power to lease recreation reserve vested in Corporation pursuant to this Act

- (1) The Council may lease any land that is vested in the Corporation as a reserve pursuant to the foregoing provisions of this Act, or any part thereof, together with any buildings thereon, either by public auction or by public tender, for any period not exceeding 21 years, with a right of renewal for a period not exceeding 21 years, but not exceeding a total period of 42 years, upon such terms and conditions as may be approved by the Council.
- (2) The powers conferred by this section may be validly exercised notwithstanding any restriction or limitation imposed by any other Act.

5 Power to erect certain buildings on the said land

The Council may place, erect, construct, and maintain on any land that is vested in the Corporation as a reserve pursuant to

section 2 or section 3, or any part or parts thereof, such buildings as the Council may deem advisable for the establishment and development of tea rooms, bathing sheds, social hall, caretaker's residence, sunbathing and life-saving facilities, swimming baths, children's playgrounds, and other beach amenities.

Schedule 1

All that parcel of land in the Land District of Canterbury, situated in the Borough of Sumner, containing 11 acres or thereabouts, being Reserve 3549, and being all the land comprised in certificate of title, Volume 234, folio 121, Canterbury Land Registry.

Schedule 2

All that parcel of land in the Land District of Canterbury, situated in the Borough of Sumner, and containing by admeasurement 2 roods 25.4 perches, more or less, and being the land more particularly delineated on plan numbered 2425, deposited in the office of the Chief Surveyor at Christchurch, and thereon marked Lot 1, and coloured green.

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Notes

1 *General*

This is a reprint of the Sumner Borough Empowering Act 1936. The reprint incorporates all the amendments to the Act as at 22 October 1936, 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)*
