

**Reprint
as at 12 June 1936**



**Napier Harbour Board and Napier
Borough Enabling Act 1936**

Local Act 1936 No 4
Date of assent 11 June 1936
Commencement 11 June 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 enable the Napier Harbour Board to sell certain lands to the Mayor, Councillors, and Burgesses of the Borough of Napier, and to enable the Corporation of the said Borough to construct works upon and otherwise deal with the said lands

Preamble

Whereas the land firstly described in the Schedule forms part of the lands reserved and set aside for the use, benefit, and endowment of the Napier Harbour Board (hereinafter referred to as the **Board**), and is vested in the Board under and by virtue of the Napier Harbour Board Act 1874 and the Napier Harbour Board Act 1876:

And whereas the land secondly described in the said schedule is portion of Battery Road in the Borough of Napier, and is proposed to be closed and vested in the Board:

And whereas the said lands will be suitable after filling in, reclamation, and levelling for the purposes of a recreation ground for the Borough of Napier:

And whereas the Mayor, Councillors, and Burgesses of the Borough of Napier (hereinafter referred to as the **Corporation**) are desirous of acquiring the said lands for the purposes aforesaid, and the Board is desirous of selling the same to the Corporation for the considerations and in manner by this Act provided.

1 Short Title

This Act may be cited as the Napier Harbour Board and Napier Borough Enabling Act 1936.

2 Special Act

This Act shall be deemed to be a special Act within the meaning of the Harbours Act 1923.

3 Board to sell and Borough to purchase lands

Subject to the vesting in the Board of the said portion of Battery Road proposed to be closed as hereinbefore recited, the Board may sell and the Corporation may purchase the lands described in the Schedule to be held by the Corporation as and

for the purposes of a recreation ground or for the purposes of public amusement or entertainment.

4 Purchase price: how ascertained

The purchase price on the sale and purchase aforesaid shall, as soon as possible after the passing of this Act, be ascertained by arbitration in manner prescribed by the Arbitration Act 1908. The costs of the reference and award shall be borne and paid by the parties to the reference in equal proportions.

5 Payment of purchase price, title, etc

- (1) The Corporation shall pay to the Board the purchase price ascertained as aforesaid on or before the expiration of 60 days after the making and publishing of the said award; and upon payment of the said purchase price the Board shall execute a valid transfer of the said lands to the Corporation for an estate in fee simple free from encumbrances.
- (2) The purchase price for the said lands, after payment thereof of the Board's costs of and incidental to the said sale, shall be paid by the Board as and when the same shall be received to 2 trustees (to be then appointed by the Board) of a special trust fund; and such trustees shall be a body corporate under the name of the Napier Harbour Board Endowment Improvement Fund Trustees, with perpetual succession and a common seal; and such trustees shall invest the moneys so received by them in manner prescribed by section 11 of the Harbours Amendment Act 1933, and shall pay the income thereafter to arise from such investments into the Harbour Fund of the Napier Harbour Board, and shall, when so directed by a special resolution of the Napier Harbour Board, pay and apply the capital moneys of such special trust fund, or such part thereof as such resolution may direct, in and towards the reclamation, subdivision, or improvement of any other part of the Board's endowments or in or towards repayment of any debt or debts upon any of such lands incurred for the purpose of reclaiming, subdividing, and developing such lands.

6 Corporation may construct works on the said lands

It shall be lawful for the Corporation properly to fill up, reclaim, and level the said lands, and to make, construct, and maintain in, along, or upon such lands all such banks, pathways, roadways, buildings, playing grounds, drains, sewers, conveniences, and works as the Corporation shall think fit for the purposes mentioned in section 3.

7 Corporation may enclose such lands and charge for admission, or may delegate authority to others

It shall be lawful for the Corporation to enclose or barricade off, or to give authority to any person to enclose or barricade off, the whole or any portion or portions of the said lands so as to prevent free access to the same, and to charge for admission to or to grant permission to any person from time to time and at various times to charge for admission to the said lands or any part thereof, and to exclude persons from the said lands, and to make and enforce bylaws with respect to the said lands and the use of, admission to, and conduct of persons entering or upon the said lands.

8 Corporation may charge for admission to any playing grounds constructed thereon

It shall be lawful for the Corporation to make such charges as the Corporation may think fit for the use of or admission to any playing grounds or place of entertainment constructed upon the said lands.

9 Power to execute instruments and registration of same

The Board and the Corporation are hereby authorised and empowered to make and execute according to due form of law all transfers and other deeds and instruments necessary or proper for carrying out the purposes of this Act, and the District Land Registrar is authorised and empowered to register all such instruments.

Schedule

All that parcel of land situate in the Hawke's Bay Land District and Borough of Napier, containing 9 acres 2 roods 14 perches, more or less, part of Ahuriri Lagoon Reserve, being the Lot numbered 4 on a plan deposited in the Lands Registry Office at Napier, under No 6422, and being part of the land comprised and described in certificate of title, Volume 59, folio 252, Hawke's Bay Registry.

Also all that area in the Borough of Napier, containing 4.3 perches, being Lot 2 on aforesaid Plan No 6422, and being part of Battery Road proposed to be closed and vested in the Board.

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Notes**1 *General***

This is a reprint of the Napier Harbour Board and Napier Borough Enabling Act 1936. The reprint incorporates all the amendments to the Act as at 12 June 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)*
