

**Reprint
as at 1 November 2010**



**Auckland City Council (Workers'
Homes) Vesting and Empowering
Act 1991**

Local Act 1991 No 6
Date of assent 7 November 1991
Commencement 7 November 1991

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

An Act to vest in the Auckland City Council certain residential properties forming part of a housing scheme initiated by the Council in 1923 with the assistance of grants in aid by the Government and which have been abandoned by their owners, and also to vest in the Council certain surpluses resulting from the letting of those properties by the Council as mortgagee in possession

Preamble

Whereas—

- (a) the properties described in Schedule 1 formed part of a housing scheme initiated by the Auckland City Council (hereinafter referred to as the Council) in 1923 with financial assistance from the Government:
- (b) on the dates set out in Schedule 1 the several owners named therein executed a first mortgage of their respective properties to the Council securing payment of the purchase price (those persons being hereinafter referred to as the owners):
- (c) the owners defaulted under their obligations to the Council as mortgagee, and as a consequence the Council became mortgagee in possession thereof and has continued in that capacity down to the present time:
- (d) in the intervening period the Council has let those properties on monthly tenancies and has applied the rents received towards repaying the mortgages and maintaining the properties:
- (e) rents received that are surplus to outgoings have always been kept by the Council in a separate trust account (hereinafter referred to as the surplus funds):
- (f) the names of the original mortgagors still appear on the relevant certificates of title:
- (g) despite enquiries spread over many years the Council has been unable to trace those persons although it has succeeded in identifying the owners of 16 other properties similarly placed, and has been able to return the properties to them or to their personal representatives:

- (h) it is expedient that the properties described in Schedule 1 and the surplus funds be held and administered by the Council for housing purposes in terms of Part 32 of the Local Government Act 1974.

1 Short Title

This Act may be cited as the Auckland City Council (Workers' Homes) Vesting and Empowering Act 1991.

2 Vesting of properties in Council

Notwithstanding any rule of law to the contrary, the properties described in Schedule 1 shall without further provision vest in the Council in fee simple to be held and administered by it for housing purposes under and in accordance with Part 32 of the Local Government Act 1974.

3 Vesting of surplus funds

The surplus funds shall be held and administered by the Council under and for the purposes of Part 32 of the Local Government Act 1974.

4 Existing tenancies not affected

Nothing in this Act shall affect any tenancy of a property to which it relates.

5 Powers of District Land Registrar

The District Land Registrar for the North Auckland Land Registration District is hereby authorised and directed to make such entries in his or her registers as may be necessary to give effect to the provisions of this Act.

6 Savings provisions relating to subsequent valid claim

- (1) Notwithstanding the provisions of this Act, the Council shall account to any person who may in the future come forward and establish a valid claim to the ownership of any of the properties to which this Act applies and to its proportion of the surplus funds.

- (2) Any such claim shall be satisfied by the payment of the total amount specified in Schedule 2 in respect of the property to which the claim relates.
- (3) In this section, **Council** means the Auckland Council established by section 6(1) of the Local Government (Auckland Council) Act 2009.

Section 6(3): added, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Schedule 1

s 2

North Auckland Land District

Auckland City

- 1 Number 9 West View Road, containing 377 square metres, more or less, being Part Allotment 12, Section 9, Suburbs of Auckland (Lot 45, Deeds Plan 809), situated in Block XVI, Waitemata Survey District. All certificate of title 532/212 (limited as to parcels and title). Subject to Deeds Mortgage 341336 (R447.462) (North Auckland Registry) given by Albert Edward Wiles of Auckland, compositor, to the Auckland City Council on 1 December 1924.
- 2 Number 13 West View Road, containing 409 square metres, more or less, being Part Allotment 12, Section 9, Suburbs of Auckland (Lot 43, Deeds Plan 809), situated in Block XVI, Waitemata Survey District. All certificate of title 532/196 (limited as to parcels and title). Subject to Deeds Mortgage 357605 (R482.144) (North Auckland Registry) given by Ernest Broderick Ford of Auckland, tally clerk, to the Auckland City Council on 21 December 1925.
- 3 Number 28 West View Road, containing 532 square metres, more or less, being Part Allotment 12, Section 9, Suburbs of Auckland (Lot 59, Deeds Plan 809), situated in Block XVI, Waitemata Survey District. All certificate of title 532/210 (limited as to parcels and title). Subject to Deeds Mortgage 341324 (R499.314) (North Auckland Registry) given by George Theodore Poppel of Auckland, canvasser, to the Auckland City Council on 28 November 1924.
- 4 Number 38 West View Road, containing 520 square metres, more or less, being Part Allotment 12, Section 9, Suburbs of Auckland (Lot 62, Deeds Plan 809), situated in Block XVI, Waitemata Survey District. All certificate of title 532/190 (limited as to parcels and title). Subject to Deeds Mortgage 338762 (R447.363) (North Auckland Registry) given by George Cunningham Johnson of Auckland, painter, to the Auckland City Council on 12 September 1924.

Schedule 2

s 6(2)

| Property | Value (\$) | Share of surplus funds (\$) | Total amount (\$) |
|-----------------------------|-----------------------|--|------------------------------|
| 1 Number 9, West View Road | 116,000 | 18,618.03 | 134,618.03 |
| 2 Number 13, West View Road | 112,000 | 30,622.98 | 142,622.98 |
| 3 Number 28, West View Road | 115,000 | 29,001.89 | 144,001.89 |
| 4 Number 38, West View Road | 117,000 | 28,186.46 | 145,186.46 |

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Notes

1 *General*

This is a reprint of the Auckland City Council (Workers' Homes) Vesting and Empowering Act 1991. The reprint incorporates all the amendments to the Act as at 1 November 2010, 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 Government (Auckland Transitional Provisions) Act 2010 (2010 No 37):
section 113(1)
