

# Lower Hutt City Empowering and Vesting Act 1944

Local Act 1944 No 5  
Date of assent 29 September 1944

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**An Act to enable the Lower Hutt City Council to acquire, construct, lay out, maintain, alter, and close Access-ways and Service-lanes; also to close certain Roads and to vest the Land contained therein for the Purposes of Access-ways and Service-lanes.**

**Preamble.**

WHEREAS it is desirable that the Lower Hutt City Council should have power to acquire, construct, lay out, maintain, alter, and close access-ways and service-lanes in accordance with the subsequent provisions of this Act: And whereas on the subdivision of the Hutt Valley Settlement in the City of Lower Hutt certain strips of land were laid off by the Crown as roads to provide for pedestrian access between streets and to provide for access to the rear of shopping areas: And whereas it is desirable that certain of such roads should be closed and the land comprised therein vested in the Lower Hutt City Council as access-ways and as service-lanes and be subject to the subsequent provisions of this Act:

**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 Lower Hutt City Empowering and Vesting Act, 1944.

**2 Interpretation.**

In this Act, unless the context otherwise requires,—

“Access-way” means a way for foot-passengers providing more direct access between streets:

“City” means the City of Lower Hutt:

“Corporation” means the Corporation of the Mayor, Councillors, and Citizens of the City of Lower Hutt:

“Council” means the Lower Hutt City Council:

“Principal Act” means the Municipal Corporations Act, 1933:

“Road” means a road as defined by section one hundred and ten, paragraph (a), of the Public Works Act, 1928:

“Service-lane” means a way laid out on land belonging to the Corporation for the purpose of providing access to the rear of premises.

**3 Access-ways.**

- (1) Notwithstanding anything in the principal Act or in any other Act, the Council may from time to time purchase, accept dedication of, take under the Public Works Act, 1928, or otherwise acquire accessways for the purpose of providing more direct access for foot-passengers from any street to any other street, or from one part to another part of any street.
- (2) Each access-way shall be of such width as the Council thinks fit, being not less in any case than five feet, and shall be used only for foot-passengers; and, unless the Council shall in any case by resolution otherwise determine,

the entrances to each access-way shall be so fenced or barricaded that horses, cattle, carts, or motor-vehicles cannot enter the access-way.

- (3) The Council may from time to time construct, maintain, and alter any access-way.
- (4) Nothing in this Act shall be construed to constitute an access-way a street.

#### **4 Service-lanes.**

- (1) The Council may, by resolution, declare any way laid out in the city before the passing of this Act on land, which, at the date of the resolution, belongs to the Corporation, to be a service-lane for the purposes of this Act, and the Council may also, by resolution, authorize the construction, laying-out, maintenance, or alteration of a service-lane in the city on land belonging to the Corporation, and may take, purchase, or otherwise acquire land for the purposes of a service-lane in the city.
- (2) Every service-lane shall be included in the term “street” as defined in section one hundred and seventy-four of the principal Act, but the following provisions of the principal Act—namely, subsection three and paragraphs *(e)*, *(h)*, *(k)*, and *(n)* of subsection four, and subsection six of section one hundred and seventy-five, sections one hundred and seventy-six, one hundred and eighty-one, one hundred and eighty-two, one hundred and ninety, one hundred and ninety-two, one hundred and ninety-six, and two hundred and four—relating to streets, shall not apply to any service-lane.
- (3) No service-lane shall be less than ten feet or more than twenty-four feet in width, measured at right angles to its course.
- (4) A service-lane shall not be deemed to be a street for the purposes of section one hundred and twenty-five of the Public Works Act, 1928.
- (5) Every service-lane is hereby unconditionally exempted from the provisions of section one hundred and twenty-eight of the Public Works Act, 1928.

#### **5 Buildings not to be erected with frontage only to access-ways or service-lanes.**

- (1) The Council shall not authorize any person to erect a building on any site adjoining any access-way or any service-lane unless such site has a frontage to some street, private street, or duly authorized private way as defined by the principal Act.
- (2) No person shall acquire any right to erect a building by reason of the existence or construction of any access-way or any service-lane authorized by this Act.

#### **6 Access-ways and service-lanes may be stopped or closed.**

Notwithstanding anything in the principal Act, the Council may, by special order, declare that any access-way or any service-lane shall, from and after the

making of the special order, cease to be an access-way or a service-lane within the meaning of this Act.

**7 Provisions of Fencing Act excluded.**

No person shall be entitled to require from the Council any contribution under the provisions of the Fencing Act, 1908, by reason of the ownership of any access-way or service-lane by the Corporation.

**8 Certain roads closed and vested as access-ways.**

Notwithstanding anything contained in the Public Works Act, 1928, or any other Act, the roads described in the First Schedule hereto are hereby closed and the areas comprised therein are hereby declared to be access-ways and are hereby vested in the Corporation for such purpose, subject in all respects to the relevant provisions of this Act dealing with access-ways.

**9 Certain roads closed and vested as service-lanes.**

Notwithstanding anything contained in the Public Works Act, 1928, or any other Act, the roads described in the Second Schedule hereto are hereby closed and the areas comprised therein are hereby declared to be service-lanes and are hereby vested in the Corporation for such purpose, subject in all respects to the relevant provisions of this Act dealing with service-lanes.

## SCHEDULES

### FIRST SCHEDULE

All those roads in the City of Lower Hutt more particularly described as follows:—

Area 17 perches adjoining Sections 10 and 11, Block XVIII, and Sections 1 and 20, Block XXII; area 12.5 perches adjoining Sections 9 and 10, Block XIX, and Sections 1 and 30, Block XXIII; area 16 perches adjoining Sections 9 and 10, Block XXV, and Sections 1 and 20, Block XXVI; area 12 perches adjoining Section 1 and part Section 9, Block XII, and Sections 1 and 11, Block XVII; area 9.6 perches adjoining Sections 1, 14, 16, and 159, Block VIII; area 4.8 perches adjoining Sections 19, 20, and 60, Block L; area 4.8 perches adjoining Section 37 and Section 60, Block L; and area 3.4 perches adjoining Section 25, Block XLVII, and Section 26, Block XLVIII, all the aforementioned blocks being of Hutt Valley Settlement: as the same are more particularly delineated in a plan numbered 21091, lodged in the office of the Chief Surveyor, Department of Lands and Survey at Wellington, and therein coloured blue.

Also area 18.63 perches adjoining Sections 13, 14, 49, and 72, Block XXVIII; area 8.16 perches adjoining Sections 14, 15, 33, and 34, Block XL; area 8.64 perches adjoining Sections 14, 15, 34, and 35, Block XXXVII, and area 8.04 perches adjoining Sections 7, 8, 20, and 21, Block XXXVI, all the aforementioned blocks being of Hutt Valley Settlement: as the same are more particularly delineated in a plan numbered 21092, lodged in the office of the Chief Surveyor, Department of Lands and Survey at Wellington, and therein coloured blue.

## SECOND SCHEDULE

All those roads in the City of Lower Hutt more particularly described as follows:—

Area 1 rood and two-tenths of a perch adjoining Sections 1, 3 to 15 inclusive, and Sections 19 to 40 inclusive, Block XLV; area 7.1 perches adjoining Sections 26, 27, 31, 32, 33, and 34, Block XLIV, the aforementioned blocks being of Hutt Valley Settlement: as the same are more particularly delineated in a plan numbered 21091, lodged in the office of the Chief Surveyor, Department of Lands and Survey at Wellington, and therein coloured purple.

Also area 33.7 perches adjoining Sections 6 to 22 inclusive, Sections 42 to 47 inclusive, and Section 50, Block XXIX; area 18.8 perches adjoining Sections 6 to 11 inclusive and Sections 13 to 24 inclusive, Block XXXI; and area 21.57 perches adjoining Sections 15, 20, 21, 22, 25 to 30 inclusive, and Sections 33 and 34, Block XXXIII, the aforementioned blocks being of the Hutt Valley Settlement: as the same are more particularly delineated in a plan numbered 21092, lodged in the office of the Chief Surveyor, Department of Lands and Survey at Wellington, and therein coloured purple.