

Reprint
as at 12 November 2018



Christchurch City Council (Lancaster Park) Land Vesting Act 2008

Local Act 2008 No 5
Date of assent 29 August 2008
Commencement see section 2

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Christchurch City Council (Lancaster Park) Land Vesting Act 2008.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

Preliminary provisions

3 Purpose

The purpose of this Act is to—

- (a) vest Lancaster Park land in the Christchurch City Council to be held in trust for certain purposes:
- (b) dissolve the Victory Park Board:
- (c) repeal the Victory Park Act 1919:
- (d) provide for related matters.

4 Interpretation

In this Act, unless the context otherwise requires,—

Board means the Victory Park Board established by the Victory Park Act 1919

Council means the Christchurch City Council

property means—

- (a) every type of property; and
- (b) includes—
 - (i) every type of estate and interest in property; and

- (ii) money; but
- (c) excludes the land described in Schedules 1 and 2.

Vesting of Lancaster Park land in Council

5 Land vested in Council

- (1) The fee simple and registered leasehold estates in the land described in Schedules 1 and 2 are vested in the Council.
- (2) The land continues to be subject to all leases, licences, reservations, restrictions, encumbrances, and interests in existence at the commencement of this Act.
- (3) However, the land in Schedule 1 is no longer—
 - (a) subject to the trusts, reservations, and restrictions imposed by the Victory Park Act 1919; or
 - (b) under the management, control, or direction of the Board.

6 Council to hold land on certain trusts

- (1) The Council must hold the land described in Schedules 1 and 2 in trust for the following purposes:
 - (a) rugby union:
 - (b) cricket:
 - (c) all other sports:
 - (d) recreation:
 - (e) entertainment:
 - (f) public assembly:
 - (g) ancillary purposes.
- (2) In subsection (1)(g), **ancillary purposes**—
 - (a) means purposes ancillary to the purposes specified in subsection (1)(a) to (f); and
 - (b) includes any commercial development and use on the land described in Schedules 1 and 2 that generate income for the benefit of, and do not detract from, the purposes specified in subsection (1)(a) to (f).

7 Council's powers in relation to land

- (1) The Council may grant a lease, tenancy or licence of any part of the land described in Schedules 1 and 2 on such terms and conditions as it thinks fit.
- (2) The Council may exercise its power under subsection (1) only for 1 or more of the purposes set out in section 6.

- (3) No lease, tenancy or licence granted under subsection (1) (including rights of renewal or extensions, whether in the lease, tenancy or licence or granted separately) may be for a term of 50 years or longer.

8 War memorial gates

In exercising its powers for the purposes of this Act, the Council must have regard to the significance of the war memorial gates at the Stevens Street boundary of the land described in Schedules 1 and 2 as a permanent memorial to the Canterbury soldiers who lost their lives in the First World War.

9 Application of Ngāi Tahu Claims Settlement Act 1998

- (1) On and from the commencement of this Act, Part 9 of the Ngāi Tahu Claims Settlement Act 1998 applies to the land described in Schedule 1 as if the Council were the Crown and the land were relevant land, and Part 9 of that Act applies accordingly with all necessary modifications.
- (2) For the purposes of subsection (1), the Council is to be treated as if it had disposed of the land if—
 - (a) it is using the land for a purpose not specified in section 6; and
 - (b) it has not ceased to use the land for a purpose not specified in section 6 within 20 working days after receiving a notice in writing from Te Rūnanga o Ngāi Tahu requiring it to cease using the land for a purpose not specified in section 6.
- (3) Subsection (2) does not limit subsection (1).

Dissolution of Board

10 Dissolution of Board

- (1) The Board is dissolved.
- (2) The property, rights, contracts, engagements, authorities, duties, and liabilities of the Board vest in the Council.
- (3) All actions, arbitrations, and proceedings and all causes of actions, arbitrations, and proceedings by or against the Board may be continued by or against the Council.
- (4) Unless the context otherwise requires, a reference to the Board in an enactment, deed, instrument, application, notice, or any other document is to be read as a reference to the Council.

11 Final accounts of Board

- (1) Despite sections 10 and 14, the Board continues in existence to complete its obligations under subsection (2).
- (2) The Board must, within 3 months after the commencement of this Act,—
 - (a) complete its accounts; and

- (b) prepare a balance sheet showing the Board's receipts and disbursements and its actual financial position as at the commencement of this Act; and
 - (c) publish its balance sheet in a daily newspaper circulating in Christchurch.
- (3) The costs and expenses of the Board completing its obligations under subsection (2) must be paid by the Council.

Miscellaneous provisions

12 Vesting of land not a gift, supply of services, or disposition, for certain purposes

To avoid doubt, the vesting of land and property by this Act is not—

- (a) a dutiable gift for the purposes of the Estate and Gift Duties Act 1968:
- (b) a supply of goods and services for the purposes of the Goods and Services Act 1985:
- (c) a sale, distribution, or transfer of property or liability for the purposes of the Income Tax Act 2007.

13 Powers of Registrar-General of Land

- (1) The Registrar-General of Land is authorised and directed to make such entries in the registers under the Land Transfer Act 2017 and to do all such other things as may be necessary to give effect to the provisions of this Act.
- (2) The Registrar must—
- (a) cancel on the certificate of title for the land described in Schedule 1 the words entered under section 98 of the Ngāi Tahu Claims Settlement Act 1998; and
 - (b) enter on that certificate of title the following words:
“Subject to Part 9 of the Ngāi Tahu Claims Settlement Act 1998, as applied by section 9 of the Christchurch City Council (Lancaster Park) Land Vesting Act 2008.”
- (3) Subsection (2) does not limit subsection (1).

Section 13(1): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

14 Repeal

The Victory Park Act 1919 is repealed.

Schedule 1
Land of the Crown (subject to the Victory Park Act 1919) vested in
Council

ss 4, 5, 6, 7, 9, 13(2)

Area	Description	Record of title
6.3251 ha	Lots 1 and 2 DP 18992 Lots 20-30 and Lot 50 DP 1384 Part Lots 57-60 and Part Lots 62-63 DP 631 Part Rural Section 62	CB27K/1155

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

Schedule 2 Board land vested in Council

ss 4, 5, 6, 7

Area	Description	Record of title
1. 933m ²	Part Lot 53 DP 631	CB420/156
2. 908m ²	Part Lot 54 DP 631	CB23B/374
3. 908m ²	Part Lot 55 DP 631	CB378/27
4. 908m ²	Part Lot 56 DP 631	CB25B/1087
5. 908m ²	Part Lot 65 DP 631	CB33B/1210
6. 908m ²	Part Rural Section 62	CB21A/118
7. 513m ²	Part Rural Section 62	CB350/166
8. 513m ²	Part Rural Section 62	CB357/275
9. 483m ²	Part Lot 31 DP 1384	CB15K/760
10. 483m ²	Part Lot 31 DP 1384	CB15K/761
11. 417m ²	Part Lot 31 DP 1384	CB333/32
12. 753m ²	Lot 1 DP 301352	CB5892

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

Reprints notes

1 *General*

This is a reprint of the Christchurch City Council (Lancaster Park) Land Vesting Act 2008 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

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