

**Reprint  
as at 3 October 1958**



**Local Legislation Act 1958**

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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.

**This Act is administered by the Department of Internal Affairs.**

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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 1958.

*County Councils*

**2 Validating *ex gratia* payment by Whakatane County Council in respect of contracts**

Whereas by 3 agreements all dated 24 September 1957, made between W. S. Henderson Limited, of Whakatane, contractors (in this section referred to as the **contractors**), of the one part, and the Chairman, Councillors, and Inhabitants of the County of Whakatane, of the other part, the contractors agreed to seal certain roads within the County of Whakatane:

And whereas the roads were sealed by the contractors in accordance with the terms of the contracts:

And whereas by reason of an increase in the cost of materials caused by circumstances beyond the control of the contractors, the contractors suffered a loss:

And whereas the Whakatane County Council (in this section referred to as the **Council**) has paid to the contractors the sum of 183 pounds 18 shillings and 8 pence in respect of the loss suffered by the contractors:

Be it therefore enacted as follows:

The payment by the Council to the contractors of the sum of 183 pounds 18 shillings and 8 pence by way of compensation in respect of the loss incurred by the contractors is hereby validated and declared to have been lawfully made.

**3 Validating borrowing of and variation of terms of raising certain loan money by Wallace County Council**

Whereas by Order in Council made on 7 March 1956 consent was given to the raising by the Wallace County Council (in this section referred to as the **Council**) of a sum of 5,500 pounds (in this section referred to as the **loan**) as portion of the Ohai Amenities Loan 1952, £30,500:

And whereas one of the conditions determined by the Local Government Loans Board in respect of the loan was that the loan, or any part thereof, should bear interest at a rate not exceeding four and one-quarter per cent per annum:

And whereas, before the issue of the said Order in Council, the Council raised the sum of 4,500 pounds, as part of the loan, and on terms providing for the payment of interest thereon at the rate of four and three-quarters per cent per annum:

And whereas it is desirable that the actions of the Council be validated:

Be it therefore enacted as follows:

The actions of the Council in raising the sum of 4,500 pounds, as part of the loan, without the precedent consent of the Governor-General in Council and otherwise than in accordance with the conditions determined by the Local Government Loans Board relating to the raising thereof, are hereby validated and the sum of 4,500 pounds shall be deemed to have been lawfully borrowed and all debentures or stock issued in respect thereof shall be deemed to have been lawfully executed and issued by the Council and shall have full force and effect according to their tenor.

**4 Validating variation of terms of raising certain loan money by Wallace County Council**

Whereas by Order in Council made on 7 March 1956 consent was given to the raising by the Wallace County Council (in this section referred to as the **Council**) of a sum of 13,000 pounds (in this section referred to as the **loan**) as portion of the Reconstruction and Sealing Loan 1952, £35,000:

And whereas one of the conditions determined by the Local Government Loans Board in respect of the raising of the loan

was that the loan, or any part thereof, should bear interest at a rate not exceeding four and three-quarters per cent per annum extending over a term of 10 years:

And whereas the Council borrowed a sum of 200 pounds as part of the loan on terms providing for the payment of interest at a rate of four and seven-eighths per cent per annum extending over a term of 12 years:

And whereas it is desirable that the action of the Council be validated:

Be it therefore enacted as follows:

The action of the Council in raising the sum of 200 pounds as part of the loan, otherwise than in accordance with the conditions determined by the Local Government Loans Board, is hereby validated and the sum of 200 pounds shall be deemed to have been lawfully borrowed and all debentures and stock issued in respect thereof shall be deemed to have been lawfully executed and issued by the Council and shall have full force and effect according to their tenor.

**5 Authorising Eketahuna County Council to make *ex gratia* payment in respect of contract**

Whereas by an agreement dated 22 March 1957, made between A. R. Milne Limited, of Lower Hutt, contractors (in this section referred to as the **contractors**), of the one part, and the Chairman, Councillors, and Inhabitants of the County of Eketahuna, of the other part, the contractors agreed to erect a concrete bridge known as Larsen's Bridge over the Mangatainoka River for a sum calculated in accordance with the schedule rates provided in the agreement:

And whereas the contractors have constructed the said bridge:

And whereas the contractors encountered unforeseen difficulties and have suffered a loss:

And whereas the Eketahuna County Council, being satisfied that the loss so incurred by the contractors was not and could not reasonably have been contemplated by them at the time the said agreement was entered into, is desirous of making a payment of 435 pounds to the contractors:

Be it therefore enacted as follows:

The Eketahuna County Council is hereby authorised and empowered to pay the sum of 435 pounds to the contractors by way of compensation in respect of the loss incurred by them.

**6 Validating operation by former Castlepoint County Council of and authorising Masterton County Council to continue to operate Group Farm Labour Scheme**

Whereas the former Castlepoint County Council operated a Group Farm Labour Scheme (in this section referred to as the **scheme**) for the benefit of its ratepayers:

And whereas the former County of Castlepoint and the former County of Masterton were united as on and from 1 April 1958 to form the present County of Masterton:

And whereas the former County of Castlepoint is now a riding of the present County of Masterton:

And whereas the Masterton County Council wishes to continue to operate the scheme within the Castlepoint Riding of the County of Masterton but doubts have arisen as to its power to do so:

And whereas it is desirable firstly, that the action of the former Castlepoint County Council in operating the scheme should be validated, and secondly, that the Masterton County Council be authorised to continue to operate the scheme in the Castlepoint Riding of the County of Masterton:

Be it therefore enacted as follows:

The action of the former Castlepoint County Council in operating the scheme is hereby validated and the Masterton County Council is hereby authorised and empowered to operate the scheme in the Castlepoint Riding of the County of Masterton for a period not exceeding 10 years from 1 April 1958.

**7 Provision with respect to certain land in the County of Masterton**

Whereas the land described in subsection (4) situated at Taueru in the County of Masterton is vested in Thomas Marshall Brown and Alfred William Vennell (in this section referred to as the **trustees**) and has been used as a site for a public hall:

And whereas the trustees are now deceased and the hall built on the said land has been demolished:

And whereas a new hall has been built by the Masterton County Council on a more suitable site and Jack Lett and Jessie Hewin Lett, both of Masterton, agreed to transfer to the Council a certain area of land for that purpose in consideration of the transfer to them of the land described in subsection (4):

Be it therefore enacted as follows:

- (1) The vesting of the land described in subsection (4) in the trustees is hereby cancelled and the land is hereby vested in the Masterton County Council freed and discharged from the trusts heretofore affecting the same.
- (2) The action of the Masterton County Council in agreeing to transfer the said land to the said Jack Lett and the said Jessie Hewin Lett for the consideration aforesaid is hereby validated and the Council is hereby authorised to transfer the said land to those persons as tenants in common in equal shares.
- (3) The District Land Registrar for the Land Registration District of Wellington is hereby empowered and directed to make such entries in the register books and generally to do all such things as may be necessary to give full effect to the provisions of this section.
- (4) The land to which this section relates is more particularly described as follows:

All that piece of land containing 24 perches, more or less, being part of Section 605, Whareama Block, being Lot 2 on Deposited Plan 562, and being all the land comprised and described in certificate of title, Volume 64, folio 202, Wellington Registry.

#### *City and Borough Councils*

### **8 Validating certain expenditure incurred by Northcote Borough Council in connection with anniversary celebrations**

The expenditure by the Northcote Borough Council during the financial years ending on 31 March 1958 and 31 March 1959, of the sum of 427 pounds 2 shillings and 3 pence in celebration

of the 50th anniversary of the Borough of Northcote, is hereby validated and declared to have been lawfully incurred.

**9 Authorising Hawera Borough Council to use certain land for cemetery purposes**

(1) Notwithstanding anything in the Cemeteries Act 1908, or in any other Act, the Hawera Borough Council is hereby authorised and empowered to use for cemetery purposes the land described in subsection (2).

(2) The land to which this section relates is more particularly described as follows:

All that area of land situated in the Taranaki Land District, Borough of Hawera, containing 2 roods 38 perches and five-tenths of a perch, more or less, being Section 714, Patea District, and being the land comprised and described in certificate of title, Volume 229, folio 2, Taranaki Registry.

**10 Authorising Palmerston North City Council to make certain grants to the Public Relations Organisation (P.N.)**

The Palmerston North City Council is hereby authorised to make grants not exceeding 1,000 pounds to the Public Relations Organisation (P.N.), a society incorporated under the Incorporated Societies Act 1908, during each of the years ending on 31 March 1959 and 31 March 1960.

**11 Authorising Invercargill City Council to make *ex gratia* payment in respect of contract**

Whereas by an agreement dated 5 December 1955, made between Woodall-Duckham (Australasia) Proprietary Limited, contractors (in this section referred to as the **contractors**), of the one part, and the Mayor, Councillors, and Citizens of the City of Invercargill, of the other part, the contractors agreed to install at the Invercargill gasworks an intermittent vertical chamber gas carbonising plant and to carry out certain appurtenant work:

And whereas the contractors installed the said plant and carried out the work:

And whereas the contractors incurred special charges in respect of labour employed and suffered a loss:

And whereas the Invercargill City Council, being satisfied that the loss so incurred by the contractors was not and could not reasonably have been contemplated by them at the time the said agreement was entered into, is desirous of making a payment of 2,023 pounds 16 shillings and 10 pence to the contractors:

Be it therefore enacted as follows:

The Invercargill City Council is hereby authorised and empowered to pay the sum of 2,023 pounds 16 shillings and 10 pence to the contractors by way of compensation in respect of the loss incurred by them.

**12 Validating refund to District Fund Account from loan money by Waihi Borough Council**

Whereas, before authority was obtained to the raising of a loan of 1,500 pounds, known as the Consols Street Bridge Replacement Loan 1955 (in this section referred to as the **loan**), the Waihi Borough Council (in this section referred to as the **Council**) expended out of its District Fund Account, for certain purposes for which the loan was to be raised, money amounting in the aggregate to the sum of 828 pounds 19 shillings and 6 pence:

And whereas authority has since been obtained to the raising of the loan:

And whereas the Council has refunded to its District Fund Account out of the proceeds of the loan the sum of 828 pounds 19 shillings and 6 pence:

And whereas the Council had no authority to make such a refund and it is desirable to validate the same:

Be it therefore enacted as follows:

The action of the Council in refunding the sum of 828 pounds 19 shillings and 6 pence to its District Fund Account out of the proceeds of the loan is hereby validated and declared to have been lawful.

**13 Authorising Masterton Borough Council to make certain payments to David Peter Donald**

Whereas the Masterton Borough Council (in this section referred to as the **Council**) is desirous of constructing a learners' swimming pool as part of the Masterton War Memorial Scheme:

And whereas to do so it would be necessary to raise a loan and the said pool could not be constructed in time for the next swimming season:

And whereas a member of the Council, David Peter Donald, of Masterton, farmer, with the consent of the Council, has at his own expense agreed to construct and is constructing the said pool at a cost of 2,413 pounds 10 shillings so that it will be completed by 1 October 1958:

And whereas the Council is desirous of reimbursing the said David Peter Donald to the extent of 2,000 pounds but has no authority to do so:

Be it therefore enacted as follows:

The Council is hereby authorised and empowered to reimburse the said David Peter Donald to the extent of 2,000 pounds by payments of 500 pounds per year during the period of 4 years commencing on 1 October 1959.

**14 Amending Schedule 1 of Northcote Borough Empowering Act 1956**

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

**15 Provision with respect to agreement made by Picton Borough Council as to water supply**

Whereas by deed dated 1 May 1958, made between the Mayor, Councillors, and Citizens of the Borough of Picton (in this section referred to as the **Corporation**), of the one part, and the New Zealand Refrigerating Company Limited, a duly incorporated company having its registered office in the City of Christchurch (in this section referred to as the **Company**), of the other part, the Corporation agreed to lay a pipeline from the Esson's Valley Reservoir, the property of the Corporation, to the Company's freezing works situated outside the Borough

of Picton, and to provide a supply of fresh water through the pipeline for a period of 55 years from 21 May 1958, on the terms and conditions set out in the said deed:

And whereas, as one of the said terms and conditions, the Corporation covenanted that during the term of the said deed it would not exercise the powers contained in subsection (4) of section 248 of the Municipal Corporations Act 1954 to discontinue the supply of water on giving 12 months' notice in writing of its intention so to do:

And whereas it is desirable to make provision in the manner hereinafter appearing:

Be it therefore enacted as follows:

The action of the Corporation in entering into the covenant in the said deed that the Corporation shall not during the term of the said deed exercise the powers contained in subsection (4) of section 248 of the Municipal Corporations Act 1954, is hereby validated and the covenant is hereby declared to have been lawfully made and, notwithstanding the provisions of the said Act, that subsection shall not apply to the supply of water pursuant to the said deed so long as the Company shall observe and perform the covenants, conditions, and agreements contained or implied in the said deed and on the Company's part to be observed and performed.

**16 Validating refund to District Fund Account from loan money by Alexandra Borough Council**

Whereas, before authority was obtained to the raising of a loan of the sum of 10,000 pounds, known as the Building Allotment Loan 1955 (in this section referred to as the **loan**), the Alexandra Borough Council (in this section referred to as the **Council**) expended out of its District Fund Account, for certain purposes for which the loan was to be raised, money amounting in the aggregate to the sum of 3,525 pounds 14 shillings and 5 pence:

And whereas authority has since been obtained to the raising of the loan:

And whereas the Council has refunded to its District Fund Account out of the proceeds of the loan the sum of 3,525 pounds 14 shillings and 5 pence:

And whereas the Council had no authority to make such a refund and it is desirable to validate the same:

Be it therefore enacted as follows:

The action of the Council in refunding the sum of 3,525 pounds 14 shillings and 5 pence to its District Fund Account out of the proceeds of the loan is hereby validated and declared to have been lawful.

**17 Validating certain *ex gratia* payments made by Kaitaia Borough Council in respect of contracts**

Whereas by 3 agreements made between Robert McArthur, Charlie Ngauma, and Caldwell-Butt Limited (in this section referred to as the **contractors**), of the one part, and the Mayor, Councillors, and Citizens of the Borough of Kaitaia, of the other part, the contractors agreed to do certain work for the Kaitaia Borough Council (in this section referred to as the **Council**) in connection with the Council's water and sewerage schemes:

And whereas by reason of certain unexpected difficulties encountered in the execution of the said work the contractors have suffered a loss:

And whereas the Council has paid to the contractors sums not covered by the terms of the said agreements totalling 5,820 pounds 5 shillings and 2 pence:

And whereas it is desirable to validate the said payments made by the Council:

Be it therefore enacted as follows:

The payments by the Council to the contractors of the sums totalling 5,820 pounds 5 shillings and 2 pence are hereby validated and declared to have been lawfully made.

*Harbour Boards*

**18 Validating certain expenditure incurred by Lyttelton Harbour Board**

The expenditure by the Lyttelton Harbour Board during the financial year ending on 30 September 1958, of the sum of 960 pounds 8 shillings and 10 pence, in connection with the holding of the 25th Conference of the Harbours Association of New Zealand in Christchurch, and the entertainment of delegates thereto, is hereby validated and declared to have been lawfully incurred.

**19 Provision with respect to refund to Harbour Fund Account from loan money by Wellington Harbour Board**

Whereas, before authority had been obtained to the raising of a loan of the sum of 60,000 pounds known as the Hutt Estuary Reclamation Loan 1957 (in this section referred to as the **loan**), the Wellington Harbour Board (in this section referred to as the **Board**) expended out of its Harbour Fund Account for certain purposes for which the loan was to be raised, money amounting in the aggregate to the sum of 13,453 pounds 17 shillings and 6 pence:

And whereas authority has since been obtained to the raising of the loan, and the Board is desirous of reimbursing its Harbour Fund Account out of the proceeds of the loan and it is expedient to make provision accordingly:

Be it therefore enacted as follows:

The Board is hereby authorised and empowered to refund to its Harbour Fund Account out of the proceeds of the loan a sum not exceeding 13,453 pounds 17 shillings and 6 pence.

*Affecting 2 or more classes of public bodies*

**20 Authorising Nelson Harbour Board to transfer certain land to Waimea County Council**

Whereas the land described in subsection (10) is vested in the Nelson Harbour Board (in this section referred to as the **Board**) as an endowment:

And whereas the Board does not require the said land and desires to vest the same in the Chairman, Councillors, and In-

habitants of the County of Waimea (in this section referred to as the **Corporation**) for the purposes hereinafter set out:

Be it therefore enacted as follows:

- (1) The land described in subsection (10) is hereby vested in the Corporation for an estate in fee simple for the use, benefit, or enjoyment of the public as pleasure grounds, sports grounds, camping grounds, and any other public amenities but otherwise freed and discharged from all trusts, reservations, and restrictions affecting the same other than the reservations referred to in this section.
- (2) The District Land Registrar for the Nelson Land Registration District is hereby authorised and directed to enter in the appropriate folium of the register kept by him pursuant to the provisions of the Land Transfer Act 1952, a memorial that the Corporation is seised of all the estate and interest of the Board in the said land.
- (3) The Corporation is hereby authorised and empowered, subject to the provisions of the Harbours Act 1950, to reclaim the said land.
- (4) The Corporation before constructing any drains or other works on the said land shall first submit the plans and specifications thereof to the Board for its approval and on the said plans and specifications being approved by the Board the said drains and other works shall be constructed in accordance with the approved plans and specifications and thereafter the Corporation shall keep and maintain the drains and other works in good order, repair, and condition.
- (5) If at any time the Corporation does not require the said land for the purposes aforesaid, or, if for a continuous period of 12 months the said land ceases to be used for the said purposes, the Corporation shall, at the request of the Board, execute under seal and deliver to the Board a certificate certifying that the said land is no longer required for the said purposes or that the said land has for a continuous period of 12 months ceased to be so used, and at the same time deliver to the Board the appropriate certificate of title issued therefor.
- (6) Upon production of the certificate delivered to the Board under subsection (5) to the District Land Registrar for the Nelson

Land Registration District he shall forthwith register the same against the said certificate of title for the said land and thereupon the said land together with all buildings and improvements thereon shall vest in the Board for an estate in fee simple as an endowment upon the same trusts and conditions as the Board previously held the said land and as if this section had not been passed but subject nevertheless to the easement reserved by subsection (8) if the said easement is then in force.

- (7) No compensation shall be payable by the Board to the Corporation for any improvements that may be upon the said land at the date of the execution and delivery of the certificate referred to in subsection (5).
- (8) There is hereby reserved in favour of the Institute de Notre Dame des Missions Trust Board, an organisation incorporated under the Religious, Charitable, and Educational Trusts Act 1908, and having its registered office at Christchurch, or other person for the time being the registered proprietor or proprietors of:

Firstly, all that piece of land in the Nelson Land District containing 44 acres 2 roods 8 perches and eight-tenths of a perch, more or less, situated in Block V, Wakapuaka Survey District, being part Sections 22, 23, and 57, District of Suburban North, and being part Lot 1, Deposited Plan 150, and being also the balance of the land comprised and described in certificate of title, Volume 25, folio 143, Nelson Registry:

Secondly, all that piece of land containing 1 acre 3 roods 5 perches and five-tenths of a perch, more or less, situated in Block V, Wakapuaka Survey District, being Section 100, District of Suburban North, and being all the land comprised and described in certificate of title, Volume 139, folio 81, Nelson Registry,—

full and free right, liberty, and license to construct, lay down, and forever hereafter maintain a pipe drain or drains under that part of the surface of the land described in subsection (10) and coloured yellow and marked “drainage easement” 7 links and five-tenths of a link wide on Deposited Plan Number 5602 and use the same for the purpose of conveying sewage water and soil from the premises constructed or to be constructed on the lands described in this subsection: And also full and free right

and liberty as aforesaid with or without workmen, tools, and equipment to enter upon that part of the land described in the said subsection (10) marked “drainage easement” as aforesaid for the purpose of laying, constructing, maintaining, inspecting, cleaning, clearing, repairing, altering, and renewing the said drains or any of them or any part thereof:

provided that all works so carried out shall be carried out as expeditiously as possible in a good and workmanlike manner and in accordance with the lawful requirements of all authorities having jurisdiction over the said land and that the surface thereof shall be disturbed as little as possible. All excavations shall be filled in and the surface of the said land restored as nearly as possible to its former state.

- (9) The District Land Registrar for the Land Registration District of Nelson is hereby authorised and directed to register the reservation made by subsection (8) against the certificate of title for the said land and against the said certificates of title, Volume 25, folio 143, and Volume 139, folio 81, Nelson Registry.
- (10) The land to which subsection (1) relates is more particularly described as follows:  
All that area of land containing by admeasurement 15 acres 3 roods and 34 perches, more or less, being part of the area described in Schedule 1 of the Nelson Harbour Act 1905, the said land being Section 101, Suburban North, situated in Block V, Wakapuaka Survey District, and being more particularly delineated on the plan deposited in the Land Transfer Office at Nelson as Number 5602, and being all the land comprised and described in certificate of title, Volume 138, folio 40, Nelson Registry.
- (11) This section shall, for the purposes of sections 150 and 175 of the Harbours Act 1950, be deemed a special Act.

**21 Provision with respect to sale of certain land by Auckland Hospital Board to Northcote Borough Council**

Whereas the lands described in subsection (6) are vested in the Auckland Hospital Board (in this section referred to as the

**Board**) for an estate in fee simple in trust as a site for a hospital and for or towards the maintenance and support of a hospital:

And whereas the said lands are not required for those purposes and the Board has agreed to sell and the Northcote Borough Council (in this section referred to as the **Council**) has agreed to purchase the said lands for development for housing purposes for the sum of 30,000 pounds:

And whereas the Board and the Council have further agreed that the Board will accept payment of the said sum of 30,000 pounds either by debentures to the value of that sum issued by the Council under the Land Development Loan 1958, £33,000 (in this section referred to as the **loan**), or partly by cash and partly by debentures issued under the loan but the Board has no authority to do so:

Be it therefore enacted as follows:

- (1) Notwithstanding the provisions of section 69 of the Hospitals Act 1957, the Board may, without further authority than this section, sell to the Council for the sum of 30,000 pounds the lands described in subsection (6) and may accept payment of that sum in debentures to the value of 30,000 pounds issued by the Council under the loan, or partly in cash and partly in debentures issued under the loan to the value of such part of that sum as is not paid in cash, and on the sale of those lands all trusts and reservations theretofore affecting the same shall be deemed to be cancelled.
- (2) The proceeds derived by the Board from the sale of the said lands and from the redemption of the said debentures shall be held and applied by the Board in the manner provided by subsection (2) of section 69 of the Hospitals Act 1957.
- (3) The said lands shall be held by the Council for housing purposes pursuant to the Municipal Corporations Act 1954.
- (4) Notwithstanding anything contained in this section or in any other enactment, where the Council at any time considers that any part or parts of the said lands are unsuitable for housing purposes, the Council may, instead of disposing of that part or parts in accordance with the provisions of the Municipal Corporations Act 1954, by resolution decide that that part or parts shall be subject to the Northcote Borough Empowering

Act 1956 and thereupon the provisions of that Act shall apply in all respects as if that part or parts were included in Schedule 1 of that Act.

- (5) The District Land Registrar for the Land Registration District of Auckland is hereby authorised and directed to accept such documents for registration and to do all such things as may be necessary to give effect to this section.
- (6) The lands to which this section relates are more particularly described as follows:

All those parcels of land containing together by admeasurement 74 acres 4 perches and one-tenth of a perch, more or less, being—

Firstly, Lots A, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, 28, 29, 30, 31, and part of Lot 17 on a plan lodged in the Deeds Register Office at Auckland as Number T32, being portion of Allotments 14, 15, 16, and 17, Parish of Takapuna:

Secondly, Lots 8 and 9 on Deposited Plan Number 37783, being portion of Allotment 20, Parish of Takapuna:

Thirdly, portions of Allotments 14, 15, and 17, Parish of Takapuna:

Being the whole of the land comprised in certificates of title, Volume 531, folios 14, 15, 16, 17, 18, and 19, and Volume 970, folios 74 and 289, and part of the land comprised in certificates of title, Volume 531, folios 10 and 13, Auckland Registry.

#### *Miscellaneous*

### **22 Validating certain *ex gratia* payments made by Hutt Valley Drainage Board in respect of contracts**

Whereas by certain agreements made between Adams and Bond Limited, A. Walsh, J. C. Hobson Limited, Earthmovers and Contractors Limited, and M. Carey, contractors (in this section referred to as the **contractors**), of the one part, and the Hutt Valley Drainage Board (in this section referred to as the **Board**), of the other part, the contractors agreed to do certain work in connection with the construction of a main sewer:

And whereas by reason of certain unexpected difficulties encountered in the execution of the said work the contractors have suffered a loss:

And whereas the Board has paid to the contractors sums not covered by the terms of the said agreements of 139 pounds 10 shillings, 475 pounds 3 shillings, 976 pounds 19 shillings and 9 pence, 700 pounds, and 1,444 pounds 3 shillings, respectively:

And whereas it is desirable to validate the said payments made by the Board:

Be it therefore enacted as follows:

The payments by the Board to the contractors of the sums of 139 pounds 10 shillings, 475 pounds 3 shillings, 976 pounds 19 shillings and 9 pence, 700 pounds, and 1,444 pounds 3 shillings, respectively, are hereby validated and declared to have been lawfully made.

**23 Validating certain debentures and interest coupons issued by the Dunedin Drainage and Sewerage Board**

Whereas the Dunedin Drainage and Sewerage Board (in this section referred to as the **Board**) has raised the sum of 46,000 pounds as part of the Drainage Extension Loan 1954 of 250,000 pounds:

And whereas on 31 May 1957, as security for that sum, the Board issued certain debentures numbered 171 to 327 inclusive to the value of 46,000 pounds with interest coupons attached in the form prescribed by and expressed to be issued pursuant to the powers contained in the Dunedin District Drainage and Sewerage Act 1900:

And whereas that Act had been repealed on 1 April 1957, by the Local Authorities Loans Act 1956, and the debentures and interest coupons should have been in the form prescribed by and expressed to be issued pursuant to the powers contained in that Act:

And whereas it is desirable that the debentures and interest coupons be validated:

Be it therefore enacted as follows:

The debentures and interest coupons issued by the Board on 31 May 1957 are hereby validated and shall have full force

and effect according to their tenor as if they had been issued in the form and expressed to be pursuant to the powers contained in the Local Authorities Loans Act 1956.

**24 Provision with respect to transfer of administration of Poukawa Drainage Area to Hawke's Bay Catchment Board**

Whereas the Poukawa Drainage Area (in this section referred to as the **area**) was constituted under the Swamp Drainage Act 1915 by Order in Council gazetted on 27 April 1916 at page 1194:

And whereas the amount of the rates that are necessary for the maintenance and capital charges in respect of the drainage works already constructed in the area (in this section referred to as the **drainage works**) greatly exceeds the maximum rates which a Catchment Board may make and levy under the Soil Conservation and Rivers Control Act 1941 (in this section referred to as the **Act**):

And whereas it is expedient that the drainage works and the care, control, and management thereof be vested in the Hawke's Bay Catchment Board (in this section referred to as the **Board**):

Be it therefore enacted as follows:

- (1) The drainage works and the care, control, and management thereof shall vest in the Board on 1 April 1959, and the area shall cease to be a drainage area under the Swamp Drainage Act 1915, and shall thereafter be a defined portion of the Hawke's Bay Catchment District for all purposes relating to the construction and maintenance of the drainage works and shall be known as the Poukawa Special Rating Area.
- (2) Except in respect of an administrative rate, the limitations made upon the maximum rates which may be made and levied by a Catchment Board under the Act shall have no application to any rate made and levied by the Board within the Poukawa Special Rating Area.
- (3) The classification of the lands within the Poukawa Special Rating Area and the proportions fixed in relation thereto shall continue in force on and after 1 April 1959 as if they were a clas-

sification made and proportions fixed pursuant to the Act for the purposes of a separate rate upon all property liable to be rated within that portion of the district and the classification and proportions shall thereupon be in force as if made for the purposes aforesaid by the Board under the Act, and shall continue in force until determined by the Board by express resolution in that behalf.

- (4) In every other respect the provisions of the Act shall, on and after 1 April 1959, apply to and be observed in respect of the Poukawa Special Rating Area as part of the Hawke's Bay Catchment District.
- (5) On and after 1 April 1959 the debts, liabilities, engagements, powers, and functions of the Minister of Lands in respect of the area shall be the debts, liabilities, engagements, powers, and functions of the Board.
- (6) As soon as possible after 1 April 1959 the Board shall execute in favour of Her Majesty the Queen a debenture securing to Her Majesty the amount being the part of the cost of the drainage works which has not already been recouped by the Minister of Lands together with interest thereon as hereinafter specified as from 1 April 1959.
- (7) The amount referred to in subsection (6) shall be fixed by the Minister of Lands and the Board and, failing agreement, shall be determined by the Audit Office.
- (8) The rate of interest shall be four and a half per cent per annum or such other rate as may from time to time be fixed in that behalf by the Minister of Finance.
- (9) The sum so secured shall be paid by the Board to the Minister of Lands by equal annual instalments payable on or before the last day of February in the financial year to which the payment relates over a period of 23 years commencing with 1 April 1959.
- (10) The debenture shall be in a form approved by the Minister of Finance and shall be secured over and be a first charge on all lands and drainage works at any time owned by the Board in the area and all rates on lands in that area which are payable to the Board:

provided that the debenture shall not be secured over any special rates made as security for any special loans raised by the Board.

**25 Authorising North Canterbury Catchment Board to make compensation payment**

Whereas under the Waimakariri River Improvement Act 1922 certain land in the Canterbury Land District, being more particularly described as all that piece of land containing 53 acres 3 roods 28 perches and seven-tenths of a perch, more or less, being part of Rural Section 1152 and being all that land on the northern side of the stop bank which runs through the property described in certificate of title, Volume 410, folio 162, Canterbury Registry, save and except those areas containing 11 acres and 33 perches which have already been purchased from John Christopher Dobby, of Ladbrooks, farmer, was vested in the Waimakariri River Trust:

And whereas by Order in Council made on 13 February 1947 the Waimakariri River Trust was abolished and all the powers, duties, functions, assets, and liabilities of the said Trust were transferred to the North Canterbury Catchment Board (in this section referred to as the **Board**):

And whereas the said John Christopher Dobby claims that the said land formed part of the land comprised and described in certificate of title, Volume 410, folio 162, Canterbury Registry, and that he was the registered proprietor therein named and that he was entitled to compensation for the taking thereof:

And whereas no claims for compensation for the taking of the said land have been made within the time prescribed by law:

And whereas the Board, being satisfied that the sum of 1,000 pounds together with reasonable legal expenses would have been properly payable as compensation for the taking of the said land if a claim therefor had been made within the prescribed time, is desirous of making payment of that sum:

Be it therefore enacted as follows:

The Board is hereby authorised, notwithstanding that a claim is barred by lapse of time, to pay from its Waimakariri River Account to John Christopher Dobby, the sum of 1,000 pounds

together with reasonable legal expenses in full satisfaction and discharge of all claims for compensation for the taking of the said land.

**26 Extending period during which classification for rating purposes of certain lands in Otago Catchment District shall continue in force**

Whereas the Lower Clutha River Trust (in this section referred to as the **Trust**) has been dissolved and its powers and functions transferred to the Otago Catchment Board (in this section referred to as the **Board**):

And whereas the Board has, since the dissolution of the Trust, continued to make and levy annual rates in the district of the Trust in accordance with the classification of the lands in that district previously used for rating purposes:

And whereas, by subsection (3) of section 10 of the Soil Conservation and Rivers Control Amendment Act 1946, the Board cannot, after the expiration of 6 years from the dissolution of the Trust, continue to exercise the powers of the Trust to make and levy the said rates other than as provided for in subsection (4) of section 13 of that Act:

And whereas the said period of 6 years expired on 25 February 1958:

And whereas, before the Board could continue after the said period of 6 years to make and levy rates in the said district, it would require to classify the lands in the said district pursuant to the provisions of section 102 of the Soil Conservation and Rivers Control Act 1941, but no such classification has been carried out:

And whereas the Board is desirous of continuing the classification that was in force in the district of the Trust as at the date of expiry of the said period of 6 years pending completion of a new classification of the said district:

Be it therefore enacted as follows:

- (1) The classification of lands for rating purposes in the district of the Trust as in force on 24 February 1958 and the proportions fixed in relation thereto shall continue and shall be deemed to have continued in full force and effect as if the classification

had been made and the proportions had been fixed pursuant to the provisions of the Soil Conservation and Rivers Control Act 1941, for a further period of 4 years commencing on 25 February 1958.

- (2) All rates made and levied by the Board in the said district after the expiration of the said period of 6 years and before the commencement of this Act, using the said classification and proportions, shall be deemed to have been validly made and levied.
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## Notes

### 1 *General*

This is a reprint of the Local Legislation Act 1958. The reprint incorporates all the amendments to the Act as at 3 October 1958, 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)*

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