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Local Legislation Act 1932–33

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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.

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An Act to confer certain powers on certain public bodies and to validate certain transactions

1 Short Title

This Act may be cited as the Local Legislation Act 1932–33.

County Councils

2 Validating deposit of loan moneys by Pahiatua County Council with a bank outside New Zealand

Whereas the Pahiatua County Council (hereinafter called the **Council**) for the purpose of reconstructing certain bridges in the Pahiatua County borrowed the sum of 3,400 pounds from the National Mutual Life Association of Australasia, Limited, and issued debentures providing for the repayment of the said loan by half-yearly instalments of principal and interest payable at the Bank of New Zealand in Melbourne in the State of Victoria in the Commonwealth of Australia:

And whereas after the completion of the said works there remained unexpended a balance of 611 pounds out of the said loan moneys:

And whereas the said National Mutual Life Association of Australasia, Limited, refused to allow any interest upon the said sum of 611 pounds if the said sum had been applied in reduction of the amount of the said loan by paying certain of the said debentures before their due dates:

And whereas in order that the said sum may earn interest pending the arrival of such due dates and also to obtain the benefit of the advantageous rate of exchange the Council has de-

posited the said sum of 611 pounds upon several fixed deposits with the Bank of Australasia at Melbourne so that the dates for repayment of the said fixed deposits approximately coincide with the due dates of such debentures:

And whereas there being no statutory authority authorising the Council to invest moneys outside New Zealand it is desired to validate the said action of the Council:

Be it therefore enacted as follows:

The investment by the Council of the said sum of 611 pounds upon several fixed deposits with the Bank of Australasia at Melbourne as aforesaid is hereby declared to have been lawfully made.

3 Validating overpayment of interest by Coromandel County Council

Whereas the Coromandel County Council (hereinafter called the **Council**) was on 14 December 1929 duly authorised by the ratepayers of the Coromandel County to raise for the purpose of constructing a new wharf at Mercury Bay a loan of 2,000 pounds, such loan to bear interest at the rate of 5.5% per annum:

And whereas the Council raised the said loan by issuing debentures for 2,000 pounds on which interest was agreed to be paid at the rate of 5.75% per annum and has been paid at that rate from 1 January 1931 to 30 June 1932, but the debenture holders have agreed to the reduction of the rate to 5.5% per annum as from the last-mentioned date:

And whereas the overpayment of interest at the rate of 0.25% per annum over the said period amounts to 7 pounds 10 shillings:

And whereas it is expedient to validate the said overpayment:

Be it therefore enacted as follows:

The overpayment by the Council of interest as aforesaid amounting to 7 pounds 10 shillings is hereby validated and declared to have been lawfully made.

4 Authorising Rangitikei County Council to collect special rate

Whereas the Rangitikei County Council (hereinafter referred to as the **Council**) has been authorised to raise a special loan of 1,000 pounds (hereinafter referred to as the **said loan**) for the purpose of surveying, legalising, forming, and metalling the Toe Toe Road from the Rangitikei River to the Potaka Road:

And whereas the Council has made and levied a special rate over the Toe Toe Road No 2 special rating area (hereinafter referred to as the **special rating area**) as security for the said loan:

And whereas the Council has been unable to raise the said loan upon the terms authorised and authority has been granted pursuant to section 47 of the Finance Act 1929 for the Council to utilise an amount not exceeding 1,000 pounds of the un-expended balance of the Vinegar Hill Bridge Loan (1926) for carrying out the works hereinbefore mentioned:

And whereas such authority has been granted subject to the Council obtaining legislative authority to collect the special rate levied as security for the said loan and to pay the proceeds into the County Fund for the purpose of meeting a part of the interest and sinking fund charges on the said Vinegar Hill Bridge Loan (1926):

And whereas it is expedient that the Council should be so authorised:

Be it therefore enacted as follows:

- (1) The Council is hereby empowered to collect on all rateable property within the special rating area for a period of 20 years the special rate made and levied over such area as security for the said loan to an amount sufficient to pay interest at the rate of 5.75% per annum and sinking fund at the rate of 3% per annum on the sum of 1,000 pounds diverted as aforesaid, and to pay the proceeds of such special rate into the County Fund, and to apply such proceeds towards providing part of the interest and sinking fund on the said Vinegar Hill Bridge Loan (1926).
- (2) Nothing herein contained shall limit the powers of the Council pursuant to section 23 of the Local Bodies' Loans Act 1926 to

amend the special rate made and levied as security for the said loan.

5 Validating agreement entered into by Hutt County Council as to laying of conduit pipe

Whereas the Corporation of the County of Hutt (hereinafter called the **Corporation**) by a deed bearing date 25 April 1932 granted to Buckleton Brothers, Limited (hereinafter called the **company**), the right to lay a conduit pipe under and along Main Day's Bay Road, within the Hutt County, together with the right to convey oil and petroleum products through such pipe for the period and upon the terms and conditions mentioned in the said deed:

And whereas pursuant to the provisions of section 168 of the Public Works Act 1928 the consent of the Minister of Public Works was obtained in the manner provided by that section:

And whereas it is expedient that the action of the Corporation in entering into the said deed should be validated:

Be it therefore enacted as follows:

The said deed and all the terms, conditions, covenants, agreements, and provisions therein contained are hereby validated and confirmed as from the date of the execution thereof.

6 Authorising agreement by Hutt County Council as to laying of conduit pipe

The Corporation of the County of Hutt (hereinafter called the **corporation**) is hereby authorised to grant to Associated Motorists Petrol Company, Limited (hereinafter called the **company**), the right to lay a conduit pipe under and along Main Day's Bay Road, in the County of Hutt, together with the right to convey oil and petroleum products through such pipe, and for this purpose the Corporation is further authorised to enter into a deed with the company conferring such rights and containing such terms, conditions, covenants, agreements, and provisions as may be mutually agreed upon by and between the Corporation and the company:

provided that no such deed shall have any force or effect unless and until the consent of the Minister of Public Works has been endorsed thereon.

7 Authorising Hawke’s Bay County Council to credit certain sums to the Clive and Poukawa Ridings and debit same against certain ridings

Whereas extensive permanent pavement work was carried out on main highways within the Clive and Poukawa Ridings of the Hawke’s Bay County, and by reason of such highways not having been declared to be main roads under paragraph (c) of section 131 of the Counties Act 1920 the expenditure on such work was debited against the separate accounts for the said ridings:

And whereas it is expedient that such expenditure should be apportioned among the separate accounts for certain other ridings as well as the said Clive and Poukawa Ridings as hereinafter provided:

Be it therefore enacted as follows:

The Hawke’s Bay County Council is hereby authorised to credit the separate account for the Clive Riding with the sum of 1,985 pounds 11 shillings and 8 pence, and to credit the separate account for the Poukawa Riding with the sum of 1,051 pounds 13 shillings and 1 penny, and to debit such sums against the separate accounts for the Clive, Havelock, Maraekakaho, Meeanee, Okawa, Petane, Poukawa, Puketapu, and Waimarama Ridings of the said county in proportion to the capital value of the rateable property in each of such ridings as at 31 March 1932.

8 Validating loan of £725 by Clifton County Council over Mohakatino special rating area

Whereas on 4 November 1932 the Clifton County Council (hereinafter called the **Council**) resolved by way of special order in pursuance of the Local Authorities Empowering (Relief of Unemployment) Act 1926, and all other Acts and powers thereunto enabling, to proceed to raise a loan of 725 pounds, to be called the Mohakatino Loan (1933) £725, on the security of a special rate of 1 penny in the pound

over the Mohakatino special rating area, being Sections 1 and 2 of Block IV, Tainui Survey District, Section 1 of Block I, Waro Survey District, Sections 1A 1 and 1A 2 of Mokau-Mohakatino Block, Block IV, Tainui Survey District, Lot 6 on Deposited Plan 3223 of Block IV, Tainui Survey District, Lot 4 on Deposited Plan 3174 of Blocks III and IV, Tainui Survey District, Lots 4, 5, and 6 on Deposited Plan 3568 of Mohakatino-Parininihi 1C West, Block IV, Tainui Survey District, part Lot 2 on Deposited Plan 3568 of Mohakatino-Parininihi 1C West, Block III, Tainui Survey District:

And whereas the said Local Authorities Empowering (Relief of Unemployment) Act 1926 contains no sufficient provisions for the raising of loans thereunder on the security of a special rate over part only of a legal subdivision:

Be it therefore enacted as follows:

The Council shall for all purposes be deemed to have been lawfully empowered under the said Local Authorities Empowering (Relief of Unemployment) Act 1926 to raise the said loan by special order on the security of the said special rate over the said special rating area, and to make and pledge as security for the said loan the said special rate.

9 Validating payment of preliminary expenses out of loan moneys by Manukau County Council

Whereas by a poll of ratepayers taken on 30 December 1930 the Manukau County Council was authorised to raise a loan to be known as the Mangere Special Area Water-supply Loan of £65,000 (hereinafter referred to as the **said loan**) secured over the Mangere Water-supply Special-rating Area for the supply of water to such area:

And whereas the Council repaid from the proceeds of such loan to the General Account a sum of 1,356 pounds 16 shillings and 4 pence, being preliminary expenses incurred prior to the raising of the said loan in locating a satisfactory water supply:

And whereas the Council failed to comply with the provisions of section 5 of the Local Bodies' Loans Act 1926 in respect of the payment of such preliminary expenses:

Be it therefore enacted as follows:

The Manukau County Council shall be deemed to have been lawfully empowered to repay to its General Account out of the proceeds of the said loan the said sum of 1,356 pounds 16 shillings and 4 pence.

10 Appointment of Commissioner for County of Matakaoa

(1) For the purposes of this section, unless the context otherwise requires,—

Commissioner means the Matakaoa County Commissioner for the time being in office under this section

Council means the Council of the County of Matakaoa

County means the County of Matakaoa

Deputy Commissioner means the Deputy Matakaoa County Commissioner for the time being in office under this section

Minister means the Minister of Internal Affairs.

(2) The Governor-General in Council may, if he thinks fit, appoint a fit person to be the Matakaoa County Commissioner.

(3) The Governor-General in Council may also appoint a fit person to be the Deputy Matakaoa County Commissioner, who shall act when there is any vacancy in the office of Commissioner or when the Commissioner is unable to act, and while so acting shall be deemed to be the Commissioner.

(4) The Commissioner and the Deputy Commissioner shall continue in office until the Councillors of the county elected at the first general election of such Councillors to be held after the Commissioner's appointment come into office.

(5) The Commissioner or the Deputy Commissioner may be at any time removed from office by the Governor-General in Council for disability, insolvency, neglect of duty, incompetence, or misconduct; or he may at any time resign his office by writing addressed to the Minister. In any such case, or in the event of the death of the Commissioner or Deputy Commissioner, the Governor-General in Council may appoint any other person to be the Commissioner or Deputy Commissioner, to hold office for the remainder of the period specified in the last preceding subsection.

- (6) Subject to the provisions of this section, the Commissioner, in the name and on behalf of the Council or the Corporation of the County of Matakaoa, as the case may require, may exercise any power, and shall perform all the duties, conferred or imposed upon the Council by the Counties Act 1920, or by any other Act, or by any instrument or otherwise.
- (7) During the term of office of the Commissioner the Council shall not exercise any power or perform any duty conferred or imposed upon it as aforesaid.
- (8) Any power given to the Council to do anything by special order may be exercised by the Commissioner by a special entry in the minute book of the Council, signed by the Commissioner and confirmed by a similar entry made not sooner than the 28th day and not later than the 70th day after the date of such special entry. Public notice of such special entry and of the place and date fixed for its confirmation shall be given once in each of the 4 weeks immediately preceding the date fixed for its confirmation.
- (9) All cheques drawn on any bank account of the Council or of the Corporation shall be signed by the Treasurer and countersigned by the Commissioner or by any 2 of such persons as the Commissioner from time to time authorises to sign cheques.
- (10) The Commissioner and the Deputy Commissioner shall be paid such remuneration, allowances, and expenses as are fixed from time to time by the Governor-General in Council. All payments under this subsection shall be made out of the County Fund.
- (11) The first election of Councillors of the county to be held after the appointment of the Commissioner shall be the election to be held pursuant to the Local Elections and Polls Act 1953 on the second Saturday in October 1965.
- (12) The borrowing and owing of moneys by the Council at any time before the passing of this Act by way of overdraft in excess of the limits prescribed by the Local Bodies' Finance Act 1921–22 are hereby validated.
- (13) Notwithstanding anything to the contrary in the said Local Bodies' Finance Act 1921–22, while this section remains in force the limits of the powers of the Council or Commissioner,

as the case may be, to borrow or owe moneys under section 3 of that Act shall be such as may from time to time be approved by the Minister.

Section 10(11): replaced, on 1 January 1962, by section 2(3) of the Local Elections and Polls Amendment Act 1961 (1961 No 22).

11 Making provision with respect to certain loans by Thames County Council

Whereas the Thames County Council pursuant to a poll of ratepayers held on 10 December 1919 borrowed the sum of 50,000 pounds for the purpose of forming, regrading, metalling, and tar grouting the main and subsidiary roads within part of the county, such loan (save as to the sum of 6,000 pounds hereinafter mentioned) being repayable by instalments spread over a period of 36.5 years:

And whereas, of the said sum of 50,000 pounds, the sum of 21,000 pounds was allocated to the improvement of the main Thames–Paeroa Road from the Thames Borough boundary to the Hikutaia Creek:

And whereas of the said 21,000 pounds so borrowed, the sum of 16,145 pounds 19 shillings and 7 pence has been expended, leaving an unexpended balance of 4,854 pounds and 5 pence:

And whereas a further sum of 6,000 pounds (part of the said loan of 50,000 pounds) was allocated to the purpose of the purchase of the necessary plant and vehicles to carry out the various works for which the loan was raised:

And whereas the said sum of 6,000 pounds was borrowed for a term of 10 years only, but the sinking fund provided therefor was 1% per annum and at the date of maturity (1 May 1932) amounted to 695 pounds 13 shillings and 5 pence:

And whereas at that date the sum of 5,474 pounds 6 shillings and 1 penny of the loan of 6,000 pounds had been expended, leaving an unexpended balance of 525 pounds 13 shillings and 11 pence:

And whereas the Thames County Council has utilised the said unexpended balance of 525 pounds 13 shillings and 11 pence and the sum of 4,778 pounds 12 shillings and 8 pence of the aforesaid unexpended balance of 4,854 pounds and 5 pence

to augment the sinking fund of 695 pounds 13 shillings and 5 pence, and has repaid the said loan of 6,000 pounds:

And whereas doubts have arisen as to the legality of the aforesaid action, and it is desirable that the same should be expressly validated:

Be it therefore enacted as follows:

The action of the Thames County Council in applying the unexpended portion of the said 6,000 pounds loan and the sum of 4,778 pounds 12 shillings and 8 pence of the unexpended portion of the said 21,000 pounds loan towards repayment of the said loan of 6,000 pounds is hereby validated and confirmed.

12 Authorising payment of compassionate allowance by Levels County Council

Whereas the Levels County Council in 1932 resolved to grant the sum of 100 pounds as a compassionate allowance to the widow of the late Frank Edmund Whitehead, who was formerly Clerk to the said Council:

And whereas the said Council has no legal authority to make such grant:

Be it therefore enacted as follows:

The Levels County Council is hereby authorised to grant a sum not exceeding 100 pounds as a compassionate allowance to the widow of the late Frank Edmund Whitehead.

13 Authorising agreements with respect to purchase of a road by Bay of Islands County Council

- (1) The Bay of Islands County Council (hereinafter called the **Council**) is hereby empowered and authorised to enter into and carry out an agreement upon such terms and conditions as may be specified in such agreement for the purchase, by instalments extending over a period of not more than 10 years free of interest, of a strip of land of an average width of a chain upon which is situated the road through Tuwhakino Block and Sections 1, 8, 10, and 11, Block XVI, Omapere Survey District, at present giving access to the Ngawha Hot Springs.
- (2) The Kaikohe Town Board (hereinafter called the **Board**) is hereby authorised to pay to the Council such annual sum of

money as may be agreed upon between the Board and Council towards the purchase price payable by the Council under such agreement as aforesaid, and the amount so agreed upon shall be payable by the Board to the Council annually from the date of such agreement, and shall be a debt payable by the Board to the Council and recoverable in any court of competent jurisdiction.

14 Waipawa County Council may pay charges on Rangitoto Road Loan out of Takapau Riding Account

The Waipawa County Council may, in the manner prescribed by section 22 of the Local Bodies' Loans Act 1926, pay out of the Takapau Riding Account instead of out of its General Account the interest and sinking fund charges in respect of the loan raised by that council known as the Rangitoto Road Loan.

15 Validating certain rates of Marlborough County Council

Whereas it appears that the rates made and levied by the Marlborough County Council (hereinafter called the **Council**) for the years ending on 31 March 1931, 1932, and 1933, respectively (hereinafter referred to as the **said rates**), cannot be legally recovered by reason of certain irregularities in connection therewith:

And whereas demands in writing for payment of the said rates were made and delivered, a large percentage of the said rates have been paid by divers ratepayers, and it is advisable in the public interest and to prevent injustice to validate the said rates and to authorise the recovery of the balance thereof:

Be it therefore enacted as follows:

The rates made and levied or which the Council purported to make and levy in and for the above-mentioned years as appearing in the rate books of the Council shall be valid and be deemed to have been valid from the date when the Council purported to make and levy the said rates respectively; the demands made for payment of the said rates shall be valid and be deemed to have been valid, and the said rates shall be recoverable by action notwithstanding the said irregularities or the omission of any conditions whatsoever precedent to the making or levying of the said rates or any irregularity, mistake,

or omission in the form or manner of making or levying the same or otherwise; and valid demands upon all persons liable for the said rates shall be conclusively presumed to have been duly made and delivered in accordance with law.

City and Borough Councils

16 Validating expenditure of unexpended balances of certain unemployment loans by Invercargill City Council

Whereas as authorised by special resolution made on 6 July 1926, the Invercargill Borough Council raised a special loan of 11,700 pounds, known as the Unemployment Loan No 1 of £11,700, of which loan there was an unexpended balance of 2,845 pounds on 31 March 1928:

And whereas as authorised by special resolution made on 19 July 1927, the Invercargill Borough Council raised a special loan of 6,700 pounds, known as the Unemployment Loan No 2 of £6,700, of which loan there was an unexpended balance of 1,418 pounds on 31 March 1928:

And whereas no part of the said unexpended balances was required for the purposes for which the aforesaid special loans were respectively raised and the Invercargill City Council appropriated and expended such balances, amounting in all to the sum of 4,263 pounds, upon public works for the relief of unemployment as follows: the cleaning of water mains, 2,124 pounds; the construction of a road to Oreti Beach, 1,005 pounds; the construction of a wall and groyne in the New River Estuary, 355 pounds; the levelling of streets, 409 pounds; the beautifying of Tyne Street, 174 pounds; and the reconstruction of Bluff–Invercargill Road, 196 pounds:

And whereas it is deemed expedient to validate the expenditure of the said unexpended balances:

Be it therefore enacted as follows:

The action of the Invercargill City Council in appropriating and expending the aforesaid unexpended balances of the said special loans amounting in all to 4,263 pounds on the before-mentioned public works is hereby validated.

17 Validating payment of pension by Wairoa Borough Council and authorising future payments

Whereas the Wairoa Borough Council (hereinafter called the **Council**) has paid to David Curtis, a former employee of the Council, a pension at the rate of 1 pound a week as from 1 January 1931:

And whereas such payments were made without lawful authority:

And whereas the Council desires to continue paying such pension during the lifetime of the said David Curtis:

Be it therefore enacted as follows:

All payments heretofore made by the Council to David Curtis of a pension at the rate of 1 pound a week shall be deemed to have been lawfully made, and the Council is hereby authorised to continue to pay to the said David Curtis during his lifetime a pension at the said rate.

18 Special provision with respect to certain loans of Westport Borough Council

Whereas the Westport Borough Council (hereinafter called the **Council**) has obtained the consent of the Governor-General in Council under the provisions of the Local Government Loans Board Act 1926 to the raising of a loan of 3,520 pounds (hereinafter referred to as the **repayment loan**) for the purpose of repaying certain authorised loans heretofore raised by the Council (hereinafter referred to as the **authorised loans**):

And whereas one of such authorised loans has fallen due prior to the repayment loan moneys being available:

And whereas the Council has paid certain moneys from its District Fund Account for the repayment of such authorised loan which has fallen due:

And whereas the Council proposes to repay from the District Fund Account any further part or parts of the authorised loans falling due prior to the repayment loan moneys being available:

Be it therefore enacted as follows:

The Council is hereby authorised and empowered—

- (a) to raise the amount of the repayment loan, or any part or parts thereof, notwithstanding the prior repayment in whole or in part of any of the authorised loans; and
- (b) to refund to its District Fund Account out of the repayment loan moneys any sums expended from that Account (whether before or after the passing of this Act) in repayment in whole or in part of any of the authorised loans.

19 Special provision with respect to certain loans by Whangarei Borough Council

Whereas the Whangarei Borough Council (hereinafter called the **Council**) has obtained the consent of the Governor-General in Council, under the provisions of the Local Government Loans Board Act 1926, to the raising of a loan of 7,000 pounds (hereinafter referred to as the **repayment loan**) for the purpose of repaying certain authorised loans previously raised by the Council (hereinafter referred to as the **authorised loans**):

And whereas the authorised loans fell due prior to the repayment loan moneys being available and were repaid by the Council from its District Fund Account:

And whereas part of the repayment loan has already been raised, and the proceeds have been paid to the District Fund Account:

Be it therefore enacted as follows:

The Council is hereby, and shall be deemed to have been, authorised and empowered—

- (a) to raise the repayment loan, or any part or parts thereof, notwithstanding the prior repayment of the authorised loans; and
- (b) to apply the repayment loan moneys or any part or parts thereof for the purpose of refunding to the District Fund Account the expenditure incurred in repaying the authorised loans.

20 Special provision with respect to loan of £5,000 by Lower Hutt Borough Council

Whereas by section 20 of the Local Legislation Act 1931 the Lower Hutt Borough Council was authorised to raise by special order a loan for the purposes of the construction of certain works required in terms of an agreement for the supply of water by the said Council to the Eastbourne Borough Council:

And whereas, in anticipation of the raising of such loan, the Lower Hutt Borough Council borrowed certain moneys from its bankers by way of overdraft and paid such moneys out of its General Account for the purposes of the construction of such works, and is now desirous of raising a special loan of 5,000 pounds for the purpose of repaying such moneys to its bankers and recouping its General Account and also for the purpose of meeting any further cost and charges in connection with the construction of the said works:

Be it therefore enacted as follows:

The Lower Hutt Borough Council is hereby authorised to raise a loan of 5,000 pounds in the manner set out in section 20 of the Local Legislation Act 1931 and to utilise it to such extent as may be necessary for the purpose of repaying the moneys so borrowed from its bankers and recouping the moneys so paid out of its General Account, and for payment of all other liabilities incurred or to be incurred in connection with the construction of the said works.

21 Validating certain expenditure by Napier Borough Council

Whereas the Napier Borough Council was, by a poll taken on 21 December 1926, duly authorised by the ratepayers of the Borough of Napier to raise a loan of 8,400 pounds for the purposes set out in the proposals submitted to the ratepayers:

And whereas the said Council expended out of the said loan moneys for the purchase of land the sum of 17 pounds in excess of the sum of 1,000 pounds allocated in the said proposals to that purpose:

And whereas the said Council expended out of the said loan moneys for constructing roads and drains the sum of

792 pounds 13 shillings and 7 pence in excess of the sum of 550 pounds allocated in the said proposals to that purpose:

And whereas it is desired to validate such excess expenditure:

Be it therefore enacted as follows:

The said payments of 17 pounds and 792 pounds 13 shillings and 7 pence made by the said Council out of the said loan moneys in excess of the amounts allocated to the respective purposes hereinbefore mentioned are hereby validated.

22 Authorising Taihape Borough Council to make and levy additional special rates

Whereas the Taihape Borough Council (hereinafter called the **Council**) was authorised by Order in Council, bearing date 12 October 1931, and published in the *New Zealand Gazette* of 15 October 1931, to raise a loan of 15,700 pounds to be known as the Taihape Borough Public Works Construction and Improvements and Electric Light Extension Redemption Loan (1932):

And whereas the said Council did on or about 1 June 1932 raise under the authority of the said Order in Council a loan of 8,000 pounds (being a portion of the said loan of 15,700 pounds), and did for the purpose of providing the interest, sinking fund, and other charges payable in respect of the said loan of 8,000 pounds make and levy a special rate of eleven-sixteenths of a penny in the pound upon the unimproved value of all rateable property in the Borough of Taihape:

And whereas it is doubtful whether the Council now has power to make and levy further special rates for the purpose of providing the interest, sinking fund, and other charges payable in respect of the balance of the said loan of 15,700 pounds:

Be it therefore enacted as follows:

The Council is hereby authorised and empowered to make and levy such further special rate or rates over the whole or any portion of the rateable property in the Borough of Taihape as may be necessary to provide the interest, sinking fund, and other charges payable in respect of the balance of the said loan of 15,700 pounds.

23 Wellington City Council authorised to raise special loan to recoup District Fund for advance in respect of repayment of Karori Borough Council Special Loan No 5

Whereas the Karori Borough Council raised in 1907 a loan known as Loan Number 5—Completion of Tramway Road Widening and Recreation Reserve—£17,000 (hereinafter referred to as the **said loan**), which loan matured on 31 December 1931:

And whereas by reason of the union of the City of Wellington and the Borough of Karori in 1920 the said loan became thereafter payable by the Wellington City Council (hereinafter called the **Council**):

And whereas on 31 December 1931 the sinking fund in respect of the said loan amounted to 7,800 pounds:

And whereas it was wrongly recorded in the Karori Borough Council records that the said loan was repayable on 30 June 1932 and the Council for that reason failed to obtain the necessary Order in Council under the provisions of the Local Government Loans Board Act 1926 authorising the raising of a special loan of 9,200 pounds necessary to enable the Council to pay off the said loan and it was necessary to advance 9,200 pounds temporarily from the District Fund Account of the Council in order to pay off the said loan:

And whereas such Order in Council cannot now be issued and it is advisable to authorise the Council to raise a special loan of 9,200 pounds for the purpose of repaying the said sum of 9,200 pounds advanced by the Council from its District Fund Account:

Be it therefore enacted as follows:

The Council may by special order and without taking the steps prescribed by sections 9 to 13 of the Local Bodies' Loans Act 1926 raise a special loan of 9,200 pounds, and may pay the proceeds of such special loan into its District Fund Account.

24 Authorising Christchurch City Council to contribute to Relief of Distress Fund from electricity profits

The Christchurch City Council is hereby authorised and shall be deemed always to have been authorised to contribute out

of the accumulated profits of its Municipal Electricity Department to the fund known as the Mayor's Relief of Distress Fund a sum or sums not exceeding in the aggregate 3,500 pounds.

25 Validating certain expenditure by Stratford Borough Council and Taumarunui Borough Council

The payments made by the Stratford Borough Council and the Taumarunui Borough Council of sums of 50 pounds and 20 pounds respectively to the committee in charge of the celebrations in respect of the opening of the Stratford–Okahukura Railway are hereby validated and declared to have been lawfully made.

26 Validating certain expenditure by Tauranga Borough Council

Whereas the Tauranga Borough Council (hereinafter called the **Council**) lately authorised certain celebrations to commemorate between 5 and 12 March 1932 the jubilee of the constitution of the Borough of Tauranga, and incurred expenses in issuing a Jubilee Booklet, and incurred in connection therewith certain liabilities:

And whereas the Council received on account of the expenses of such celebrations certain moneys from public subscriptions and the sale of booklets:

And whereas such moneys proved insufficient to satisfy the whole of such liabilities, and it is desirable to authorise the Council to pay the deficiency out of its District Fund Account, and to validate the action of the Council in incurring such liabilities:

Be it therefore enacted as follows:

- (1) The action of the Council in authorising the said celebrations and issuing such booklet and incurring the said liabilities is hereby validated.
- (2) The Council is hereby authorised to apply the said public subscriptions and proceeds from the sale of booklets, and also to pay out of the General Account of the District Fund of the said Borough a sum not exceeding 195 pounds, for the purpose of satisfying such liabilities.

27 Validating proceedings in connection with Green Island Borough Council's Waterworks Redemption Loan (1931) of £5,700

Whereas by Order in Council made under the Local Government Loans Board Act 1926 and the Local Bodies' Loans Act 1926, dated 12 October 1931, and published in the *Gazette* of 15 October 1931, the Green Island Borough Council was authorised to raise a loan of 5,700 pounds (hereinafter referred to as the **said loan**), at a rate of interest not exceeding 5% per annum, for the purpose of redeeming the outstanding liability in respect of 2 waterworks loans which matured on 17 November 1931:

And whereas the sum of 3,500 pounds of the said loan was raised by the issue of debentures which inadvertently provided for the payment of interest at the rate of 5.25% per annum:

And whereas in anticipation of raising the said loan and for the purpose of assisting in the repayment of the maturing loans the Council advanced and paid out of its District Fund Account the sum of 2,700 pounds, intending subsequently to repay such sum to the District Fund Account out of the proceeds of the said loan:

And whereas the sum of 2,700 pounds has been so repaid to the District Fund Account:

And whereas the Council could not lawfully use the proceeds of the said loan for the purpose of recouping the District Fund Account:

Be it therefore enacted as follows:

Notwithstanding anything to the contrary in the Local Government Loans Board Act 1926, the Local Bodies' Loans Act 1926, or any other Act, the Council shall be deemed to have had lawful authority to raise the said sum of 3,500 pounds of the said loan by the issue of debentures bearing interest at the rate of 5.25% per annum, and to pay the sum of 2,700 pounds from the proceeds of the said loan to the District Fund Account.

28 Wellington City Council authorised to use unexpended balances of certain loans for street works not authorised in those loans

Whereas the Wellington City Council, in exercise of the powers vested in it, has raised certain loans—namely,—

- (a) the Wellington City Street Works Loan, 1925, of 200,000 pounds and Supplementary Loan of 20,000 pounds; and
- (b) the Wellington City Paving and Surface-sealing Loan, 1927, of 201,000 pounds:

And whereas after providing all moneys necessary to complete the works for which each of the said loans was raised there will be an unexpended balance in respect of each loan:

And whereas it is proposed that the balances should be made available for other street works:

Be it therefore enacted as follows:

- (1) Notwithstanding anything contained in any Act or in any Order in Council relating to the said loans the Wellington City Council is hereby authorised to expend the said unexpended balances of the said loans for all or any of the following purposes:
 - (a) paving and sealing other streets:
 - (b) widening or improving the formation of streets for which paving or other surface-sealing works are authorised by either of the said loans, and additional paving and surface sealing on any street the formation of which is so widened.
- (2) No unexpended balances of either of the said loans shall be expended as provided by this section unless and until authority in that behalf is given by the Local Government Loans Board.
- (3) The provisions of subsections (2) to (7) of section 47 of the Finance Act 1929 shall apply to every application by the Council for authority as aforesaid, and the Local Government Loans Board may in its discretion give such authority either as to the whole or to any part of any proposal submitted to it, and either unconditionally or subject to such terms, conditions, and stipulations as it thinks fit to impose.

29 Validating a special loans rate made by the Birkenhead Borough Council and debentures secured thereon

Whereas the Birkenhead Borough Council was duly authorised by a poll of ratepayers of the Borough of Birkenhead, taken on 28 June 1928, to raise, under the Local Bodies' Loans Act 1926, for the purpose of augmenting and extending water reticulation, a special loan of 5,230 pounds, to be secured upon a special annually recurring rate of nineteen sixty-fourths of a penny in the pound on the rateable value (on the basis of the unimproved value) of all rateable property in the borough:

And whereas the proceedings subsequently taken by the said Council in connection with the raising of the said loan were irregular or defective and did not comply with the requirements of law in that the whole amount of the loan was raised by the issue of debentures before the making of the special rate for the purpose of securing the repayment of the said loan and interest thereon:

And whereas such special rate has since been made and levied by resolution of the Council gazetted under the provisions of the Local Bodies' Loans Act 1926 and in accordance with the said poll of ratepayers:

And whereas the said Borough Council has in the interval between the raising of such loan and the actual making of such rate purported to levy and demand the amount of such special rate as part of its consolidated special rate for each rating period, and the majority of ratepayers in the borough have paid such special rate accordingly:

And whereas it is expedient to validate the making and levying of the said special rate and to make the same an effective security for the debentures issued in respect of such loan:

Be it therefore enacted as follows:

The proceedings in connection with the said loan of 5,230 pounds are hereby validated, and the said special rate shall for all purposes be deemed to have been duly made on 19 December 1928, being a date prior to the issue of the said debentures.

30 Special provision with respect to certain loans by Hamilton Borough Council

Whereas the Hamilton Borough Council (hereinafter referred to as the **Council**) has obtained the sanction of the Local Government Loans Board to the raising of the following 3 loans (hereinafter referred to as the **repayment loans**)—

- (a) the Drainage and Library Renewal £51,500 Loan, 1932, for the purpose of repaying the outstanding liability in respect of 2 special drainage loans of 10,000 pounds and 44,400 pounds, which matured respectively on 1 February and 1 June 1932; and a special loan of 4,000 pounds for library purposes, which matured on 1 July 1932;
- (b) the Gasworks Renewal £3,100 Loan, 1932, for the purpose of repaying the outstanding liability in respect of a special loan of 4,000 pounds for the extension of the gasworks of the borough, which matured on 1 May 1932; and
- (c) the Whatawhata Bridge Renewal £900 Loan, 1932, for the purpose of repaying the outstanding liability in respect of a special loan of 1,600 pounds for the rebuilding of the Whatawhata Bridge, which matured on 1 July 1932:

And whereas, pending the raising of the repayment loans, the Council was compelled to advance out of the District Fund Account the sums of 1,280 pounds, 310 pounds, and 800 pounds for the purpose of redeeming certain debentures maturing as aforesaid:

Be it therefore enacted as follows:

The Council is hereby authorised and empowered—

- (a) to raise the repayment loans, or any part or parts thereof, notwithstanding the prior repayment in whole or in part of the aforesaid special loans; and
- (b) to apply the repayment loan moneys, or any part or parts thereof, for the purpose of refunding to the District Fund Account the expenditure incurred in repaying in whole or in part the aforesaid special loans.

31 Authorising Lower Hutt Borough Council to contribute to Unemployment Relief Committee

In addition to any other lawful payments, the Lower Hutt Borough Council is hereby authorised to contribute out of its general fund to the Lower Hutt Relief Committee, appointed under the Unemployment Act 1930, a sum or sums not exceeding in the aggregate 500 pounds.

32 Validating lease from Dunedin City Corporation to University of Otago

Whereas in pursuance of the powers conferred by section 189 of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1924 and section 4 of the Otago Harbour Board Empowering Act 1929 the Corporation of the City of Dunedin (hereinafter referred to as the **Corporation**), by a memorandum of lease, provisionally deposited in the Land Registry Office at Dunedin for registration under Number 7053 (hereinafter referred to as the **said lease**), has granted to the University of Otago a lease of certain lands described therein, together with a right of way over certain other lands also described therein:

And whereas the said right of way is necessary to give access to the lands so leased, and is 66 feet in width:

Be it therefore enacted as follows:

- (1) Notwithstanding that the said right of way is the only access to the said lands so leased and is 66 feet in width, the said lease (including the said right of way) is hereby validated and declared to have been lawfully granted, and it shall, together with all plans and other documents requisite or ancillary thereto be accepted for registration and be registered accordingly by the District Land Registrar at Dunedin:

provided that nothing herein contained shall be construed to render such right of way a public road or street.

- (2) The lands comprised in the said lease shall be held by the said University free of all existing and future rates, taxes, duties, impositions, outgoings, and burdens whatsoever, and to give effect to this provision (but without limiting the generality of the foregoing words) the covenant by the Corporation con-

tained in the said lease to pay such rates and other burdens as aforesaid and to indemnify the University in respect thereof is hereby declared to be valid and binding in all respects and shall at all times have full force and effect according to the tenor thereof.

- (3) The foregoing provisions of this section shall apply to any renewed lease granted in pursuance of the provisions in that behalf contained in the said lease.
- (4) The provisions of this section are in addition to any other statutory powers or authorities now or hereafter existing relating to the said lease or any renewal thereof.

33 Authorising raising of loan by Hamilton Borough Council

Whereas the Hamilton Traffic Bridge is under the jurisdiction of the Hamilton Borough Council:

And whereas it will shortly become necessary for the said Council to expend a large sum of money in effecting necessary repairs to the said bridge:

Be it therefore enacted as follows:

The Hamilton Borough Council may, without taking the steps described in sections 9 to 13 of the Local Bodies' Loans Act 1926, but subject to the Local Government Loans Board Act 1926, raise a special loan under the said Local Bodies' Loans Act for the purpose of effecting the necessary repairs to the said Hamilton Traffic Bridge.

34 Power to appoint Deputy Thames Borough Commissioner

- (1) In addition to the power contained in section 4 of the Thames Borough Commissioner Act 1932 to appoint a Thames Borough Commissioner, the Governor-General in Council may appoint a fit person to be the Deputy Thames Borough Commissioner (hereinafter referred to as the **Deputy Commissioner**).
- (2) Any such appointment may be made for such period as the Governor-General in Council may specify either in the Order in Council making the appointment or in a subsequent order.
- (3) Subject to the last preceding subsection, the Deputy Commissioner shall be appointed in the same manner, and be subject to

the same restrictions, conditions, and provisions as the Commissioner.

- (4) The Deputy Commissioner shall act when there is any vacancy in the office of Commissioner or when the Commissioner is unable to act, and while so acting shall be deemed to be the Commissioner. The fact that the Deputy Commissioner exercises any power or function of the Commissioner shall be conclusive evidence of his authority so to do, and no person shall be concerned to inquire whether or not the occasion for his so doing has arisen or has ceased.
- (5) The power conferred by the said section 4 on the Town Clerk, or such other person as the Minister appoints, to act as Commissioner when there is any vacancy in the office of Commissioner shall be exercisable only when there is no person holding the office of Deputy Commissioner.
- (6) The Deputy Commissioner shall be paid such remuneration, allowances, and expenses for acting in the place of the Commissioner as are fixed from time to time by the Governor-General in Council. The provisions of subsection (1) of section 18 of the Thames Borough Commissioner Act 1932 shall apply to all payments under this subsection.

35 Provision for payment by Thames Borough Commissioner of certain preliminary expenses

All costs and expenses incurred by or on behalf of the committee representing certain holders of debentures issued by the Thames Borough Council, and known as the Loans Creditors Committee, in and incidental to the promoting of the Thames Borough Commissioner Act 1932 and the appointment of the Thames Borough Commissioner, shall be paid by the Thames Borough Commissioner, and charged against the General Account kept by him.

36 Authorising Thames Borough Commissioner to add 10% to unpaid rates before authorised time

[Repealed]

Section 36: repealed, on 1 July 2003, by section 138(1) of the Local Government (Rating) Act 2002 (2002 No 6).

37 Authorising Thames Borough Commissioner to make all rates payable by instalments

[Repealed]

Section 37: repealed (with effect on 10 March 1933), on 13 November 1934, by section 15(2) of the Thames Borough Commissioner Amendment Act 1934 (1934 No 10 (L)).

38 Authorising expenditure of £2,000 from Thames Borough Electricity Depreciation Fund on electricity changeover

- (1) Notwithstanding anything contained in section 52 of the Municipal Corporations Amendment Act 1928, any moneys not exceeding the sum of 2,000 pounds held upon trust by the Commissioners of the Depreciation Fund in connection with the electricity undertaking of the Borough of Thames may be applied towards the cost of completing the changing of the electricity reticulation of that Borough from direct current to alternating current.
- (2) The Depreciation Fund Commissioners, on the demand of the Thames Borough Commissioner, shall forthwith pay to him for application to the purpose aforesaid any amount or amounts not exceeding in the aggregate the sum of 2,000 pounds. The Depreciation Fund Commissioners shall not be obliged to see to the application of any moneys so paid by them.
- (3) The provisions of sections 53 to 55 of the Municipal Corporations Amendment Act 1928 shall not apply with respect to any demand made by the Thames Borough Commissioner for any sum or sums of money for the purpose aforesaid.

39 Relieving Thames Borough Council from obligation to make certain sinking fund payments

It shall not be deemed to have been necessary for the Thames Borough Council to pay to the Sinking Fund Commissioners of the several loans of the Borough of Thames any instalments of sinking fund payments that became due during the interest year which commenced on 16 July 1931.

40 Authorising Thames Borough Commissioner to lease certain land to Plunket Society

[Repealed]

Section 40: repealed, on 1 July 2003, by section 138(1) of the Local Government (Rating) Act 2002 (2002 No 6).

41 Authorising Whangarei Borough Council by special order to declare Mansfield Terrace to be a public street

Whereas in or about 1892 what purported to be a right of way was laid off in the Town District of Whangarei and was called Mansfield Terrace:

And whereas the width of such right of way is referred to in deeds as 28.5 links, but the actual width of the said right of way is 28.5 feet:

And whereas it is desirable that the said right of way should be declared a public street, but the Whangarei Borough Council has no power so to do:

Be it therefore enacted as follows:

- (1) The Whangarei Borough Council may by special order under section 186 of the Municipal Corporations Act 1920 declare the right of way known as Mansfield Terrace, as the same is more particularly delineated on the plan deposited in the office of the Chief Surveyor at Auckland numbered 27101 and thereon coloured blue and yellow, to be a public street, notwithstanding that the said right of way does not comply with the provisions of the said section; and upon the passing of such special order the said right of way shall become a street vested as such in the Corporation of the Borough of Whangarei.
- (2) No building or part of a building shall at any time be erected on the land fronting either side of the said street within a distance of 33 feet from the middle line of the said street:
provided that this condition shall not apply to the land contained in certificate of title, Volume 522, folio 151, being part Allotment 1, Parish of Whangarei, or to the land contained in certificate of title, Volume 522, folio 268, being Lot 9.

*Road Boards***42 Validating unlawful expenditure by South Rakaia Road Board**

Whereas on or about 1 August 1929 the South Rakaia Road Board (hereinafter called the **Board**) paid to the Todd Motor Company, Limited, of Christchurch, motor dealers (hereinafter called the **company**), the sum of 150 pounds as a deposit on the purchase by Arthur James McPherson, then Clerk of the Board, of a motor car, which was required by him in the execution of his official duties:

And whereas no agreement was made between the Board and the said Arthur James McPherson as to the repayment of the said sum of 150 pounds and no repayments were made to the Board and no other payments were made by any person to the company in respect of such purchase:

And whereas the said motor car was seized by the company when the said Arthur James McPherson ceased to be an employee of the Board in or about April 1930:

And whereas the members of the Board were unaware that such expenditure was unlawful, but have since refunded to the Road Board Fund the sum of 25 pounds:

And whereas it is desirable to validate the expenditure of the balance of 125 pounds:

Be it therefore enacted as follows:

The payment by the Board of the sum of 125 pounds, being part of the said deposit paid to the company as aforesaid, is hereby validated and declared to have been lawfully made, and, notwithstanding anything to the contrary in the Public Revenues Act 1926 or any other Act, such expenditure of the said sum shall not at any time operate or be deemed heretofore to have operated to render the members of the Board or any of them liable to be surcharged with the amount thereof.

*Town Boards***43 Validating expenditure by Pleasant Point Town Board out of loan moneys**

It shall be deemed to have been lawful for the Pleasant Point Town Board to expend, out of the Pleasant Point Town

Buildings Loan, 1928, of 3,250 pounds, the sum of 50 pounds 5 shillings for the purpose of providing furniture and furnishings for the town buildings.

44 Provision with respect to abolition of Rangataua Town District and dissolution of Rangataua Town Board

- (1) The Governor-General may by Proclamation abolish the Rangataua Town District, dissolve the Board thereof, and include in the County of Waimarino the area comprising the Rangataua Town District prior to such abolition.
- (2) Upon the exercise by the Governor-General of the powers hereinbefore conferred, the provisions of section 32 of the Counties Act 1920 shall apply in all respects as if the Rangataua Town District had been merged in the County of Waimarino under that Act.

Harbour Boards

45 Authorising Bluff Harbour Board to pay a compassionate allowance

The Bluff Harbour Board is hereby empowered to pay out of its Harbour Fund the sum of 168 pounds 15 shillings as a compassionate allowance to Amelia Isabella Wishart, of Bluff, the widow of John Jabez Hay Wishart, deceased, late tug engineer of the said Board.

46 Authorising and validating special rates by Nelson Harbour Board

Whereas pursuant to the powers contained in the Nelson Harbour Act 1900 the Nelson Harbour Board raised a special loan of 65,000 pounds upon the security of its endowments and of a special rate on the rateable property in the Nelson Harbour District:

And whereas the said loan matured on 1 September 1932, and with the consent of the Governor-General in Council, given under the Local Government Loans Board Act 1926, the Nelson Harbour Board proceeded to raise 2 special loans of 12,000 pounds and 36,000 pounds respectively, called the Harbour Improvement Redemption Loan, 1932 (No 1), and

the Harbour Improvement Redemption Loan, 1932 (No 2), for the purpose of repaying the outstanding balance of the special loan of 65,000 pounds, and levied special rates on the rateable property in the Nelson Harbour District as security for the payment of the said special loans and the interest, sinking fund, and other charges thereon respectively:

And whereas doubts have arisen as to the power of the Nelson Harbour Board to make and levy special rates as such security and it is expedient to validate the proceedings in respect of the said last-mentioned special loans and special rates and to give the Nelson Harbour Board the powers hereinafter mentioned:

Be it therefore enacted as follows:

- (1) The Nelson Harbour Board is hereby authorised to make and levy special rates on the rateable property in the Nelson Harbour District as security for the payment of the said special loans of 12,000 pounds and 36,000 pounds and the interest, sinking fund, and other charges thereon respectively.
- (2) All proceedings heretofore taken by the Nelson Harbour Board in connection with the said special loans of 12,000 pounds and 36,000 pounds respectively, and the making and levying of the special rates as security aforesaid, are hereby validated, and neither the validity nor the sufficiency of the proceedings nor the validity of the said special rates already made and levied as aforesaid shall be questioned upon any ground whatever.
- (3) The provisions of the Local Bodies' Loans Act 1926 shall apply and be deemed always to have applied to the aforesaid special loans of 12,000 pounds and 36,000 pounds and to the Nelson Harbour Board as if the Nelson Harbour Board were a local authority within the meaning of that Act.
- (4) This section shall be deemed to be a special Act within the meaning of the Harbours Act 1923.

47 Authorising Wairoa Harbour Board to make certain transfers from interest accounts to General Account

Whereas the Wairoa Harbour Board (hereinafter referred to as the **Board**), under the authority conferred by the Wairoa Harbour Board Empowering and Loan Act 1909 and the Wairoa Harbour Board Empowering and Loan Act 1918, borrowed

sums amounting in the aggregate to 85,000 pounds for harbour works for the Harbour of Wairoa, and under the authority conferred by the Wairoa Harbour Board Empowering and Loan Act 1919 borrowed the sum of 32,000 pounds for harbour works for the Harbour of Waikokopu:

And whereas special rates have been made and levied as security for the moneys so borrowed, and the office, clerical, legal, and other expenses incurred by the Board in collecting such rates have prior to the financial year ended 30 September 1928 been met out of the General Cash Account of the Board:

And whereas by section 56 of the Local Legislation Act 1928 and by section 38 of the Local Legislation Act 1929 the Board was authorised and empowered to pay out of the respective interest accounts kept in respect of each of the said loans such expenses incurred for the period ended on 30 September 1931:

And whereas it is desirable that such authority be extended for the period of 3 financial years ending on 30 September 1934:

Be it therefore enacted as follows:

The Board may in respect of each of the financial years during the period ending on 30 September 1934 transfer to its General Cash Account from any other account kept by it in respect of the proceeds of any special rates made and levied as aforesaid such sums as in the opinion of the Audit Office represent the proportionate part attributable to such other account of the office, clerical, legal, and other expenses of the Board of any nature whatsoever in respect of the levying, collecting, and recovery of such special rates.

48 Authorising Bay of Islands Harbour Board to grant a lease of certain land

Whereas by agreement bearing date 1 December 1924 His Majesty the King, acting in pursuance of section 16 of the Bay of Islands Harbour Act 1920 and its amendments, sold to the Bay of Islands Harbour Board all that parcel of land, containing 4 acres 1 rood 27.9 perches, being that portion of the Railway Reserve at Opuia called Section 36 of Block V of the Russell Survey District, and being the whole of the land com-

prised and described in certificate of title, Volume 408, folio 281, Auckland Registry:

And whereas portions of the said land were subject to certain leases:

And whereas it is expedient that the Board should have power to lease such portions of the said land as it should think fit:

Be it therefore enacted as follows:

The Board is hereby empowered to lease, in accordance with the provisions of the Public Bodies' Leases Act 1908, any part of the said land not required for harbour works.

Electric Power Boards

49 Validating refund to Power Fund Account from loan moneys by Golden Bay Electric-power Board

Whereas in anticipation of raising a special loan of 3,000 pounds to be known as the Reticulation Loan (1930) for the purpose of extending the reticulation in the Golden Bay Electric-power District, the Golden Bay Electric-power Board expended the sum of 907 pounds 1 shilling and 8 pence out of its Power Fund towards the purposes for which the said special loan was to be raised, and upon obtaining authority for and raising the said special loan refunded the said sum to its Power Fund out of the proceeds of the special loan:

And whereas although such refund was made in good faith, it was in contravention of the provisions of the Local Bodies' Loans Act 1926, and it is desirable to validate it:

Be it therefore enacted as follows:

The refund by the said Board of the said sum of 907 pounds 1 shilling and 8 pence to its Power Fund out of the said Reticulation Loan (1930) is hereby validated and declared to have been lawfully made.

50 Provision with respect to overdraft of Malvern Electric-power Board

Whereas the Malvern Electric-power Board, by virtue of the powers conferred by section 70 of the Electric-power Boards Act 1925, has borrowed money from its bankers by way of overdraft:

And whereas it appears that the Board will not be able to meet its liabilities, including interest and sinking fund charges, if required to restrict the amount borrowed or owing by it by way of bank overdraft within the limits laid down by the Local Bodies' Finance Act 1921–22, as varied by the said section 70 of the Electric-power Boards Act 1925:

And whereas the overdraft of the Board as at 31 March 1932 was in excess of the limits imposed by the sections hereinbefore referred to:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Local Bodies' Finance Act 1921–22 or in section 70 of the Electric-power Boards Act 1925, it shall be lawful for the Malvern Electric-power Board to borrow moneys from the bankers by way of overdraft or from any other person or persons, but so that the amount owing under this section from time to time (exclusive of moneys borrowed under section 53 of the Electric-power Boards Act 1925) shall not exceed—
 - (a) at 31 March 1933, 6% of its aggregate capital expenditure as at that date;
 - (b) at 31 March 1934, 4% of its aggregate capital expenditure as at that date; and
 - (c) at 31 March 1935, 2% of its aggregate capital expenditure as at that date.
- (2) In every financial year after 31 March 1935 the powers of the said Board to borrow by way of bank overdraft, or otherwise than under section 53 of the Electric-power Boards Act 1925, shall be limited to the powers conferred by section 3 of the Local Bodies' Finance Act 1921–22.
- (3) The action of the Board in borrowing and owing moneys in excess of the limits prescribed by section 70 of the Electric-power Boards Act 1925, in respect to its overdraft for the financial year ended 31 March 1932, is hereby validated.

51 Suspending certain payments required to be made to Depreciation Fund by Malvern Electric-power Board

- (1) It shall not be necessary for the Malvern Electric-power Board in any financial year prior to that beginning on 1 April 1936

(hereinafter referred to as the **said financial year**), to make any payment to the Depreciation Fund Commissioners as provided by section 22 of the Electric-power Boards Amendment Act 1927 in respect of the several amounts credited and to be credited in each financial year to the Depreciation Fund of the said Board.

- (2) The said Board shall pay to the Depreciation Fund Commissioners the total amount remaining unpaid under the said section as at the beginning of the said financial year either in the said financial year, or by successive annual instalments, each being equal to at least one-fourteenth of such total amount, payable respectively in each financial year until such total amount is paid, commencing in the said financial year.

52 Validating excess overdraft of Opunake Electric-power Board, and providing for liquidation of overdraft

Whereas during the 3 financial years ended 31 March 1930, 1931, and 1932, respectively, the Opunake Electric-Power Board (hereinafter called the **Board**) borrowed moneys by way of overdraft in excess of the limits allowed by section 3 of the Local Bodies' Finance Act 1921–22, as extended by section 70 of the Electric-power Boards Act 1925:

And whereas such excess overdraft was occasioned primarily by reason of expenditure incurred in completing electrical reticulation to enable electrical energy to be supplied to outlying portions of the Board's district:

And whereas it is desirable to validate the excess overdraft and to provide for the repayment thereof over a period not exceeding 5 years:

And whereas at 31 March 1932 the amount owing by the Board by way of overdraft in excess of the limits prescribed as afore-said was the sum of 3,600 pounds:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Local Bodies' Finance Act 1921–22, the Electric-power Boards Act 1925, or in any other Act, the moneys borrowed and owed by the Board by way of overdraft in the financial years ended 31 March 1930, 1931, and 1932, respectively, in excess of the limits al-

lowed by law are hereby declared to have been lawfully borrowed and owed.

- (2) The said sum of 3,600 pounds owing by the Board as aforesaid shall not be taken into account in determining the amount that may be borrowed and owed by the Board by way of overdraft at any time before 1 April 1937:
provided that the Board shall repay the said sum of 3,600 pounds not later than 31 March 1937, and shall in the meantime repay in each financial year, commencing in the year ending on 31 March 1933, such part of the said sum of 3,600 pounds, being not less than 500 pounds, as the Local Government Loans Board fixes for that financial year.
- (3) In every financial year after the said 31 March 1937, the powers of the Board to borrow and to owe by way of overdraft, or otherwise than under section 53 of the Electric-power Boards Act 1925, shall be limited to the powers conferred by section 3 of the said Local Bodies' Finance Act 1921–22.

River and Drainage Boards

53 Validating certain proceedings in connection with the raising of a loan of £2,600 by Kahutara River Board

Whereas the Kahutara River Board (hereinafter called the **Board**) was, by a consent of ratepayers bearing date 28 March 1930, authorised to raise a loan of 2,600 pounds for the purpose of completing the erection of certain stopbanks within the district of the Board:

And whereas in pursuance of such consent the Board duly raised such loan under the name of the Stop-bank Supplementary Loan of £2,600:

And whereas prior to the date of obtaining such consent of ratepayers the Board incurred expenditure in the carrying out of urgent restoration work to the extent of 973 pounds 7 shillings and 2 pence in connection with the work for the completion of which such loan was raised:

And whereas the said sum of 973 pounds 7 shillings and 2 pence was subsequently paid in good faith out of the loan moneys:

And whereas it is expedient that such expenditure should be validated:

Be it therefore enacted as follows:

Notwithstanding anything contained in the Local Bodies' Loans Act 1926 or in any other Act, the raising of the said loan in respect of the expenditure already incurred by the Board is hereby validated, and the said sum of 973 pounds 7 shillings and 2 pence is hereby declared to have been lawfully expended by the Board and to have been lawfully paid out of the said loan moneys.

54 Validating distribution of surplus funds by Jed River Drainage Board

The distribution by the Jed River Drainage Board of its surplus funds amongst the ratepayers of the Jed River Drainage District is hereby validated.

55 Authorising Kaipara River Board to pay cost of river works by instalments

[Repealed]

Section 55: repealed, on 26 October 1935, by section 34(7) of the Local Legislation Act 1935 (1935 No 33).

56 Validating expenditure by Waimakariri River Trust

The expenditure by the Waimakariri River Trust of a sum of 31 pounds 4 shillings and 5 pence during the financial year ended on 31 March 1931 in connection with the opening of a new bridge is hereby validated, and declared to have been lawfully incurred.

57 Authorising Kaipara River Board to raise loan of £1,100 to meet certain preliminary expenses, and cancelling certain rates

- (1) The Kaipara River Board may, without taking the steps prescribed by sections 9 to 13 of the Local Bodies' Loans Act 1926, but subject to the provisions of the Local Government Loans Board Act 1926, raise a special loan under the said Local Bodies' Loans Act 1926, not exceeding the sum of 1,100 pounds, for the following purposes, namely:

- (a) paying legal, engineering, and surveying costs and charges heretofore incurred by the Board in connection with the constitution of the Kaipara River District:
 - (b) paying fees and expenses of classifiers, and legal, engineering, and surveying costs and charges so incurred in connection with the classification for rating purposes of lands within the said district:
 - (c) paying costs so incurred in respect of a Commission relative to a petition for the alteration of the boundaries of the said district, including legal, engineering, and surveying costs and charges in connection with such petition:
 - (d) paying court and legal costs and charges so incurred on account of test cases respecting rates made by the Board:
 - (e) paying engineering and surveying costs so incurred in connection with river surveys:
 - (f) paying the expenses of raising the loan.
- (2) The Board may out of the proceeds of the said loan refund to its General Account any expenditure heretofore or hereafter paid out of that account for any of the aforesaid purposes.
- (3) Any moneys heretofore or hereafter paid by the Board out of its General Account for any of the purposes for which the said loan may be raised shall not be taken into account in determining the limits of the powers of the Board to borrow and to owe moneys by way of overdraft pursuant to section 3 of the Local Bodies' Finance Act 1921–22, at any time before 1 April 1934.
- (4) All rates made and levied by the Board during the financial year ended 31 March 1932 are hereby declared to be null and void, and the Board shall forthwith on the raising of the said loan of 1,100 pounds refund to any person any sum already paid by him on account of his liability in respect of such rates.

58 Authorising Manawatu-Oroua River Board to remit half of administrative rate for year ended 31 March 1932

On the Manawatu-Oroua River Board proving to the satisfaction of the Controller and Auditor-General that all liabilities in respect of which the Board made and levied an administrative rate for the financial year ended 31 March 1932 are adequately

provided for, that Board may by special order remit any part not exceeding one-half of such rate.

Hospital Boards

59 Making provision with respect to overdraft of Cook and Wairoa Hospital Boards

- (1) Subject to the provisions of this section, the Cook and Wairoa Hospital Boards may, for the purpose of repairing any damage caused by the earthquake which occurred in their districts on 16 September 1932, borrow moneys by way of bank overdraft or otherwise in excess of the limits imposed by section 60 of the Hospitals and Charitable Institutions Act 1926 or other provisions applicable generally to Hospital Boards: provided that the total amount owing at the end of any financial year shall not exceed such amount as is sanctioned by the Local Government Loans Board.
- (2) With respect to any application for such sanction the Local Government Loans Board shall have the same powers of investigation as are conferred on it in respect of applications made to it under the Local Government Loans Board Act 1926. The Board may, if it grants its sanction, impose such conditions as it thinks fit for the repayment of any amount borrowed in excess of the limits imposed as aforesaid.
- (3) This section shall be deemed to have come into force on 16 September 1932.

Affecting 2 or more classes of public bodies

60 Authorising certain local authorities to contribute to Wellington Branch of the New Zealand Free Ambulance Transport Service

All local authorities mentioned hereunder are hereby authorised and empowered to pay to the New Zealand Free Ambulance Transport Service (Wellington Branch), Incorporated, in the year ending on 31 March 1933, such sums as they think fit, not exceeding in any case the respective amounts hereinafter specified—namely, the Lower Hutt Borough Council, 200 pounds; the Petone Borough Council, 210 pounds; the Upper Hutt Borough Council, 100 pounds;

the Eastbourne Borough Council, 50 pounds; the Hutt County Council, 150 pounds; the Makara County Council, 86 pounds; the Johnsonville Town Board, 27 pounds; the Wellington Harbour Board, 300 pounds; and the Wellington Hospital Board, 900 pounds.

61 Validating financial adjustment between Horowhenua County Council and Otaki Borough Council, and making provision for securing sewerage renewal loan

Whereas in the years 1926 and 1927 certain alterations of the boundaries of the Borough of Otaki (hereinafter referred to as the **said alterations**) were made under the Municipal Corporations Act 1920 (hereinafter referred to as the **said Act**), by the exclusion of certain lands from that borough (hereinafter referred to as the **borough**) and the inclusion of such lands in the County of Horowhenua (hereinafter referred to as the **county**):

And whereas no financial or other adjustment in respect of the said alterations was made under section 145 of the said Act until by an agreement, dated 12 November 1932, executed under the common seals of the respective Corporations of the county and the borough, the Horowhenua County Council and the Otaki Borough Council made a financial adjustment between the county and the borough:

And whereas a copy of the said agreement is recorded in the Department of Internal Affairs at Wellington, under Number IA 1933/120/5:

And whereas doubts have arisen as to the validity of the said agreement, and it is expedient to validate the same and to make other provision in manner hereinafter appearing:

Be it therefore enacted as follows:

- (1) The said agreement shall be valid and effectual for all purposes whatever, and the financial adjustment thereby made shall be final and conclusive as between the parties thereto.
- (2) For the purpose of enabling the Otaki Borough Council to raise a loan to repay the balance owing to the Public Trustee of No 7 Sewerage Loan of £14,000, which matured on 1 February 1933, the rating powers of the Borough Council in respect of

such repayment loan shall extend to and the rate to be made and levied in respect thereof may be made and levied over the same area as that over which the rate in respect of the original loan was made and levied, notwithstanding that part of such area is no longer within the boundaries of the borough.

- (3) The powers conferred by the last preceding subsection shall extend and apply to any subsequent repayment loan which may from time to time be raised for the purpose of repaying any repayment loan until the whole of the liabilities in respect of the said No 7 Sewerage Loan of £14,000 and all charges thereon have been fully paid.

Miscellaneous

62 Validating payments of honoraria by Oaonui Irrigation Board

Whereas the Oaonui Irrigation Board on 13 October 1930 paid to its Chairman the sum of 20 pounds as an honorarium for his services, and on 30 March 1932 paid him the sum of 10 pounds for the same purpose, such payments being without authority of law:

Be it therefore enacted as follows:

Notwithstanding anything to the contrary in any Act, the payment of both of the said sums, amounting in all to 30 pounds, is hereby validated and declared to have been lawfully made, and the said Chairman is hereby declared to have been lawfully entitled to receive the same.

63 Validating certain expenditure by Flaxbourne Public Cemetery Trustees

Notwithstanding anything to the contrary in the Public Revenues Act 1926 or any other Act, the payment from the funds of the Flaxbourne Public Cemetery Trustees during the financial year ended 31 March 1932 of the sum of 2 pounds 7 shillings to William James McIsaac, a trustee of the above-mentioned cemetery, for certain materials supplied for fencing purposes, is hereby validated and declared to have been lawfully made and received.

**64 Extension of objects of New Zealand Sheepowners’
Acknowledgment of Debt to British Seamen Fund**
[Repealed]

Section 64: repealed, on 13 October 1941, by section 46(3) of the Local Legislation Act 1941 (1941 No 23).

**65 Confirming agreement between the Board of Trustees of
National Art Gallery and Dominion Museum and the
New Zealand Academy of Fine Arts**
[Repealed]

Section 65: repealed, on 1 April 1973, by section 32 of the National Art Gallery, Museum, and War Memorial Act 1972 (1972 No 11).

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Notes**1 *General***

This is a reprint of the Local Legislation Act 1932–33. 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 Government (Rating) Act 2002 (2002 No 6): section 138(1)

National Art Gallery, Museum, and War Memorial Act 1972 (1972 No 11):
section 32

Local Elections and Polls Amendment Act 1961 (1961 No 22): section 2(3)

Local Legislation Act 1941 (1941 No 23): section 46(3)

Local Legislation Act 1935 (1935 No 33): section 34(7)

Thames Borough Commissioner Amendment Act 1934 (1934 No 10 (L)):
section 15(2)