

Version
as at 6 September 2022



Palmerston North Reserves Empowering Act 1966

Local Act	1966 No 28
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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

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An Act to empower the Council of the City of Palmerston North to sell and manage lands vested in it under the Palmerston North Reserves Act 1922

Title: amended, on 5 September 1988, by section 2(3) of the Palmerston North Reserves Empowering Amendment Act 1988 (1988 No 2 (L)).

1 Short Title

This Act may be cited as the Palmerston North Reserves Empowering Act 1966.

2 Interpretation

In this Act, unless the context otherwise requires,—

Council means the Palmerston North City Council

lessee includes the executors and administrators of a lessee.

Section 2 **Corporation**: repealed, on 5 September 1988, by section 2(1) of the Palmerston North Reserves Empowering Amendment Act 1988 (1988 No 2 (L)).

Section 2 **lessee**: inserted, on 5 September 1988, by section 2(2) of the Palmerston North Reserves Empowering Amendment Act 1988 (1988 No 2 (L)).

3 Lands vested in the Council

The lands described in Schedules 1, 4, and 5 are hereby vested in the Council for the purposes of this Act, subject to all leases, encumbrances, liens, and easements to which they are subject at the commencement of this Act but otherwise freed and discharged from all trusts and reservations affecting the same. The said lands shall no longer be subject to the provisions of the Palmerston North Reserves Act 1922 or the Reserves and Domains Act 1953, but nothing in this Act shall affect the leases or the rights of lessees in leases issued or existing in respect of the said lands.

Section 3 heading: amended, on 5 September 1988, by section 2(3) of the Palmerston North Reserves Empowering Amendment Act 1988 (1988 No 2 (L)).

Section 3: amended, on 6 September 2022, by section 5 of the Palmerston North Reserves Empowering Amendment Act 2022 (2022 No 2 (L)).

Section 3: amended, on 5 September 1988, by section 2(3) of the Palmerston North Reserves Empowering Amendment Act 1988 (1988 No 2 (L)).

4 Lands to be held in trust as an endowment

- (1) The lands vested in the Council by section 3 shall be held in trust by the Council as an endowment for the purposes of this Act for the City of Palmerston North and may be leased by the Council under the Municipal Corporations Act 1954 or under the Public Bodies Leases Act 1908.
- (2) Extensions, variations and renewals of existing leases of the said lands or any of those transactions may be entered into and executed by the Council in accordance with the provisions of the existing leases. The rents and profits received from the said lands shall be held and from time to time be expended by the Council in and towards the acquisition, development, or maintenance of land for the purposes of recreation, parks, domains, and gardens.

Section 4(1): amended, on 5 September 1988, by section 2(3) of the Palmerston North Reserves Empowering Amendment Act 1988 (1988 No 2 (L)).

Section 4(2): amended, on 24 October 1969, by section 3 of the Local Legislation Act 1969 (1969 No 140).

4A Power of sale

- (1) Subject to this section, the Council may, pursuant to a resolution after notice has been given in accordance with subsection (3), sell any of the land vested in the Council by section 3 which is not for the time being leased.
- (1A) The land described in Schedule 4 may be sold only to the Crown and only for the purposes of a State secondary school.
- (2) On the completion of any sale under this section, the land affected shall be freed from the trusts imposed by sections 3 and 4.
- (3) Public notice of the time and place of the meeting at which the resolution is to be submitted to the Council and of the purport of the resolution (including the name of and number in the road or some other easily identifiable description of the land) shall be given not less than 14 clear days before the date of the meeting.
- (4) Where any land vested in the Council is sold pursuant to subsection (1), the Registrar-General of Land shall, before registering the transfer of title to the land, be satisfied, by a certificate endorsed on the transfer instrument and signed by the principal administrative officer of the Council or by a solicitor of the High Court, that public notice complying with subsection (3) has been properly given.
- (5) No land shall be sold under this section for a price that is less than the capital value of the land, as determined by the Valuer-General under the Valuation of Land Act 1951 not earlier than 6 months before the date of the sale, except with the consent of the Minister of Local Government.
- (6) Nothing in subsections (3) to (5) shall apply in respect of the sale of any land described in Schedule 3 or in Schedule 4; and, in respect of any such sale, sub-

section (1) shall be read as if the words “after notice has been given in accordance with subsection (3)” were omitted.

Section 4A: inserted, on 23 July 1993, by section 2 of the Palmerston North Reserves Empowering Amendment Act 1993 (1993 No 5 (L)).

Section 4A(1A): inserted, on 20 May 2003, by section 5(2) of the Palmerston North Reserves Empowering Amendment Act 2003 (2003 No 2 (L)).

Section 4A(4): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 4A(6): amended, on 20 May 2003, by section 5(1) of the Palmerston North Reserves Empowering Amendment Act 2003 (2003 No 2 (L)).

5 Land may be sold to lessees

- (1) Where any portion of the lands vested in the Council by section 3 has been leased, the Council may sell and transfer for cash to the lessee thereof the fee simple of the land comprised in the lease if simultaneously the lessee, at his own cost and to the satisfaction of the Council, arranges for the registration of the effective merger of his leasehold interest in the fee simple or otherwise for the effective extinguishment of his leasehold interest.
- (2) The purchase price payable by a lessee for the land he leases shall be the sum of the following amounts:
 - (a) the then current market value of the unimproved value (as defined by the Valuation of Land Act 1951) of the land as determined by a valuer (who shall be a valuer registered under the Valuers Act 1948) or as fixed by the Land Valuation Tribunal; and
 - (b) the value as determined by the Council of any improvements on the said land effected by the Council or any previous proprietor of the fee simple estate and not previously purchased by the lessee or any previous lessee; and
 - (c) all valuation, survey, and other expenses of the Council relating to the fixation of the sale price and the sale and transfer of the fee simple to the lessee.
- (3) The Council may however in its discretion take into account any circumstances relating to the lease or any other matters and make a deduction from the amount assessed under subparagraph (a) of the preceding subsection of an amount not exceeding 15% thereof.
- (4) On completion of any cash sale and transfer the land affected thereby shall be freed from the trusts imposed by sections 3 and 4.

Section 5(1): amended, on 5 September 1988, by section 2(3) of the Palmerston North Reserves Empowering Amendment Act 1988 (1988 No 2 (L)).

Section 5(2)(a): amended, on 23 December 1977, pursuant to section 6(7A) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 5(2)(b): amended, on 5 September 1988, by section 2(3) of the Palmerston North Reserves Empowering Amendment Act 1988 (1988 No 2 (L)).

Section 5(2)(c): amended, on 5 September 1988, by section 2(3) of the Palmerston North Reserves Empowering Amendment Act 1988 (1988 No 2 (L)).

6 Appeal to the Land Valuation Tribunal

- (1) Where a lessee notifies the Council that he desires to purchase the fee simple of the land he leases, the Council shall as soon as practicable thereafter determine the purchase price thereof in accordance with the provisions of section 5 and notify the lessee in writing thereof and of the amounts making up the same.
- (2) Any lessee so notified may, within 14 days thereafter, appeal to the Land Valuation Tribunal against the determination of the unimproved value under section 5.
- (3) Notice of any such appeal shall be given not less than 10 clear days before the date of the hearing thereof to the Council, which shall be the Respondent in the appeal.

Section 6 heading: amended, on 23 December 1977, pursuant to section 6(7) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 6(2): amended, on 23 December 1977, pursuant to section 6(7) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

7 Completion of purchase

Two calendar months after the determination of the purchase price by the Council or in the event of an appeal to the Land Valuation Tribunal, 2 calendar months after the date of the decision thereof, the lessee shall pay to the Council the purchase price in cash.

Section 7: amended, on 23 December 1977, pursuant to section 6(7A) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

8 Application of purchase money

Subject to section 8A, where the fee simple of land is sold under this Act, the purchase money shall be paid by the Council to a special account to be known as the Palmerston North Reserves Sales Account and the money, together with any interest accruing thereon from the investment thereof or any part thereof, shall from time to time be applied by the Council in the acquisition of land to be acquired in the name of the Council as public reserves for recreation purposes subject to the Reserves and Domains Act 1953 and in the development of such lands.

Section 8: amended, on 23 July 1993, by section 3(a) of the Palmerston North Reserves Empowering Amendment Act 1993 (1993 No 5 (L)).

Section 8: amended, on 23 July 1993, by section 3(b) of the Palmerston North Reserves Empowering Amendment Act 1993 (1993 No 5 (L)).

Section 8: amended, on 5 September 1988, by section 2(3) of the Palmerston North Reserves Empowering Amendment Act 1988 (1988 No 2 (L)).

8A Application of purchase money from sale of horticultural nursery

- (1) Nothing in section 8 shall require the Council to pay to the Palmerston North Reserves Sales Account, from the proceeds of the sale of land described in Schedule 3, a total sum greater than \$882,500.
- (2) The Council shall apply any proceeds of the sale of land described in Schedule 3 not paid into the Palmerston North Reserves Sales Account—
 - (a) first, in the payment of all costs and expenses relating to and incidental to the sale of any such land; and
 - (b) otherwise, in the acquisition, establishment, and maintenance of a horticultural nursery for use in relation to reserves, parks, domains, and gardens administered by the Council.

Section 8A: inserted, on 23 July 1993, by section 4 of the Palmerston North Reserves Empowering Amendment Act 1993 (1993 No 5 (L)).

9 Records of title

- (1) The Registrar-General of Land, on the application of the Council along with the deposit of any plans and documents he or she may require, must,—
 - (a) if there is a record of title for land vested in the Council under this Act, without fee, update the record of title for the land; or
 - (b) if there is no record of title for land vested in the Council under this Act, on payment of the prescribed fee, create a record of title for the land.
- (2) The Registrar-General of Land is empowered and directed to do all such other things as may be necessary to give effect to subsection (1).

Section 9: replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

10 Application for postponement of rent

- (1) The lessee of any of the land vested in the Council by section 3 which for the time being is being used exclusively for residential purposes by that lessee or by the spouse of a deceased lessee thereof may apply in writing to the Council for postponement of the rent or any part of the rent payable to the Council under the lease.
- (2) Every such application shall be in the form from time to time prescribed by the Council.

Section 10: inserted, on 5 September 1988, by section 3 of the Palmerston North Reserves Empowering Amendment Act 1988 (1988 No 2 (L)).

11 Postponement of rent

- (1) On receipt of an application under section 10, the Council may in its discretion, if it is satisfied after full inquiry that hardship exists or would be caused by non-postponement of the whole or part of the rent, grant the application in whole or in part for such period as it thinks fit, and shall give notice in writing to the lessee of its decision.

- (2) The Council may, if it considers it appropriate, charge interest on the amount of any rent postponed under subsection (1) at such rate as it from time to time determines, not exceeding in any financial year the rate which is, on the commencement of that year, being charged by the bankers of the Council for money owing to them by the Council or which would be chargeable if money were owing.

Section 11: inserted, on 5 September 1988, by section 3 of the Palmerston North Reserves Empowering Amendment Act 1988 (1988 No 2 (L)).

12 Registration of charge

- (1) Any rent payable under a lease of any of the land described in Schedule 1 which has been, is, or will be postponed under section 11 (together with any interest on it) shall on registration of the certificate specified in subsection (2) be a charge on the leasehold interest of the lessee in the land in respect of which the rent is payable.
- (2) Where the Council has postponed payment of any rent pursuant to this Act it may deposit in the office of the Registrar-General of Land a notice in form 1 of Schedule 2, signed by the Town Clerk, describing the land and stating that the land is subject to a charge on account of postponed rent, and the Registrar shall register that notice accordingly.
- (3) The registration of one such notice shall be sufficient notification of a charge in respect of all rent on the property the payment of which has been or is postponed by the Council or that may be so postponed after such registration.
- (4) Except with the consent of the Council, no dealing with the leasehold interest in the land by the lessee shall be registered while any charge under this section is registered against the land.
- (5) Where all the rent in respect of which a charge has been registered under this section (together with any interest on it) has been paid to the Council, the Town Clerk shall cause a release of the charge in form 2 of Schedule 2 to be registered.
- (6) Upon the deposit of that release with the Registrar-General of Land, the Registrar shall cause the release of the charge to be registered.

Section 12: inserted, on 5 September 1988, by section 3 of the Palmerston North Reserves Empowering Amendment Act 1988 (1988 No 2 (L)).

Section 12(2): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 12(6): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

13 When postponed rent to become payable

All rent the payment of which has been postponed pursuant to section 11 shall become due and payable in any of the following events:

- (a) if the land in respect of which the rent is payable ceases to be used exclusively for residential purposes by the lessee, or the spouse of a deceased lessee, of the land:
- (b) if the lessee dies without leaving a surviving spouse:
- (c) if the lessee disposes of the lessee's leasehold interest in the land:
- (d) if the period of postponement specified by the Council has expired.

Section 13: inserted, on 5 September 1988, by section 3 of the Palmerston North Reserves Empowering Amendment Act 1988 (1988 No 2 (L)).

14 Enforcement of charge

Where any rent in respect of which a charge has been registered under this Act has become payable pursuant to section 13, for the purpose of enforcing the charge the District Court, on application by the Council, may make such order as the court thinks fit either for payment of the rent or for the sale of the leasehold interest of the lessee in the land or otherwise; and any order for sale shall be carried into effect by the Sheriff in the same manner as in the case of a writ of sale with any modifications that may be necessary or as may be provided by rules of court in that behalf.

Section 14: inserted, on 5 September 1988, by section 3 of the Palmerston North Reserves Empowering Amendment Act 1988 (1988 No 2 (L)).

Schedule 1

Schedule 1 heading: amended, on 5 September 1988, by section 4(1) of the Palmerston North Reserves Empowering Amendment Act 1988 (1988 No 2 (L)).

Description	Area			Register Book, Volume and Folio (Wellington Registry in each case)
	A	R	P	
Lots 4, 18, and part Lots 13, 39, 40, 41, 46, 47, 48, DP 2494, part Section 1536, Town of Palmerston North	4	2	2	606/21 part, 606/164 part, 619/72 part, 619/73 part
Lots 1 to 74, and 77 to 87, DP 6873, part Sec- tion 1536, Town of Pal- merston North	2 3	3	3. 1 5	463/19, 463/22, 463/20, 463/21, 463/25, 463/28, 463/23, 463/24, 463/31, 463/34, 463/26, 463/27, 463/37, 463/40, 463/29, 463/30, 463/43, 463/46, 463/32, 463/33, 463/49, 463/52, 463/35, 463/36, 463/55, 463/58, 463/38, 463/39, 463/61, 463/64, 463/41, 463/42, 463/67, 463/70, 463/44, 463/45, 463/73, 463/76, 463/47, 463/48, 463/79, 463/82, 463/50, 463/51, 463/85, 463/88, 463/53, 463/54, 463/91, 463/96, 463/56, 463/57, 463/99, 463/59, 463/60, 463/102, 463/62, 463/63, 463/105, 463/65, 463/66, 463/68, 463/69, 463/71, 463/72, 463/74, 463/75, 463/77, 463/78, 463/80, 463/81, 463/83, 463/84, 463/86, 463/87, 463/89, 463/90, 463/92, 463/95, 463/97, 463/98, 463/100, 463/101, 463/103, 463/104,
Part Lots 1 to 3, DP 9824, part Section 1536, Town of Palmer- ston North	1	2	1. 9 7	941/86 part
Lots 2 to 18, DP 11820, part Section 1536, Town of Palmerston North	3	3	3 2. 6 2	941/82, 941/83
Lots 1 to 4, DP 12393, part Section 1536, Town of Palmerston North	0	3	1 9. 9 0	941/85
Lots 4 to 24 and 26 to 33, DP 12394, part Section 1536, Town of Palmerston North	6	0	4. 9 7	606/163 part, 606/164 part, 619/71, 619/68 part

Description	Area			Register Book, Volume and Folio (Wellington Registry in each case)
	A	R	P	
Lots 36 to 52, DP 13263, part Section 1536, Town of Palmerston North	3	1	1 6. 6 7	619/69, 619/70 part
Lots 61 to 65, 82 to 84, and 92, 93, DP 13529, part Section 1536, Town of Palmerston North	2	0	3 4. 9 9	606/162 part, 606/163 part, 619/68 part
Lots 53 to 60, DP 13810, part Section 1536, Town of Palmerston North	1	2	3 9. 1 8	538/291
Lots 1 to 4, DP 14215, part Section 1536, Town of Palmerston North	1	0	3. 3 6	619/74 part
Lots 1 to 3, DP 15502, part Section 1536, Town of Palmerston North	0	3	1 2. 7 2	606/162 part
Lots 67 to 81 and 85 to 95, DP 15192, part Section 1536, Town of Palmerston North	6	2	1 6. 5 2	C3/6
Lots 1 to 8, DP 15809, part Section 1536, Town of Palmerston North	1	1	3 1. 0 4	619/66 part
Lots 1 to 4, DP 15912, part Section 1536, Town of Palmerston North	0	3	3 9. 8 0	606/21 part
Lots 1 to 6, DP 17197, part Section 1536, Town of Palmerston North	1	1	1 4. 1 3	619/74 part
Lots 1 to 4, DP 17249, part Section 1536, Town of Palmerston North	0	3	3 9. 6 8	606/21 part
Lots 1 to 4, DP 17397, part Section 1536, Town of Palmerston North	1	0	3. 8 4	619/70 part
Lots 1, 2, and 4 to 7, DP 17455, part Section 1536, Town of Palmerston North	2	3	6. 7 0	619/72 part, 619/73 part
Lots 1 to 5, DP 18271, part Section 1536,	1	1	3 2. 4 8	619/72 part, 619/73 part

Description	Area			Register Book, Volume and Folio (Wellington Registry in each case)
	A	R	P	
Town of Palmerston North				
Lots 1 to 4, DP 19123, part Section 1536, Town of Palmerston North	0	3	8. 0 0	941/87 part
Lots 1 to 3, DP 19861, part Section 1536, Town of Palmerston North	0	3	2 0. 4 7	619/66 part
Lots 1 to 5, DP 20075, part Section 1536, Town of Palmerston North	0	3	2. 5 6	606/162 part
Lot 2, DP 20252, part Section 1536, Town of Palmerston North	0	1	0	949/17 part
Lots 1 and 2, DP 21016, part Section 1536, Town of Palmerston North	0	1	0	949/17 part
Lots 1 and 2, DP 23469, part Section 1536, Town of Palmerston North	0	2	3 5. 7 7	941/86 part
Lots 1 and 2, DP 23723, part Section 1536, Town of Palmerston North	0	1	2 7. 6 0	463/93, 463/94

Schedule 2

s 12(2)

Schedule 2: inserted, on 5 September 1988, by section 5 of the Palmerston North Reserves Empowering Amendment Act 1988 (1988 No 2 (L)).

Form 1

Notice of land charge for postponed rent

To the Registrar-General of Land

Take notice that the leasehold interest in the land hereinafter described is subject to a charge on account of the total amount of rent from time to time payable to the Palmerston North City Council the payment of which has been postponed by the Council pursuant to section 11 of the Palmerston North Reserves Empowering Act 1966 (as added by section 3 of the Palmerston North Reserves Empowering Amendment Act 1988), and that you are hereby required to register the charge pursuant to section 12 of the former Act (as so added).

Description of land affected by charge

Name of registered owner:

Name of lessee:

Situation:

Area:

Description by reference to Section number, etc:

Reference to record of title:

Vol [*number*] fol [*number*]

Dated at: [*place, date*].

Town Clerk:

Schedule 2 form 1: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Form 2
Release of registered land charge for postponed rent

s 12(5)

To the Registrar-General of Land

I hereby certify that the land charge hereinafter referred to has been satisfied, and you are hereby required to register a release of the same accordingly.

Description of land affected and reference to charge

Name of registered owner:

Name of Lessee:

Situation:

Area:

Description by reference to Section number, etc:

Reference to record of title:

Vol [number] fol [number]

[Insert particulars as to registered number, etc, sufficient to identify the charge]

Dated at: [place, date].

Town Clerk:

Schedule 2 form 2: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Schedule 3

s 8A

Schedule 3: inserted, on 23 July 1993, by section 5 of the Palmerston North Reserves Empowering Amendment Act 1993 (1993 No 5 (L)).

Description	Area	Register Book, Volume and Folio (Wellington Registry)
Lot 5, DP 17455	5 913 square metres	10D/535 (all)
Lot 1, DP 18271	1 716 square metres	10D/541 (all)
Lots 39, 40, 41, 46, 47, and 48, DP 2494	9 743 square metres	10D/543 (all)
Lot 47, DP 13263	692 square metres	619/70 (part)

Schedule 4
**Land adjacent to Palmerston North Girls High School vested in
Council**

ss 3, 4A

Description	Area	Register Book, Volume and Folio (Wellington Registry)
Lot 1 DP 90790	0.8563 hectares	57D/857

Schedule 4: inserted, on 20 May 2003, by section 6 of the Palmerston North Reserves Empowering Amendment Act 2003 (2003 No 2 (L)).

Schedule 5
**Land situated at corner of Fitzherbert Avenue and Park Road vested
in Council**

s 3

Schedule 5: inserted, on 6 September 2022, by section 6 of the Palmerston North Reserves Empowering Amendment Act 2022 (2022 No 2 (L)).

Description	Area	Register Book Volume and Folio (Wellington Registry)
Part Lots 1 and 2 DP 545 and Lots 3 and 4 DP 545	1.6032 hectares	941/84 (all)

Notes

1 *General*

This is a consolidation of the Palmerston North Reserves Empowering Act 1966 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Palmerston North Reserves Empowering Amendment Act 2022 (2022 No 2 (L))

Land Transfer Act 2017 (2017 No 30): section 250

Palmerston North Reserves Empowering Amendment Act 2003 (2003 No 2 (L))

Palmerston North Reserves Empowering Amendment Act 1993 (1993 No 5 (L))

Palmerston North Reserves Empowering Amendment Act 1988 (1988 No 2 (L))

Land Valuation Proceedings Amendment Act 1977 (1977 No 15): section 6(7A)

Local Legislation Act 1969 (1969 No 140): section 3