

R. O. Bradley Estate Amendment Act 1994

Private Act 1994 No 2
Date of assent 6 April 1994

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An Act to amend the R. O. Bradley Estate Act 1972

WHEREAS Reginald Orton Bradley late of Charteris Bay, fanner, died on the 24th day of January 1943 having first made his Last Will together with one Codicil thereto dated, respectively, the 18th day of March 1939 and the 20th day of September 1941, and the said Will and Codicil were duly proved in the Supreme Court of New Zealand at Christchurch on the 11th day of February 1943 by Lionel Denis Cotterill, the Executor in the said Will and Codicil named: And whereas the said Will provided that it was the desire of the testator without imposing any legal obligation on the part of the Board or the Trustees as constituted under the Will that the Board and the Trustees should after the death of certain persons taking an interest under the Will apply for leave to introduce a Bill and to take all necessary steps to obtain the passing of an Act having for its objects the constitution of the Board as a corporate body and the vesting of certain property, funds, and chattels in the Board: And whereas by the R. O. Bradley Estate Act 1972, the Orton Bradley Park Board was duly constituted as

a body corporate with perpetual succession and a common seal: And whereas the last surviving life tenant died on the 21st day of April 1976 following which the Trustees conveyed and delivered all the real and personal property forming the estate to the Board: And whereas the powers, authorities, and discretions conferred upon the Board under the terms of the Will do not include the power to purchase or otherwise acquire additional real property and prohibit the sale of any portion of the Park which would preclude the Board from entering into arrangements for boundary adjustments, acquiring further land to add to the Park, or exchanging lands for the benefit of the Park: And whereas it is desirable to amend the balance date for the Board from 31st March to 30th June in each year: And whereas the objects of the Bill cannot be attained otherwise than by legislation:

BE IT THEREFORE ENACTED by the Parliament of New Zealand as follows:

1 Short Title

This Act may be cited as the R. O. Bradley Estate Amendment Act 1994, and shall be read together with and deemed part of the R. O. Bradley Estate Act 1972 (hereinafter referred to as the “principal Act”).

2 Interpretation

Section 2 of the principal Act is hereby amended by adding to the definition of the term “Park” the words “, together with any additional land that may be acquired by the Board for the purposes of the Park, but excluding any such lands as may have been disposed of by the Board”.

3 Membership of Board

Section 4(g) of the principal Act is hereby amended by omitting the words “Canterbury Automobile Association (Incorporated)”, and substituting the words “Automobile Association (Central) Incorporated”.

4 Further powers of Board

The principal Act is hereby amended by inserting, after section 12, the following section:

“12A

“(1) The Board shall be entitled to purchase, exchange, take on lease, or otherwise acquire any real or personal property for any of the purposes of the Park.

“(2) The Board shall not be entitled to sell any portion of the Park otherwise than—
“(a) For the purpose of boundary adjustments or for the better provision of access either to the Park or any adjoining property; and
“(b) Pursuant to a unanimous resolution of the Board.

“(3) The proceeds of any such sale shall be held by the Board for the purposes of the Park.

“(4) The sale by the Board of all or any of the following parcels of land comprising part of the Park, namely—

“(a) The parcel of land comprising 549 square metres, more or less, situated in Block VIII of the Halswell Survey District, being Lot 5, D.P. 11299, being part of Rural Section 124 and being all the land comprised and described in Certificate of Title 455/209 (Canterbury Registry):

“(b) The parcels of land being parts respectively of Rural Sections 30478, 124, and 129, being parts of the land comprised and described in Certificate of Title 9B/871 (Canterbury Registry) and situated to the north of the Christchurch-Purau Highway—

shall be deemed to be a boundary adjustment for the purposes of subsection (2)(a) of this section.”

5 Annual financial report

Section 16(1) of the principal Act is hereby amended by omitting the words “31st day of March”, and substituting the words “30th day of June”.

6 Park to be held by Board

Section 19 of the principal Act is hereby amended by adding, after the words “held by the Board”, the words “, subject to section 12A(2) of this Act,”.

7 Private Act

This Act is hereby declared to be a private Act.