

**Reprint
as at 1 July 2003**



**Greytown District Trust Lands Act
1979**

Local Act 1979 No 4
Date of assent 22 August 1979
Commencement 22 August 1979

Act name: substituted, on 26 August 1993, by section 2(1) of the Greytown District Trust Lands Amendment Act 1993 (1993 No 7 (L)).

Contents

	Page
Title	3
1 Short Title	3
2 Interpretation	3
<i>Constitution</i>	
3 Incorporation and constitution of Trust Board	4
4 Qualification of electors	5
4A Qualifications of members	5
5 Elections of members	6
6 Transitional provisions [<i>Repealed</i>]	6
7 Retirement of members by rotation	6
8 Disqualification from election or appointment	7
9 Vacation of office by member	7
10 Extraordinary vacancies	8

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.

	<i>Ouster of office</i>	
11	Ouster of office	9
	<i>Trusts and powers</i>	
12	Vesting of lands	10
13	Trusts on which lands to be held	10
14	Application of income from trust lands	10
15	Leasing powers	12
16	Public Bodies Leases Act 1969 to apply	12
17	Powers of dedication	12
18	Power to grant easements	13
19	Powers of acquisition	13
20	Restriction on alienation of lands	14
21	Alienation permitted for boundary adjustments	14
22	Exchange of trust lands	14
23	Sale of trust lands	15
24	Power to accept trusteeships	16
25	Power to set aside fund for general purposes	16
26	Investment of money	16
26A	Income from investment of proceeds of sale	16
27	Power to borrow on overdraft	17
28	Power to borrow	17
	<i>General</i>	
29	Officers	18
30	Management	19
31	Member not to vote on question in which he or she has pecuniary interest	19
32	Money to be paid into bank	19
33	Accounts	20
34	Annual statements	20
35	Annual meeting of electors	21
36	Contracts of Trust Board	21
36A	Remuneration, allowances, and expenses of members of Trust Board	22
37	Indemnity of members	22
38	Amending Ombudsmen Act 1975	22
39	Repeal	22
	Schedule	23
	Greytown trust lands	

An Act to consolidate and amend the Greytown Trust Lands Act 1956

1 Short Title

This Act may be cited as the Greytown District Trust Lands Act 1979.

Section 1: amended, on 26 August 1993, by section 2(2) of the Greytown District Trust Lands Amendment Act 1993 (1993 No 7 (L)).

2 Interpretation

In this Act, unless the context otherwise requires,—

district means the area delineated on SO Plan No 36001 deposited with the Chief Surveyor of the Wellington Land District

elector means a person who is qualified as an elector under section 4

financial year means a year commencing on 1 April and ending with the succeeding 31 March

income, in relation to any property of the Trust Board, includes all income derived in any previous year and not yet applied pursuant to the provisions of this Act

member means a person who is duly confirmed, elected, or appointed by or pursuant to this Act as a member of the Trust Board and is for the time being in office

public notice means a notice published in some newspaper circulating in the district; and **published**, **publication**, and **publicly notified** have corresponding meanings. A public notice setting forth the object, purport, or general effect of a document shall in any case be a sufficient publication of that document

special resolution means a resolution passed at a special meeting of the Trust Board. For the purposes of this definition, a special meeting is a meeting of which not less than 7 clear days before the time at which such meeting is to be held there shall have been given to each member written notice, under the hand of the Secretary to the Trust Board, specifying the time and place at which the meeting is to be held and the business to be brought before the meeting

Trust Board means the corporation of the Greytown District Trust Lands Trustees constituted by this Act

trust lands means the land mentioned in the Schedule, together with all additional lands (whether within or beyond the district) that may be hereafter acquired by the Trust Board for the purposes of this Act; and includes also all lands (whether within or beyond the district) that may be hereafter acquired by the Trust Board in substitution for lands theretofore included in the trust lands, and excludes all lands theretofore included in the trust lands in substitution for which lands are so acquired.

Section 2 **district**: substituted, on 26 August 1993, by section 3(1) of the Greytown District Trust Lands Amendment Act 1993 (1993 No 7 (L)).

Section 2 **Trust Board**: amended on 26 August 1993, by section 3(2) of the Greytown District Trust Lands Amendment Act 1993 (1993 No 7 (L)).

Constitution

3 Incorporation and constitution of Trust Board

- (1) There is hereby established for the purposes of this Act a board of trustees, to be called the Greytown District Trust Lands Trustees, which shall be a body corporate, with perpetual succession and a common seal, and shall, for the purposes and subject to the provisions of this Act, be capable of purchasing or otherwise acquiring, holding, disposing of, and alienating real and personal property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.
- (2) The Trust Board constituted by this Act is hereby declared for all purposes to be the same body of persons as the Greytown Trustees constituted by the Greytown Trust Lands Act 1956 and subsisting immediately before the passing of this Act. All references to the Greytown Trustees or the Greytown Trust Lands Trustees in any Act, Proclamation, Order in Council, or other enactment, or in any contract, deed, instrument, agreement, will, register, title, licence, list, or other document, whether passed or made before or after the passing of this Act, shall unless inconsistent with the context thereof or with the provisions of this Act, be deemed to be references to the Greytown District Trust Lands Trustees.

- (3) The Trust Board shall consist of 6 members, who shall be elected in the manner hereinafter provided, and who (subject to the provisions of this Act) shall respectively hold office until retirement by rotation in the manner hereinafter provided.
- (4) Subject to sections 8 and 9, all persons holding office immediately before the passing of this Act as members of the Greytown Trustees under the Greytown Trust Lands Act 1956 shall, until retirement by rotation in the manner hereinafter provided, continue to hold office as members of the body corporate constituted by this Act, and shall be deemed to have been elected to such last-mentioned office on the days on which they respectively were elected as members of the Greytown Trustees constituted by the Greytown Trust Lands Act 1956.
- (5) The powers of the Trust Board shall not be affected by any vacancy in its membership.
- (6) The common seal of the Trust Board shall only be affixed to documents pursuant to a resolution of the Trust Board and in the presence of 2 of the Trustees and the Secretary.

Section 3(1): amended, on 26 August 1993, by section 4(1) of the Greytown District Trust Lands Amendment Act 1993 (1993 No 7 (L)).

Section 3(2): amended, on 26 August 1993, by section 4(2)(a) of the Greytown District Trust Lands Amendment Act 1993 (1993 No 7 (L)).

Section 3(2): amended, on 26 August 1993, by section 4(2)(b) of the Greytown District Trust Lands Amendment Act 1993 (1993 No 7 (L)).

4 Qualification of electors

Every person who is on the residential electoral roll of the South Wairarapa District in respect of an address within the district (as defined by section 2) shall be qualified as an elector of the Trust.

Section 4: substituted, on 1 July 1991, by section 29 of the Local Government Amendment Act 1991 (1991 No 49).

4A Qualifications of members

Subject to section 8, every person who is a parliamentary elector in respect of any electorate (whether within or outside the Trust district) is qualified for election or appointment as a member of the Trust Board.

Section 4A: inserted, on 25 December 2002, by section 52 of the Local Electoral Amendment Act 2002 (2002 No 85).

5 Elections of members

- (1) An election of 3 members must be held on the second Saturday in October in the year 2004.
- (2) After that date, an election of 3 members must be held on the day appointed by the Local Electoral Act 2001 for the holding of successive triennial general elections of members of local authorities.
- (3) At every election held under this Act, the electoral officer of the South Wairarapa District Council is the electoral officer of the Trust Board.
- (4) The electoral roll for the South Wairarapa District is the roll of electors for elections under this Act.
- (5) It is the duty of the electoral officer for the South Wairarapa District Council to indicate on the electoral roll for the South Wairarapa District, by appropriate words, abbreviations, or marks, the names of the persons entitled to vote at elections of members of the Trust Board.
- (6) Every election under this Act must be conducted within the district by the electoral officer of the South Wairarapa District Council on behalf of the Trust Board. After counting the votes recorded in the district for the candidates, the electoral officer of the South Wairarapa District Council must, as soon as practicable, declare the result of the election.
- (7) Subject to the provisions of this Act, the provisions of the Local Electoral Act 2001 and of any regulations made under that Act apply in respect of every election held under this Act.

Section 5: substituted, on 25 December 2002, by section 52 of the Local Electoral Amendment Act 2002 (2002 No 85).

6 Transitional provisions

[Repealed]

Section 6: repealed, on 26 August 1993, by section 6 of the Greytown District Trust Lands Amendment 1993 (1993 No 7 (L)).

7 Retirement of members by rotation

At every election of members the 3 members who have been longest in office since they respectively were most recently elected as members shall retire from office, but shall be eligible for re-election; but as among members whose most re-

cent election as members occurred on the same day, those to retire (unless they otherwise agree among themselves) shall be determined by lot.

8 Disqualification from election or appointment

The following persons shall not be capable of being elected or appointed as a member of the Board:

- (a) any person who is disqualified from election or appointment by section 112 of the Local Elections and Polls Act 1976;
- (b) any person who is convicted of any offence punishable by imprisonment for a term of 2 years or more, unless (in the case of a person seeking election or appointment) the person has obtained a pardon, or has served the sentence or otherwise suffered the penalty imposed;
- (c) any person who is the subject of a compulsory treatment order made under Part 2 of the Mental Health (Compulsory Assessment and Treatment) Act 1992 or who is a special patient as defined in section 2(1) of that Act.

Section 8: substituted, on 17 June 1986, by section 12 of the Local Government Amendment Act 1986 (1986 No 21).

Section 8(b): amended, on 26 August 1993, by section 7(1) of the Greytown District Trust Lands Amendment Act 1993 (1993 No 7 (L)).

Section 8(c): substituted, on 26 August 1993, by section 7(2) of the Greytown District Trust Lands Amendment Act 1993 (1993 No 7 (L)).

9 Vacation of office by member

- (1) The office of a member shall become vacant if the member—
 - (a) dies; or
 - (b) resigns the office by writing under the member's hand delivered to the Secretary or Chairman of the Board, or is ousted from office; or
 - (c) becomes subject to a compulsory treatment order made under Part 2 of the Mental Health (Compulsory Assessment and Treatment) Act 1992 or becomes a special patient as defined in section 2(1) of that Act; or
 - (d) is convicted of any offence punishable by imprisonment for a term of 2 years or more; or
 - (e) is absent without leave from 4 consecutive meetings of the Board.

- (2) In any case to which subsection (1)(d) applies—
- (a) the disqualification shall not take effect until the expiration of the time for appealing against conviction and, in the event of an appeal against conviction, until the appeal is determined; and
 - (b) the member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.
- (3) If any person does any act as a member after the person's office has become vacant under this section (other than under subsection (1)(c)) or while on leave of absence under subsection (2), the person commits an offence and shall be liable on summary conviction to a fine not exceeding \$100.

Section 9: substituted, on 17 June 1986, by section 12 of the Local Government Amendment Act 1986 (1986 No 21).

Section 9(1)(c): substituted, on 26 August 1993, by section 8(1) of the Greytown District Trust Lands Amendment Act 1993 (1993 No 7 (L)).

Section 9(1)(d): amended, on 26 August 1993, by section 8(2) of the Greytown District Trust Lands Amendment Act 1993 (1993 No 7 (L)).

10 Extraordinary vacancies

- (1) In the event of an extraordinary vacancy in the office of a member occurring not less than 6 months before the date on which such member is due to retire from office pursuant to section 7, the Trust Board shall, by resolution, appoint a person qualified to be elected as a member to fill the vacancy.
- (2) In the event of an extraordinary vacancy in the office of a member occurring less than 6 months before the date on which such member is due to retire from office pursuant to section 7, the Trust Board may, by resolution, either appoint a person qualified to be elected as a member to fill the vacancy, or determine that the vacancy shall not be filled.
- (3) Subject to sections 8 and 9, every person appointed by the Trust Board to fill an extraordinary vacancy in the office of member shall hold office only until the date on which his predecessor (the member whose vacation of office has caused the extraordinary vacancy) would, if he had so long continued to

hold office, have been due to retire from office pursuant to section 7.

- (4) Every resolution of the Trust Board under this section shall have effect according to its tenor, anything to the contrary in the Local Elections and Polls Act 1976 notwithstanding.

Ouster of office

11 Ouster of office

- (1) Upon proof in the first instance, by affidavit or otherwise, that a member is or has become incapable under this Act of holding his office, the District Court in the district may grant a summons calling upon the person holding that office to show cause why he should not be adjudged to be ousted of the same.
- (2) If on the return of the summons it appears to the court, on affidavit or oral evidence on oath, that such person is incapable under this Act of holding the said office, the court may adjudge him to be ousted of the same, and he shall be ousted of such office accordingly.
- (3) In any such proceedings the District Court may exercise all the powers and authorities that it may exercise in its ordinary jurisdiction in civil cases; and the procedure of that court shall, so far as applicable, apply generally to proceedings had under this section.
- (4) No matter in relation to a disputed election shall be heard by a District Court under this section.
- (5) No question that may be tried under this section shall be tried in the High Court; and no proceedings in a District Court hereunder shall be removable into the High Court by certiorari or otherwise.

Section 11(1): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 11(3): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 11(4): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 11(5): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 11(5): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

*Trusts and powers***12 Vesting of lands**

All property, both real and personal, vested at the passing of this Act in the Greytown Trustees constituted under the Greytown Trust Lands Act 1956, and in particular the lands described in the Schedule of this Act, is hereby vested in the Trust Board subject to all encumbrances, contracts, and equities affecting the same respectively at the passing of this Act and subject to the trusts declared by this Act concerning the same respectively.

13 Trusts on which lands to be held

Subject to the express provisions of this Act, the Trust Board shall hold, and shall be deemed always to have held, the trust lands for the following purposes:

- (a) establishing, assisting in the establishment of, or generally assisting, educational facilities (including libraries) in the district:
- (b) promoting and fostering in the district, or among persons who are, or who at some time have been, resident in the district, education generally, including (but not by way of limitation)—
 - (i) the cultivation of; and
 - (ii) the imparting of knowledge, proficiency, and skill in—
arts, science, technical subjects, literature, physical welfare, and other cultural purposes:
- (c) for the purposes of public utility and for the purpose of maintaining and promoting in the district the general well-being of the public.

Section 13: substituted, on 26 August 1993, by section 9 of the Greytown District Trust Lands Amendment Act 1993 (1993 No 7 (L)).

14 Application of income from trust lands

The Trust Board may, in every financial year, apply its income from the trust lands in such manner as the Trust Board shall from time to time decide, to all or any of the following purposes:

- (a) paying and satisfying all the costs and expenses of the conduct and management of the business and affairs of the Trust Board:
- (aa) paying to the members of the Trust Board the remuneration and travelling allowances and travelling expenses that they are entitled to be paid under section 36A:
- (ab) paying and satisfying the costs and expenses of conducting elections and polls under this Act:
- (ac) paying and satisfying the general costs and expenses of the execution of the trusts and powers of this Act:
 - (b) for any or all of the purposes mentioned in section 13:
 - (c) for the purpose of erecting, or assisting in erecting, on lands of the Trust Board (whether within the district or elsewhere), or elsewhere in the district, buildings and other erections designed for any of the said purposes or designed for use in connection with or incidental to any such purposes:
 - (d) for the purpose of improving, maintaining, and keeping in proper order and condition any real or personal property of the Trust Board, and any real or personal property (whether or not the property of the Trust Board) used or designed for use for or in connection with any of the purposes mentioned in this section:
 - (e) for the purpose of maintaining and improving the earning capacity, or the use for any of the said purposes, of any real or personal property of the Trust Board, or of rendering any such property more suitable for the purpose of producing revenue, whether by development or subdivision or otherwise and, in particular, by the erection of buildings for residential, industrial, or commercial purposes, and the addition of improvements and amenities:
 - (f) for the purpose of forming, constructing, kerbing, and paving streets, roads, service lanes, and ways on lands dedicated or transferred for those purposes by the Trust Board pursuant to section 17 or on any lands of the Trust Board:
 - (g) in expending for purposes not authorised by any Act or law for the time being in force any sum or sums not

amounting in the whole to more than 1% of the gross rentals derived during that financial year from the trust lands or \$2,000, whichever is the lesser.

Section 14(a): substituted on 26 August 1993, by section 10(1) of the Greytown District Trust Lands Amendment Act 1993 (1993 No 7 (L)).

Section 14(aa): substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 14(ab): inserted, on 26 August 1993, by section 10(1) of the Greytown District Trust Lands Amendment Act 1993 (1993 No 7 (L)).

Section 14(ac): inserted, on 26 August 1993, by section 10(1) of the Greytown District Trust Lands Amendment Act 1993 (1993 No 7 (L)).

Section 14(d): amended, on 26 August 1993, by section 10(2) of the Greytown District Trust Lands Amendment Act 1993 (1993 No 7 (L)).

Section 14(g): amended, on 26 August 1993, by section 10(3) of the Greytown District Trust Lands Amendment Act 1993 (1993 No 7 (L)).

15 Leasing powers

The Trust Board shall have power to grant leases and tenancies of the trust lands and any part or parts of the same.

16 Public Bodies Leases Act 1969 to apply

Every power of granting leases or tenancies conferred on the Trust Board by this Act shall confer on the Trust Board power to grant any such lease or tenancy on any terms authorised by the Public Bodies Leases Act 1969, and for that purpose the Trust Board is hereby declared to be a leasing authority within the meaning and for the purposes of the Public Bodies Leases Act 1969:

provided that sections 8, 19, and 23(1)(d) of that Act shall not apply to the Trust Board.

17 Powers of dedication

- (1) The Trust Board shall have power from time to time, with or without requiring any payment or other consideration, to dedicate and transfer portions of the trust lands for the purpose of widening any street, roads, access ways, or service lanes: provided that no such dedication shall be made so as to widen any street or road by a greater width than 10 metres.
- (2) The Trust Board shall have power from time to time, with or without requiring any payment or other consideration, to

dedicate and transfer portions of the trust lands for the purpose of making new roads, streets, access ways, or service lanes or extensions of existing roads, streets, access ways, or service lanes; and in particular (but without affecting the generality of the power conferred by this subsection) for the purpose of improving or using to better advantage any real or personal property of the Trust Board.

- (3) No money shall be expended in the exercise of any power conferred by this section except out of the revenue of the trust lands, or out of a fund specially created for the purpose, or out of a general reserve established pursuant to this Act.
- (4) Money received by way of consideration for the dedication or transfer, as mentioned in this section, of any part of the trust lands shall be deemed to be income derived from the trust lands.
- (5) No power conferred by this section shall be exercised except by or in pursuance of a special resolution.

18 Power to grant easements

The Trust Board may from time to time grant any easement in, upon, through, over, or under the trust lands, or any part or parts of it subject to such conditions, and upon such consideration, and subject to the payment of such rent (if any) as the Trust Board shall think fit.

19 Powers of acquisition

- (1) The Trust Board shall have power from time to time to acquire by purchase, by the acceptance of gifts or devises, or otherwise, additional lands for addition to the trust lands, and all lands so acquired shall thereafter be deemed to be included in the trust lands for the purposes of this Act.
- (2) No money shall be expended pursuant to the powers conferred by this section except out of the revenue of the trust lands, or out of a fund specially created for the purpose, or out of a general reserve established pursuant to this Act, or out of the proceeds from the disposal of trust lands acquired by the Crown or a local authority.

- (3) No power conferred by this section shall be exercised except by or pursuant to a special resolution.

Section 19(2): amended, on 26 August 1993, by section 11 of the Greytown District Trust Lands Amendment Act 1993 (1993 No 7 (L)).

20 Restriction on alienation of lands

- (1) Save as in this Act expressly authorised, the Trust Board shall have no power of alienation of the trust lands or any part thereof or any interest therein.
- (2) Notwithstanding anything to the contrary in subsection (1) or elsewhere in this Act, the Trust Board shall have power to sell or otherwise dispose of personal property of the Trust Board, and to sell for removal, or otherwise to dispose of buildings, erections, and improvements, being the property of the Trust Board, standing or being upon the trust lands or any part thereof, whether affixed to the freehold or not.
- (3) Money received by way of consideration for any sale or other disposal as mentioned in this section shall be deemed to be income of the Trust Board.

21 Alienation permitted for boundary adjustments

- (1) Notwithstanding anything to the contrary in section 20, the Trust Board shall have power from time to time, with or without requiring any payment or other consideration, to sell or otherwise dispose of any part or parts of the general trust lands for the purpose of improving, adjusting, or straightening the boundary or boundaries between land owned by the Trust Board and other land.
- (2) Any money received by way of consideration for any sale or other disposal pursuant to this section shall be deemed to be income of the Trust Board.
- (3) No power conferred by this section shall be exercised except by or pursuant to a special resolution.

22 Exchange of trust lands

- (1) The Trust Board may from time to time exchange trust lands for other lands in any case where it has resolved that such exchange is in the interests of the Trust Board and the district, and

in respect of such exchange may give or receive any money for equality of exchange.

- (2) No power conferred by this section shall be exercised except by or in pursuance of a special resolution.
- (3) Money received by way of equality of exchange for any trust lands pursuant to this section shall be applied by the Trust Board for or towards the purchase of other land or lands or the development of trust lands, and until so applied shall be held by the Trust Board in a special reserve account for that purpose.
- (4) Land acquired by the Trust Board in exchange for any part or parts of the trust lands and any land or lands purchased from money from the special reserve account hereinbefore mentioned shall be deemed to form part of the trust lands and be held on the same terms and for the same purposes.

Section 22(1): amended, on 26 August 1993, by section 12 of the Greytown District Trust Lands Amendment Act 1993 (1993 No 7 (L)).

23 Sale of trust lands

- (1) Notwithstanding anything to the contrary in section 20, the Trust Board shall have power to sell any part or parts of the trust lands.
- (2) The Trust Board may in respect of any such sale impose such conditions as it thinks fit whether in respect of the method of sale, the reserve price of such sale, the method of payment, or otherwise howsoever.
- (3) Money received by the Trust Board from any sale pursuant to this section of any part or parts of the trust lands shall be applied by the Trust Board for or towards the purchase of other land or lands or the development of trust lands, and until so applied shall be held by the Trust Board in a special reserve account for that purpose.
- (4) Land purchased by the Trust Board with money received from the sale pursuant to this section of part or parts of the trust land shall be deemed to form part of the trust lands.
- (5) No power conferred by this section shall be exercised except by or in pursuance of a special resolution of the Trust Board.

24 Power to accept trusteeships

The Trust Board shall be at liberty from time to time to accept trusteeships for trusts and purposes not inconsistent with the general purposes of this Act, and for such purposes to permit to be or become vested in the Trust Board any real or personal property to be held by the Trust Board upon and subject to the trusts imposed in respect thereof, not being trusts inconsistent with the general purposes of this Act.

25 Power to set aside fund for general purposes

The Trust Board may from time to time, out of the income from the trust lands, create, maintain, and add to a fund or funds for any 1 or more of the purposes of the Trust Board.

26 Investment of money

The Trust Board may from time to time invest any fund established pursuant to section 22, section 23, or section 25, or any part or parts of any such fund, and all money representing income of the Trust Board from time to time remaining unapplied pending the application of it in accordance with the trusts and purposes of this Act, in the following manner, that is to say:

- (a) in public securities as defined in the Public Finance Act 1977; or
- (b) on deposit in any bank lawfully carrying on the business of banking in New Zealand; or
- (c) on any other form of investment for the time being authorised by law for the investment of trust funds,—

and, except as provided in section 26A, the income from such investments shall be credited to the fund to which the investments belong.

Section 26: amended, on 26 August 1993, by section 13(2) of the Greytown District Trust Lands Amendment Act 1993 (1993 No 7 (L)).

Section 26(b): amended, on 26 August 1993, by section 13(1) of the Greytown District Trust Lands Amendment Act 1993 (1993 No 7 (L)).

26A Income from investment of proceeds of sale

- (1) Notwithstanding anything in section 26, where—
 - (a) any land has been sold under section 23; and

- (b) all or any part of the proceeds of that sale are, or have been, invested under section 26; and
- (c) the income available for application under section 14(b), in any financial year, is less than the amount that was applied for the purposes specified in section 13 in the immediately preceding financial year—

the Trust Board may apply income from the investment referred to in paragraph (b) of this subsection for all or any of the purposes specified in section 13.

- (2) Nothing in subsection (1) authorises the Trust Board to apply income under that subsection to such an extent that the total of the sum so applied, together with the sum applied under section 14(b), in any financial year is greater than the total amount applied for all or any of the purposes specified in section 13 in the immediately preceding financial year.

Section 26A: inserted, on 26 August 1993, by section 14 of the Greytown District Trust Lands Amendment Act 1993 (1993 No 7 (L)).

27 Power to borrow on overdraft

The Trust Board may from time to time borrow money from its bankers by way of overdraft:

provided that the total amount so borrowed shall not at any time in any financial year exceed half of the gross rental income of the Trust Board for the immediately preceding financial year.

28 Power to borrow

- (1) In addition to the power conferred by section 27 the Trust Board shall have power, with the consent of the Minister of Finance and upon and subject to such conditions as that Minister thinks fit, to borrow money for any of the purposes of the Trust Board.
- (2) For the purpose of securing the repayment of money so borrowed and the interest thereon, the Trust Board may, with the consent of the Minister of Finance and upon and subject to such conditions as that Minister thinks fit, appropriate and pledge as security its revenues or any part thereof or mortgage or charge any of its real or personal property.

- (3) The Trust Board shall be deemed not to be a local authority within the meaning of the Local Authorities Loans Act 1956.

General

29 Officers

- (1) The Trust Board may from time to time appoint or remove a Secretary and such other officers and employees as the Trust Board shall think necessary, and may, out of the revenues of the Trust Board, pay to such persons such salaries, allowances, remuneration, and retainers in respect of their services as shall be thought fit. All officers and employees holding office at the passing of this Act shall continue in office subject to the provisions of this Act.
- (2) Before any officer entrusted by the Trust Board with the custody or control of money by virtue of his office enters on the duties of his office the Trust Board shall take sufficient security from him for the faithful execution of those duties.
- (3) Any auditor appointed shall be the holder of a certificate of public practice as an accountant.
- (4) The auditor shall, in addition to his or her other responsibilities under this Act, be responsible for—
- (a) oversight of the provisions of section 8; and
 - (b) administration of the application of sections 6 and 7 of the Local Authorities (Members' Interests) Act 1968, as applied by section 31 of this Act, and, in particular,—
 - (i) the investigation, following receipt of a complaint or on his or her own motion, of any matter relating to the application of those provisions; and
 - (ii) if the auditor considers the circumstances warrant it, the institution of proceedings against any person for any offence against section 7(1) of that Act, as so applied.

Section 29(4): substituted, on 26 August 1993, by section 15 of the Greytown District Trust Lands Amendment Act 1993 (1993 No 7 (L)).

30 Management

The Trust Board may from time to time make rules for the conduct of business and keeping the minutes thereof, for fixing quorums for meetings, for the appointment of a chairman and fixing his terms of office, for the appointment of an auditor and for the management of the real and personal property of the Trust Board, and generally for giving effect to the provisions of this Act, and may from time to time add to, amend, and revoke such rules or any of them, and may from time to time make additional or substituted rules for the said purposes.

31 Member not to vote on question in which he or she has pecuniary interest

- (1) Subject to subsection (2), sections 6 and 7 of the Local Authorities (Members' Interests) Act 1968 shall apply in respect of members of the Trust Board as if—
 - (a) the Trust Board was a local authority for the purposes of those provisions; and
 - (b) every reference in those sections to the Auditor-General was a reference to the auditor appointed under section 35.
- (2) The amount of any fine imposed under section 7(1) of the Local Authorities (Members' Interests) Act 1968, as applied by subsection (1), shall be payable to the Trust Board.

Section 31: substituted, on 26 August 1993, by section 16 of the Greytown District Trust Lands Amendment Act 1993 (1993 No 7 (L)).

Section 31(1)(b): amended, on 1 July 2001, pursuant to section 52 of the Public Audit Act 2001 (2001 No 10).

32 Money to be paid into bank

- (1) All money belonging to the Trust Board amounting to \$20 and upwards shall, within 3 days after it has been received by the proper officer of the Trust Board, be paid into the account of the Trust Board at such bank as the Trust Board from time to time appoints.
- (2) No money shall be withdrawn from the bank except by authority of the Trust Board and by cheque signed by the Secretary and countersigned by a member of the Trust Board.

33 Accounts

- (1) The Trust Board shall keep such accounts and keep them in such manner as may be prescribed by the auditor, but so always that—
 - (a) a general account shall be kept and credited with all money not required by this Act to be carried to any other account, and debited with the expenditure that is not required by or under this or any other Act to be charged or that is not otherwise properly chargeable against any other account; and
 - (b) separate accounts shall be kept and credited with all money raised or levied for, or appropriated or allocated to, or held in trust or received for, any special purpose, and debited with expenditure properly chargeable against these accounts.
- (2) The decision of the auditor as to whether or not any expenditure is properly chargeable against any such account as aforesaid shall be final.

34 Annual statements

- (1) As soon as practicable after the end of every financial year the Trust Board shall cause to be prepared and sent to the auditor such financial statements as will fairly reflect the financial position of the Trust Board as at the end of that financial year and the results of the financial operations for the year.
- (2) The yearly financial statements shall be audited by the auditor.
- (3) The auditor shall return the financial statements to the Trust Board as soon as possible, with his report written and signed thereon. The financial statements bearing the report, shall thereupon be printed, and a copy thereof as so printed shall be deposited in the office of the Trust Board, and be available for inspection by any elector during ordinary office hours, free of charge, until the holding of the meeting of electors mentioned in section 35. The Trust Board shall furnish a copy of the financial statements as so printed, to any elector requiring the same. Public notice shall be given that the financial statements have been audited and printed, and are available as aforesaid.

35 Annual meeting of electors

For the purpose of receiving the annual report and financial statements of the Trust Board a meeting of electors shall be held annually at a place to be appointed by the Trust Board, and on a day to be appointed by the Trust Board being not later in any year than 30 September, of which meeting, and of the time and place appointed for holding the same, not less than 7 clear days' public notice shall be given. At such meeting the chairman for the time being of the Trust Board or, in his absence, a chairman appointed by the meeting shall preside. At such meeting the annual report and financial statements for the year ended with the preceding 31 March shall be submitted. At such meeting the auditor for the ensuing year shall be appointed and the method of fixing his remuneration determined.

36 Contracts of Trust Board

- (1) Any contract which, if made between private persons, must be by deed shall, if made by the Trust Board, be in writing under the seal of the Trust Board.
- (2) Any contract which if made between private persons must be in writing signed by the parties to be charged therewith shall, if made by the Trust Board, be in writing under the seal of the Board or in writing signed by 2 members of the Board on behalf of and by direction of the Board.
- (3) Any contract which if made between private persons may be made orally may be similarly made by or on behalf of the Board by any member acting by direction of the Board, but no oral contract shall be made involving the payment by the Board of a sum exceeding \$100.
- (4) Notwithstanding anything in this section, no contract made by or on behalf of the Board shall be invalid by reason only that it is not made in the manner prescribed by this section if it is made pursuant to a resolution of the Board or to give effect to a resolution of the Board.

36A Remuneration, allowances, and expenses of members of Trust Board

- (1) The Trust Board is declared to be a statutory board within the meaning of the Fees and Travelling Allowances Act 1951.
- (2) The members of the Trust Board are entitled to be paid remuneration by way of fees, salary, or allowances, and travelling allowances and travelling expenses, in accordance with the provisions of the Fees and Travelling Allowances Act 1951; and the provisions of that Act apply accordingly.

Section 36A: inserted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

37 Indemnity of members

No member shall be personally liable for any act done or omitted by the Trust Board, or by any member thereof, in good faith in the course of the operations of the Trust Board, or be answerable for the act of any other member, or be answerable for any loss that may arise by reason of any money of the Trust Board being deposited in any bank, or in the hands of any agent or servant of the Trust Board, or for any loss in the execution of any of the trusts or powers declared in this Act, unless the same happens through his own wilful neglect or default.

38 Amending Ombudsmen Act 1975

Amendment(s) incorporated in the Act(s).

39 Repeal

The Greytown Trust Lands Act 1956 is hereby repealed.

Schedule

s 12

Greytown trust lands

(All situated in Blocks XIII and XIV Tiffin
Survey District, Wellington Land District)

	Area	Reference to certificate of title, Wellington Registry	Description
(1)	2.6335 ha	Bal CT 508/263 Limited	Situated partly in Borough of Greytown and partly in County of Featherston, being part Sections 1, 9, 61, 89, 112 and Sections 120 and 119 Town of Greytown, and part Section 5 Greytown Small Farm Settlement and Lots 1, 2, 3 and 4 DP 20509.
(2)	2.5470 ha	Bal CT C3/694 Limited	Situated partly in Borough of Greytown and partly in County of Featherston, being Sections 1, 2, 3 and 4 and part Section 5 Greytown Town Belt, and Lot 4 DP 22059, Lot 2 DP 22410, Lots 2, 7 and 8 DP 22662, Lots 1, 2 and 3 LT Plan 32660, Lot 1 LT Plan 40362 and Lot 1 DP 41474.
(3)	4 858 m ²	Bal CT 332/252 Limited	Lots 1, 4, 5, 6 and 8 DP 22411.
(4)	5.5315 ha	CT 403/156	Part Tahorahina Block.
(5)	1 644 m ²	CT D4/141	Part Lot 1 A Plan 2215.
(6)	627 m ²	CT 332/285	Part Section 33 Town of Greytown.
(7)	3 264 m ²	CT 508/262	Lots 1, 2, 3, 4 and 6 DP 10765.
(8)	1.2141 ha	CT 285/140	Lot 1 DP 5121.
(9)	965 m ²	CT 945/68	Lot 2 DP 22411.

	Area	Reference to certificate of title, Wellington Registry	Description
(10)	965 m ²	CT 963/88	Lot 3 DP 22411.
(11)	965 m ²	CT 979/83	Lot 7 DP 22411.
(12)	925 m ²	CT 6B/640	Lot 1 DP 29617.
(13)	925 m ²	CT 6B/641	Lot 2 DP 29617.
(14)	925 m ²	CT 6B/642	Lot 3 DP 29617.
(15)	925 m ²	CT 6B/643	Lot 4 DP 29617.
(16)	925 m ²	CT 6B/644	Lot 5 DP 29617.
(17)	923 m ²	CT 6B/645	Lot 6 DP 29617.
(18)	905 m ²	CT 6B/646	Lot 7 DP 29617.
(19)	902 m ²	CT 6B/647	Lot 8 DP 29617.
(20)	900 m ²	CT 6B/648	Lot 9 DP 29617.
(21)	924 m ²	CT 963/85	Lot 1 DP 22662.
(22)	924 m ²	CT 945/69	Lot 3 DP 22662.
(23)	924 m ²	CT 956/100	Lot 4 DP 22662.
(24)	924 m ²	CT 984/4	Lot 5 DP 22662.
(25)	924 m ²	CT A1/1326	Lot 6 DP 22662.
(26)	924 m ²	CT 945/73	Lot 1 DP 22410.
(27)	924 m ²	CT B4/690	Lot 3 DP 22410.
(28)	924 m ²	CT C1/929	Lot 4 DP 22410.
(29)	924 m ²	CT 945/71	Lot 1 DP 22059.
(30)	924 m ²	CT 945/70	Lot 2 DP 22059.
(31)	924 m ²	CT 945/74	Lot 3 DP 22059.
(32)	6 421 m ²	CT 890.98	Lots 1–6; and 8 DP 21314.
(33)	930 m ²	CT E1/1120	Lot 7 DP 21314.
(34)	975 m ²	CT 11C/1453	Lot 3 DP 40197.
(35)	924 m ²	CT 13B/356	Lot 1 DP 41498.
(36)	925 m ²	CT 13B/455	Lot 2 DP 41498.
(37)	925 m ²	CT 13B/456	Lot 3 DP 41498.
(38)	925 m ²	CT 13B/457	Lot 4 DP 41498.
(39)	925 m ²	CT 13B/458	Lot 5 DP 41498.
(40)	925 m ²	CT 13B/459	Lot 6 DP 41498.
(41)	925 m ²	CT 13B/460	Lot 7 DP 41498.

	Area	Reference to certificate of title, Wellington Registry	Description
(42)	926 m ²	CT 13B/357	Lot 8 DP 41499.
(43)	927 m ²	CT 13B/462	Lot 9 DP 41499.
(44)	927 m ²	CT 13B/463	Lot 10 DP 41499.
(45)	927 m ²	CT 13B/464	Lot 11 DP 41499.
(46)	928 m ²	CT 13B/465	Lot 12 DP 41499.
(47)	928 m ²	CT 13B/466	Lot 13 DP 41499.
(48)	919 m ²	CT 13B/467	Lot 14 DP 41499.
(49)	8 903 m ²	CT 743/97	Lots 1–5 and 7–11 DP 17835.
(50)	757 m ²	CT B4/310	Lot 6 DP 17835.
(51)	729 m ²	CT 14D/568	Lot 1 DP 43112.
(52)	735 m ²	CT 14D/569	Lot 2 DP 43112.
(53)	714 m ²	CT 14D/570	Lot 3 DP 43112.
(54)	714 m ²	CT 14D/571	Lot 4 DP 43112.
(55)	714 m ²	CT 14D/572	Lot 5 DP 43112.
(56)	714 m ²	CT 14D/573	Lot 6 DP 43112.
(57)	807 m ²	CT 14D/574	Lot 7 DP 43112.
(58)	807 m ²	CT 14D/575	Lot 8 DP 43112.
(59)	966 m ²	CT 14D/576	Lot 9 DP 43112.
(60)	1 343 m ²	CT 14D/577	Lot 10 DP 43112.
(61)	870 m ²	CT 14D/578	Lot 11 DP 43112.
(62)	926 m ²	CT 14D/579	Lot 12 DP 43112.
(63)	1 084 m ²	CT 14D/580	Lot 13 DP 43112.
(64)	1 102 m ²	CT 14D/581	Lot 14 DP 43112.
(65)	1.5176 ha	CT 12D/261	Lot 1 DP 40915.
(66)	2 194 m ²	CT E2/754	Lots 1, 3 and 4 DP 27287.
(67)	908 m ²	CT 9A/468	Lot 2 DP 27287.
(68)	763 m ²	CT 5A/485	Lot 5 DP 27287.
(69)	958 m ²	CT 8A/1273	Lot 1 DP 31241.
(70)	1 004 m ²	CT 8A/1274	Lot 2 DP 31241.
(71)	753 m ²	CT 8A/1275	Lot 3 DP 31241.
(72)	756 m ²	CT 8A/1276	Lot 4 DP 31241.

	Area	Reference to certificate of title, Wellington Registry	Description
(73)	710 m ²	CT 8A/1277	Lot 5 DP 31241.
(74)	687 m ²	CT 8A/1278	Lot 6 DP 31241.
(75)	687 m ²	CT 8A/1279	Lot 7 DP 31241.
(76)	638 m ²	CT 16B/1411	Lot 1 DP 45459.
(77)	709 m ²	CT 16B/1412	Lot 2 DP 45459.
(78)	742 m ²	CT 16B/1413	Lot 3 DP 45459.
(79)	687 m ²	CT 16B/1414	Lot 4 DP 45459.
(80)	675 m ²	CT 16B/1415	Lot 5 DP 45459.
(81)	690 m ²	CT 16B/1416	Lot 6 DP 45459.
(82)	667 m ²	CT 16B/1417	Lot 7 DP 45459.
(83)	675 m ²	CT 16B/1418	Lot 8 DP 45459.
(84)	667 m ²	CT 16B/1419	Lot 9 DP 45459.
(85)	708 m ²	CT 15B/238	Lot 1 DP 32661.
(86)	887 m ²	CT 15B/239	Lot 2 DP 32661.
(87)	3 838 m ²	CT 16A/481	Part Section 93 Town of Greytown.
(88)	1 771 m ²	CT 601/148	Lot 13 DP 16344.
(89)	2 023 m ²	CT 336/92 Limited	Lot 8 Deeds Plan 139.
(90)	2 018 m ²	CT 982/76 Limited	Part Section 92 Town of Greytown.
(91)	979 m ²	CT 336/1 Limited	Lots 1–4 Deeds Plan 271.
(92)	4 696 m ²	CT 10D/453	Part Lot 2 DP 31638.
(93)	5 553 m ²	CT 11B/542	Part Lot 1 DP 26547.

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes

1 *General*

This is a reprint of the Greytown District Trust Lands Act 1979. The reprint incorporates all the amendments to the Act as at 1 July 2003, 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)***

Local Electoral Amendment Act 2002 (2002 No 85): section 52

Local Government Act 2002 (2002 No 84): section 262

Public Audit Act 2001 (2001 No 10): section 52

Greytown District Trust Lands Amendment Act 1993 (1993 No 7 (L))

Local Government Amendment Act 1991 (1991 No 49): section 29

Local Government Amendment Act 1986 (1986 No 21): section 12

District Courts Amendment Act 1979 (1979 No 125): section 18(2)

Judicature Amendment Act 1979 (1979 No 124): section 12

