



ANALYSIS

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1976, No. 7—*Local*

An Act to free certain land vested in the Corporation of the Borough of Lyttelton from existing reservations and restrictions and to empower the Corporation to sell the freehold of that land to lessees [11 December 1976]

BE IT 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 Lyttelton Borough Empowering Act 1976.

2. Interpretation—In this Act, unless the context otherwise requires,—

“Corporation” means the Mayor, Councillors, and Citizens of the Borough of Lyttelton:

“Council” means the Lyttelton Borough Council.

3. Land freed from reservations—(1) The land described in the Schedule to this Act shall remain subject to all leases, encumbrances, liens, or easements to which it is subject at the commencement of this Act, but shall otherwise be freed and discharged from all trusts, reservations, and restrictions affecting the same.

(2) Nothing in this Act shall in any way affect the rights of the lessees under existing leases of the said land.

4. Land may be sold to lessees—(1) Where any part of the said land has, whether before or after the commencement of this Act, been leased, the Corporation, acting through the Council, may sell for cash and transfer to the lessee thereof the fee simple of the land comprised in the lease:

Provided that at the time of such sale and transfer a residential building is erected on the land which in the opinion of the Council (whose decision shall be final) is designed for and occupied exclusively as a self-contained home or residence by the lessee and his family and that simultaneously such 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 price payable upon any such sale shall be the current unimproved value of the land, either as determined by a valuer registered under the Valuers Act 1948 or as fixed by arbitration in manner provided by the Arbitration Act 1908, together with—

- (a) The value as determined by the Council of any improvements on the land effected or owned by the Corporation and not previously purchased by the lessee or any previous lessee; and
- (b) All valuation, survey, and other expenses of the Corporation relating to the assessment of the sale price and the sale and transfer of the fee simple to the lessee.

(3) Where the lessee elects to have the value fixed by arbitration, then notwithstanding any provision to the contrary in the Arbitration Act 1908, all costs of the reference and award including arbitrators' and umpires' fees and charges shall be paid by the lessee; and the arbitrator or arbitrators and umpire shall be valuers registered under the Valuers Act 1948.

(4) In subsection (2) of this section, the terms "unimproved value" and "improvements" shall have the same meanings as they had in the Valuation of Land Act 1951 immediately before the commencement of the Valuation of Land Amendment Act (No. 2) 1970.

5. Application of proceeds of sale—Where the fee simple estate in any part of the land described in the Schedule hereto is sold by the Council to the lessee thereof under section 4 of this Act, the net proceeds of sale received by the Council shall for all purposes be deemed to be part of the general revenues of the district under section 84 of the Municipal Corporations Act 1954.

6. Certificates of title—On application by or on behalf of the Corporation, the District Land Registrar for the Canterbury Land Registration District shall, without fee, enter on every certificate of title for the land described in the Schedule to this Act a memorial that the land is freed from all trusts, restrictions, and reservations imposed by the Borough of Lyttelton Corporation Enabling Act 1929; and the said District Land Registrar is hereby empowered and directed to do all such other things as may be necessary to give effect to this Act.

7. Repeal—The Borough of Lyttelton Corporation Enabling Act 1929 is hereby repealed.

Sections 5 and 6

SCHEDULE

ALL those pieces of land situated in the Borough of Lyttelton being more particularly described as follows:

1. 2109 square metres being Lots 1 and 2 Deposited Plan 23259 and being also all the land described in certificate of title Register 7D folio 708, Register 7D folio 709, Canterbury Land Registration District.
2. 2653 square metres being Lots 1, 2, 3, and 4 Deposited Plan 9983 and being also part of the land described in certificate of title Volume 452, folio 206, Canterbury Land Registration District.
3. 9836 square metres being Lots 21, 22, 23, and 26 to 30 Deposited Plan 9983 and Lots 1, 2, and 3 Deposited Plan 23260 and being also all the land described in certificates of title Register 7B folio 757 to Register 7B folio 763, Register 4B folio 264, and part of the land described in certificate of title, Volume 452, folio 206, Canterbury Land Registration District.
4. 3447 square metres being Lots 1 and 2 Deposited Plan 9585 and Lots 31 and 32 Deposited Plan 9983 and being also all the land described in certificates of title Register 14F folio 1334, Register 14F folio 1335, Register 14F folio 1340, Register 14F folio 1341, Canterbury Land Registration District.
5. 1138 square metres being Lots 37 and 38 Deposited Plan 9983 and being also all the land described in certificates of title Register 14F folio 1342, Register 14F folio 1343, Canterbury Land Registration District.

SCHEDULE—*continued*

6. 4317 square metres being Lots 1 and 2 Deposited Plan 9396 and part Lot 39 Deposited Plan 9983 and being also all the land described in certificates of title Register 7D folio 853, Register 7D folio 854, Register 7D folio 855, Canterbury Land Registration District.
 7. 29.8604 hectares being Rural Section 39743 part Reserve 68, Lots 1, 2, and 3 Deposited Plan 9519, Lots 10 to 15, 33, 34, 35, and 43 Deposited Plan 9983, Lots 1 to 4 Deposited Plan 11432, Lots 1 to 8 and 10 Deposited Plan 13405, part Lot 1 Deposited Plan 13485, Lots 1 to 9 Deposited Plan 14032, Lots 1 to 7 Deposited Plan 24479, Lot 1 Deposited Plan 24758 and Lot 1 Deposited Plan 25927, excepting thereout 1.2169 hectares, being all the land, street and accessway shown as Lots 1 to 16 inclusive on Deposited Plan 34250 and being also all the land described in certificates of title Register 8K folio 1467, Register 14B folio 178, Register 14F folio 1336, Register 14F folio 1337, Register 14F folio 1338, Volume 452 folio 208, Register 7D folio 703 to Register 7D folio 707, Volume 516 folio 207, Volume 509 folio 293, Register 12B folio 559 to Register 12B folio 567, Register 7D folio 595, Register 6C folio 1176 to Register 6C folio 1180, the balance of the land described in certificate of title, Volume 400, folio 174 and part of the land described in certificate of title, Volume 452, folio 206, Canterbury Land Registration District.
 8. 9550 square metres being Lots 1 to 14 inclusive Deposited Plan 34250 and being also all the land described in certificates of title Register 14B folio 104 to Register 14B folio 117, Canterbury Land Registration District.
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