

Reprint
as at 1 July 2003



Local Legislation Act 1959

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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 1959.

*County councils***2 Validating certain expenditure incurred by Waimate West County Council in connection with anniversary celebrations**

The expenditure by the Waimate West County Council during the financial year ended on 31 March 1959 of the sum of 178 pounds 10 shillings and 6 pence in celebration of the 50th anniversary of the County of Waimate West, is hereby validated and declared to have been lawfully incurred.

3 Exempting Meat Industry Research Institute from liability for payment of rates levied by Waikato County Council

[Repealed]

Section 3: repealed, on 1 July 2003, by section 138(1) of the Local Government (Rating) Act 2002 (2002 No 6).

4 Provision with respect to apportionment of general expenses amongst ridings of County of Southland by Southland County Council

Whereas the County of Southland (in this section referred to as the **County**) comprises 9 ridings:

And whereas the district valuation rolls for 5 of the said ridings were, pursuant to section 9 of the Valuation of Land Act 1951, revised by the Valuer-General as at 31 January 1956:

And whereas the district valuation rolls for the remainder of the said ridings were, pursuant to the said section, revised by the Valuer-General as at 31 January 1957:

And whereas the Southland County Council (in this section referred to as the **Council**) for the years ended with 31 March 1957 and 31 March 1958 and 31 March 1959 levied a general rate separately in each such riding:

And whereas subsection (3) of section 134 of the Counties Act 1956 provides that when a general rate is levied separately in each riding the proportion of the general expenses of the County to be borne by each riding shall bear to the total amount of those expenses the same proportion as the rateable value of all the property in the riding bears to the total rateable value of all the property in the County:

And whereas, since the district valuation rolls had been revised as aforesaid as at 2 different dates, the Council, for the purpose of determining the proportion of the general expenses of the County to be borne by each of its 9 ridings, for the years in question, in accordance with subsection (3) of the said section 134, used the values appearing in the district valuation rolls for the whole County as revised by the Valuer-General as at 31 March 1952:

And whereas, doubts having arisen as to the validity of so determining the proportion of the general expenses of the County to be borne by each riding as aforesaid, it is desirable that such doubts be resolved:

And whereas it is desirable that, until the rating year in which the next revision of the district valuation rolls for the ridings in the County is completed, the rateable valuation of the property in the County and in the ridings thereof as appearing in the district valuation rolls for the whole County as at 31 March 1952 be used for determining the proportions in which such ridings are to bear the general expenses of the County:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Counties Act 1956, the proportion of general expenses of the County borne by each riding thereof for the years ended with 31 March 1957, 31 March 1958 and 31 March 1959 shall be deemed to have been lawfully determined by the Council.
- (2) For the year ending with 31 March 1960 and for each subsequent year until the year ending with 31 March in which the next revision of the district valuation rolls of the ridings in the County is completed, the rateable value of the property in the County and in the ridings thereof, as appearing in the district valuation rolls for the whole County as at 31 March 1952 may be used by the Council for determining the proportions in which the said ridings are to bear the general expenses of the County.

5 Validating refund to County Fund Account from loan money by Ohinemuri County Council

Whereas, before authority was obtained to the raising of a loan of 10,600 pounds, known as the Bridge Renewal Loan 1958 (in this section referred to as the **loan**), the Ohinemuri County Council (in this section referred to as the **Council**) expended out of its County Fund Account, for certain purposes for which the loan was to be raised, money amounting in the aggregate to the sum of 372 pounds 16 shillings:

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

And whereas the Council has refunded to its County Fund Account out of the proceeds of the loan the sum of 372 pounds 16 shillings:

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 372 pounds 16 shillings to its County Fund Account out of the proceeds of the loan is hereby validated and declared to have been lawful.

6 Extending special rating areas in County of Hutt

[Repealed]

Section 6: repealed, on 1 April 1971, by section 2(2) of the Hutt County Special Rates Amalgamation Act 1970 (1970 No 11 (L)).

7 Certain area of County of Matamata deemed to be a legal subdivision for purposes of the Local Authorities Loans Act 1956

- (1) For the purposes of the Local Authorities Loans Act 1956 the area described in subsection (2) shall be deemed to be a legal subdivision.
- (2) The land to which this section relates is more particularly described as follows:

All that area of land situated in Blocks VII, VIII, and XII of the Patetere South Survey District bounded by a line commencing at the point where the Putaruru-Kinleith Railway line crosses the Whakauru Stream; thence south-easterly generally by the said Whakauru Stream to and across the Tirau-Wairakei (No 41) State Highway and continuing by the northern boundary of Lots 13 and 14 on DP 8320 (Tokoroa East School) and Lot 6 on DPS 2424 (Recreation Reserve) to Mossop's Road; thence continuing by a right line at right angles to and across Mossop's Road; thence westerly by the southern boundary of Mossop's Road to the eastern boundary of Lot 1 on DPS 1818; thence southerly and westerly by the eastern and southern boundaries of the said Lot 1 on DPS 1818 to and continuing directly across the Tirau-Wairakei (No 41) State Highway to the western boundary thereof; thence southerly generally by the western boundary of the said State highway to the southern boundary of DP 33685; thence westerly by the said southern boundary of DP 33685 to the Putaruru-Kinleith Railway line; continuing directly by a right line to the western boundary of the said railway line; thence northerly by the said railway line to the northern boundary of Lot 1 on DP 33684; thence westerly and southerly by the northern boundaries of Lot 1 on DP 33684 and DP 37044 and the western boundary of DP 37044 to the southern boundary of Lot 6 on DP 32554; thence westerly and northerly by the southern and western boundaries of the said Lot 6 on DP 32554 to the Maraetai Road, thence northerly by a right line to the south-western corner of Lot 24 on DPS 4637; thence northerly by a right line to a point 9 chains and one-half of a chain west of the south-eastern corner of part Lot 1 on DP 29115; thence westerly along the southern boundary of the said part Lot 1 on DP 29115 to its western boundary; thence northerly and north-easterly generally by the western boundary of the said part Lot 1 on DP 29115 to and across Baird Road to a point being 10 chains distant from the north-western intersection of Baird Road and Paraonui Road; thence continuing by a production of the said right line to a point 10 chains distant from the centre line of Baird Road; thence easterly by a line drawn parallel to and at a uniform distance of 10 chains from the centre line of Baird Road to the Whakauru Stream; thence south-easterly generally by the Whakauru Stream to the point of commencement.
- (3) This section shall be deemed to have come into force on 1 April 1959.

8 Provision with regard to further extension of period of appointment of Commissioner for County of Matakaoa

[Repealed]

Section 8: repealed, on 1 January 1962, by section 2(3) of the Local Elections and Polls Amendment Act 1961 (1961 No 22).

9 Provision with respect to closing of certain separate accounts kept by Chatham Islands County Council

Notwithstanding anything to the contrary contained in the Chatham Islands County Council Empowering Act 1936 or the Counties Act 1956, the Chatham Islands County Council may, without further authority than this section, close, from such date as it determines, but in any case not later than 31 March 1960, the separate accounts named the Northern Riding Account, the Central Riding Account, the Eastern Riding Account and the Pitt Island Riding Account respectively, by incorporating in the General Account of the County Fund the balances in those separate accounts.

10 Adoption of rating on unimproved value in County of Eyre

Whereas at a poll of ratepayers pursuant to the Rating Act 1925, taken in the County of Eyre on 19 May 1956 on a proposal to adopt the system of rating on the basis of the unimproved value, the number of votes recorded for the proposal was 394 and the number of votes recorded against the proposal was 209:

And whereas notification of the result of the poll was given by the Returning Officer of the county in the Christchurch *Press* newspaper on 30 May 1956:

And whereas the Chairman of the Eyre County Council omitted to cause a notice of the number of votes recorded for and against the proposal to be published in the *Gazette*, and also in 1 or more newspapers circulating in the county, as required by section 42 of the Rating Act 1925:

And whereas from and after 31 March 1957 the Eyre County Council has made and levied rates on the unimproved value:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Rating Act 1925, or any other Act, the system of rating on the basis of the unimproved value shall be deemed to have been adopted in the County of Eyre from and after 31 March 1957.
- (2) The actions of the Eyre County Council in making and levying rates on that basis for each of the years that ended with 31 March 1958 and 31 March 1959 and for the year ending with 31 March 1960 and in doing all things preliminary thereto, are hereby validated and all such rates are hereby declared to have been lawfully made and levied and to be legally recoverable.
- (3) For the purposes of section 46 of the Rating Act 1925, the date of the gazetting of the notice of the result of the poll held in the county on 19 March 1956 shall be deemed to be 30 May 1956.

11 Validating abolition of riding accounts by Heathcote County Council

Whereas the Heathcote County Council (in this section referred to as the **Council**) by special order passed on 28 August 1953 and confirmed on 25 September 1953, pursuant to section 2 of the Counties Amendment Act 1931, declared that sections 121 and 131 of the Counties Act 1920 should not apply to the Council:

And whereas the Council omitted to forward to the Minister of Internal Affairs, as provided by the said section 2, a copy of the said special order with the appropriate certificate to enable the said special order to be gazetted and to take effect:

And whereas the Council has acted upon the said special order in all respects as if the same had taken effect from 31 March 1954:

Be it therefore enacted as follows:

- (1) The said special order of the Council declaring that sections 121 and 131 of the Counties Act 1920 should not apply to the Council shall be deemed to have taken effect for all purposes, and the said sections 121 and 131 are hereby declared not to have applied to the Council as from 31 March 1954.
- (2) The actions of the Council in closing the separate riding accounts kept pursuant to subsection (3) of section 131 of the Counties Act 1920 by incorporating in the General Account of the County Fund the balances of the said separate accounts, and in disbursing money on a whole county basis instead of a riding basis as from 31 March 1954, are hereby validated and declared to have been lawful.
- (3) The actions of the Council in making and levying all general rates over the county as a whole instead of separately in each riding for each of the years that ended with 31 March 1955, 31 March 1956, 31 March 1957, 31 March 1958, and 31 March 1959, and for the year ending with 31 March 1960, and in doing all things necessary preliminary thereto are hereby validated, and all such rates are hereby declared to have been lawfully made and levied and to be legally recoverable.

12 Authorising raising of special loan by Rodney County Council

Whereas, by Order in Council made on 5 September 1956, consent was given to the raising by the Rodney County Council (in this section referred to as the **Council**) of a loan of 6,000 pounds to be known as the Wellsford Sewerage Loan No 1, for the purpose of constructing a sewerage works in the County Town of Wellsford:

And whereas, after expending the amount of the said loan, the Council expended out of its County Fund Account the sum of 3,000 pounds in completion of those sewerage works:

And whereas it is desirable to authorise the Council to raise a loan of 3,000 pounds for the purpose of recouping its County Fund Account in respect of the sum expended from that account as aforesaid:

Be it therefore enacted as follows:

The Council is hereby authorised and empowered to borrow by way of special loan under the Local Authorities Loans Act 1956 an amount not exceeding 3,000 pounds for the purpose of refunding to its County Fund Account the sum expended from that account for the purpose of completing the said sewerage works.

13 Validating borrowing of certain loan money by Marlborough County Council

Whereas on 10 December 1957 the Local Authorities Loans Board sanctioned the raising by the Marlborough County Council (in this section referred to as the **Council**) of a loan of 14,000 pounds to be known as the Machinery Loan 1957 (in this section referred to as the **loan**):

And whereas contrary to the provisions of the Local Authorities Loans Act 1956, the Council, without first obtaining the consent of the Governor-General in Council, raised the loan:

And whereas it is desirable that the action of the Council in raising the loan should be validated:

Be it therefore enacted as follows:

The action of the Council in raising the loan without the precedent consent of the Governor-General in Council is hereby validated, and the money received by the Council in respect thereof 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.

City, borough, and town councils

14 Validating borrowing of and variation of terms of raising certain loan money by Manurewa Borough Council

Whereas on 30 March 1955, pursuant to subsection (2) of section 22 of the Health Act 1920, the Board of Health issued a requisition (in this section referred to as the **first requisition**) to the Manurewa Borough Council (in this section referred to as the **Council**) to install sewerage works for the Borough of Manurewa subject to proper plans, specifications and estimates of the cost of such works being approved by the Board of Health:

And whereas, doubts having arisen by reason of certain provisions of the Auckland Metropolitan Drainage Act 1944 and its amendments as to the validity of the first requisition, the Board of Health revoked the first requisition and on 17 March 1958 issued a new requisition (in this section referred to as the

second requisition) requiring the Council and the Auckland Metropolitan Drainage Board to carry out the said sewerage works on the terms set out in the second requisition:

And whereas before the revocation of the first requisition and for the purposes of that requisition the Council had, pursuant to certain Orders in Council consenting to the raising of portions of a loan of 208,000 pounds known as the Sewerage Loan 1955 (in this section referred to as the **loan**), borrowed money and issued debentures and stock in respect thereof:

And whereas by Orders in Council made on 22 January 1958, 11 June 1958, and 15 October 1958 consent was given to the raising by the Council of sums of 10,000 pounds, 5,000 pounds, and 50,000 pounds respectively, being portions of the loan:

And whereas 2 of the conditions determined by the Local Government Loans Board in respect of the loan were that the loan should extend over a term of 30 years and that no part thereof should bear interest at a rate exceeding 4% per annum:

And whereas, before the issue of the said Orders in Council, the Council raised the said sums of 10,000 pounds and 5,000 pounds and a sum of 700 pounds being portion of the said sum of 50,000 pounds as part of the loan, on terms providing for the payment of interest thereon at the rate of 5% per annum extending over a term of 10 years, and also raised sums amounting in the aggregate to 12,350 pounds, being portion of the said sum of 50,000 pounds, as part of the loan, on terms providing for the payment of interest thereon at the rate of 5% per annum extending over a term of 6 years:

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 money so as to be able to comply with the terms of the first requisition and in raising the said sums of 10,000 pounds, 5,000 pounds, 700 pounds, and 12,350 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, are hereby validated and all money raised as aforesaid 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.

15 Authorising Newmarket Borough Council to expend certain money in connection with opening of a parking building

The Newmarket Borough Council is hereby authorised and empowered to expend out of its General Account, during the financial year ending on 31 March 1960, the sum of 277 pounds 3 shillings and 5 pence in connection with a function to mark the opening of its parking building in Davis Crescent, Newmarket,

and the expenditure by the Council for that purpose of any part of that sum before the passing of this Act is hereby validated and declared to have been lawfully incurred and made.

16 Validating the terms of an agreement made between Corporation of Borough of Cambridge and Crows' Nest Properties Limited

Whereas the Corporation of the Borough of Cambridge (in this section referred to as the **Corporation**), pursuant to the Public Works Act 1928 and the Municipal Corporations Act 1933, for the purpose of obtaining a water supply for the borough, constructed a reservoir on that piece of land containing 1 rood and 24 perches, more or less, being Lot 2 on Deposited Plan 10077, and being part Allotment 227, Parish of Pukekura, and being also part of the land comprised and described in certificate of title, Volume 7, folio 77, Auckland Registry (in this section referred to as the **first-described land**), and did further construct a pipeline on and over those pieces of land containing respectively 28 perches and seven-tenths of a perch and 16 perches and three-tenths of a perch, more or less, being Lots 1 and 3 on Deposited Plan 10077, being parts Allotment 227, and being also parts of the land comprised and described in certificate of title, Volume 7, folio 77, Auckland Registry (in this section referred to as the **second-described land**):

And whereas the first-described land and the second-described land are now vested in Crows' Nest Properties Limited, a duly incorporated company having its registered office at Hamilton (in this section referred to as the **Company**), and the Corporation has no estate or interest therein:

And whereas the Corporation is desirous of becoming the registered proprietor of an estate in fee simple in the first-described land and of obtaining an easement of pipeline rights and rights of way over the second-described land, and the Company has agreed to transfer the first-described land to the Corporation and to grant such easement over the second-described land in consideration of the Corporation supplying in perpetuity water for domestic purposes and watering of stock to land owned by the Company:

And whereas a Deed of Covenant to give effect to the agreement has been entered into between the Corporation and the Company, a copy thereof being recorded in the Department of Internal Affairs at Wellington under Number IA 105/23:

And whereas there is no legal authority for the Corporation to grant to the Company the perpetual right of water supply hereinbefore referred to:

Be it therefore enacted as follows:

The Corporation shall be deemed to have been duly empowered to agree in and by the said Deed of Covenant to grant in perpetuity to the Company and its successors or assigns a sufficient supply of water for domestic purposes and the watering of stock in respect of the land owned by the Company and described in the said Deed of Covenant, subject to the terms, conditions, and limitations

set out therein, and the said Deed of Covenant shall have effect and be binding on the parties thereto according to the tenor thereof.

17 Authorising Lower Hutt City Council to raise a special loan

Whereas on 22 March 1956 the Local Government Loans Board sanctioned the raising by the Hutt County Council (in this section referred to as the **County Council**) of a loan of 24,500 pounds to be known as the Normandale Water Supply Loan 1956 for the purpose of providing a water supply in that portion of the County of Hutt generally known as Normandale:

And whereas the County Council has raised as part of the said loan the sum of 13,000 pounds:

And whereas by an Order in Council made on 12 June 1957 part of the County of Hutt including the portion generally known as Normandale was excluded from the County of Hutt and included in the City of Lower Hutt as on and from 1 October 1957:

And whereas it is desirable that the Lower Hutt City Council (in this section referred to as the **City Council**) should be authorised to raise the sum of 11,500 pounds being the balance of the said loan:

And whereas the City Council may be required to expend money out of its District Fund Account for the purposes for which the balance of the loan is to be raised:

And whereas doubts have arisen as to whether the City Council has authority to raise the balance of the loan and it is expedient to remove those doubts and to authorise the Council to reimburse its District Fund Account in respect of any money expended thereout as aforesaid:

Be it therefore enacted as follows:

- (1) The City Council is hereby authorised to raise by way of special loan under the Local Authorities Loans Act 1956, and notwithstanding anything in section 34 of that Act, without the prior consent of the ratepayers, an amount not exceeding the sum of 11,500 pounds for the purpose of providing a water supply in Normandale.
- (2) The City Council is hereby authorised to refund to its District Fund Account from the proceeds of the loan when raised any money expended from that Account, whether before the date of the passing of this Act or within 6 months after that date, in respect of the said work.

18 Authorising Auckland City Council to lease certain land

- (1) Notwithstanding anything contained in any Act, the Auckland City Council (in this section referred to as the **Council**) is hereby empowered to grant leases of all or any part or parts of the land described in subsection (3) at such rental or rentals, for such term or terms, with or without rights of renewal, and upon and subject to such covenants and conditions as the Council in its discretion shall

think fit, including, but not by way of limitation, provisions for the lessee to erect within a specified time a building in compliance with the provisions of the Code of Ordinances prepared pursuant to the provisions of the Town and Country Planning Act 1953, any such building to be erected in accordance with the bylaws of the Council and to be so designed that the Council may retain the substantial control, use, and occupation of the ground level of the said land for the purposes of a municipal depot.

- (2) All money received by the Council by way of rent in respect of leases granted under the provisions of this section shall be utilised in the first instance in repayment of loan charges on any loan or loans raised by the Council for the acquisition of the land described in subsection (3) and for the construction of the municipal depot buildings and facilities thereon, and after all such loans are repaid such money shall be paid to the general funds of the Council.

- (3) The land to which this section relates is more particularly described as follows:
All those pieces of land, situated in the City of Auckland, containing together 6 acres 2 roods 34 perches, more or less, being Allotments, 1, 2, 3, 4, 5, 7, 8, 34, 38, 40, 41, 42, and 43, and parts Allotments 6, 9, 10, 11, 12, 13, 14, 15, 16, 35, 36, and 37 of Section 39, City of Auckland, comprised in certificates of title, Volume 7, folios 98 and 220, Volume 41, folio 264, Volume 47, folio 254, Volume 113, folio 122, Volume 129, folio 226, Volume 133, folio 212, Volume 275, folio 149, Volume 336, folio 26, Volume 345, folio 87, Volume 349, folio 10, Volume 356, folio 125, Volume 371, folio 274, Volume 411, folios 299 and 300, Volume 449, folio 217, Volume 529, folios 2, 3, 4, 5, and 6, Volume 584, folio 136, Volume 595, folios 203, 204, 247, and 248, Volume 597, folios 203, 204, 205, 206, 207, 223, 224, 225, 227, 228, and 229, Volume 598, folios 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 70, 73, 74, 77, 78, 113, 114, 115, 116, 117, 118, and 119, Volume 603, folio 19, Volume 606, folio 23, Volume 620, folio 50, Volume 655, folio 114, Volume 687, folio 152, Volume 1117, folio 58, Volume 1120, folio 235, Volume 1367, folio 84, Volume 1505, folio 88, Volume 1555, folio 88, and Volume 1599, folio 99, Auckland Registry.

19 Validating certain expenditure incurred by Eltham Borough Council in connection with anniversary celebrations

The expenditure by the Eltham Borough Council during the financial year ended on 31 March 1959, of the sum of 193 pounds 17 shillings and 11 pence in celebration of the 75th anniversary of the Borough of Eltham, is hereby validated and declared to have been lawfully incurred.

20 Validating certain expenditure incurred by Palmerston North City Council in connection with Sixth Commonwealth Relations Conference

The expenditure by the Palmerston North City Council during the financial year ended on 31 March 1959, of the sum of 364 pounds 1 shilling and 11 pence in connection with the holding of the Sixth Commonwealth Relations

Conference in Palmerston North, and the entertainment of delegates thereto, is hereby validated and declared to have been lawfully incurred.

21 Validating certain expenditure incurred by Roxburgh Borough Council in connection with anniversary celebrations

The expenditure by the Roxburgh Borough Council during the financial year ended on 31 March 1959, of the sum of 143 pounds 14 shillings and 9 pence in celebration of the 80th anniversary of the Borough of Roxburgh, is hereby validated and declared to have been lawfully incurred.

22 Authorising expenditure of certain money by Cromwell Borough Council for development work on certain endowment land

Amendments incorporated in the Act(s).

23 Amending Waimakariri Harbour Act 1946

[Repealed]

Section 23: repealed (with effect on 1 April 1960), on 25 October 1960, by section 12(3) of the Local Legislation Act 1960 (1960 No 107).

24 Authorising Motueka Borough Council to expend certain money upon the Motueka Borough War Memorial

Whereas the Motueka Borough Council (in this section referred to as the **Council**) has, under section 351 of the Municipal Corporations Act 1954, accumulated money in a separate account called the Motueka Borough Reserves Fund Account (in this section referred to as the **Reserves Fund Account**) for the purchase of land to be held as public reserves and for the improvement and development of public reserves:

And whereas the Council has established a war memorial upon land leased with a perpetual right of renewal from the Maori Trustee and that land cannot be vested in the Council as a public reserve within the meaning of section 2 of the Reserves and Domains Act 1953:

And whereas the Council desires to acquire a leasehold interest in other Maori land as an addition to the said war memorial, and desires to develop the whole of the land in accordance with the original plans therefor, but has no funds normally available for that purpose:

And whereas the Council desires to use part of the Reserves Fund Account for the acquisition of the leasehold interest in the additional land and for the development of all the land comprising the said war memorial:

Be it therefore enacted as follows:

Notwithstanding anything to the contrary in the Municipal Corporations Act 1954, the Reserves and Domains Act 1953, or in any other Act, the Council is hereby authorised and empowered to expend so much of the money in the Reserves Fund Account as it may deem desirable and necessary to purchase and

acquire a leasehold interest in Maori land to be held by it as part of the Motueka Borough War Memorial, and further, to expend so much of the said Reserves Fund Account as it may likewise deem desirable and necessary on the improvement and development of all the land comprising the said war memorial.

25 Authorising Warkworth Town Council to expend certain money in connection with 100th anniversary of Warkworth Town Library

The Warkworth Town Council is hereby authorised and empowered to expend out of its General Account, during the financial year ending on 31 March 1960, a sum not exceeding 70 pounds for the purpose of celebrating the 100th anniversary of the Warkworth Town Library and the expenditure by the Council for that purpose of any part of that sum before the passing of this Act is hereby validated and declared to have been lawfully incurred.

26 Authorising Greytown Borough Council to apply certain trust money towards cost of additions to Greytown War Memorial Swimming Baths

Whereas the Greytown Borough Council (in this section referred to as the **Council**) holds certain money amounting to the sum of 190 pounds 7 shillings and 8 pence, with interest thereon from 31 March 1959, in trust for the purposes of a brass band:

And whereas the said money cannot now be applied to the purpose for which it is held in trust:

And whereas it is desirable that the Council should be authorised to expend the said money for the purpose of providing additions to the Greytown War Memorial Swimming Baths:

Be it therefore enacted as follows:

The existing trust for which the said money is held by the Council is hereby discharged and the Council is hereby authorised to expend the said money for the purpose of providing additions to the Greytown War Memorial Swimming Baths.

27 Provision with respect to certain land vested in Corporation of the Borough of Tauranga

Whereas the land described in subsection (4) was taken under the Public Works Act 1928:

And whereas the said land is vested in the Mayor, Councillors, and Citizens of the Borough of Tauranga (in this section referred to as the **Corporation**) for an estate in fee simple for a plant and machinery depot:

And whereas the said land is no longer required for that purpose and the Corporation wishes to lease the said land or any part or parts thereof for a term or terms not exceeding 21 years but with a perpetual right or rights of renewal:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act or rule of law, the vesting in the Corporation as and for a plant and machinery depot of the land described in subsection (4) is hereby cancelled and the land is hereby declared to be vested in the Corporation for an estate in fee simple subject to the provisions of the Municipal Corporations Act 1954 but otherwise freed and discharged from all trusts, reservations, and restrictions heretofore affecting the said land.
- (2) It shall be lawful for the Corporation to lease the said land or any part or parts thereof pursuant to the provisions of that Act.
- (3) The District Land Registrar for the Land Registration District of Auckland is hereby authorised and directed to deposit such plans to accept such documents for registration to make such entries in the register books, and to do all such other things as may be necessary to give effect to this section.
- (4) The land to which this section relates is more particularly described as follows:
All that area of land in the South Auckland Land District containing 1 rood 14 perches and nine-tenths of a perch, more or less, comprising Lots 1, 2, and 3, Deposited Plan S 1236, being parts Allotment 352, Section 1, Town of Tauranga, situated in Block X, Tauranga Survey District, and being part of the land comprised and described in certificate of title, Volume 783, folio 52, Auckland Registry.

28 Authorising Eketahuna Borough Council to make *ex gratia* payments from loan money to certain ratepayers towards cost of installing septic tanks on their properties

Whereas by Order in Council made on 6 August 1958 consent was given to the raising by the Eketahuna Borough Council (in this section referred to as the **Council**) of the sum of 13,000 pounds, to be known as the Sewer Extension Loan 1957 (in this section referred to as the **loan**), for the extension of the sewerage system of the Borough of Eketahuna:

And whereas at the time authority was obtained to the raising of the loan a number of ratepayers in the borough were serviced by a nightsoil collection, or used some chemical process for disposing of nightsoil, as they were unable to connect their premises to the sewerage system existing in the borough:

And whereas certain of those ratepayers will still not be able to connect their properties to the sewerage system of the said borough after the completion of the works undertaken from the proceeds of the loan:

And whereas these ratepayers are nevertheless liable for special rates made by the Council as security for the loan:

And whereas the Council is desirous of ceasing the nightsoil collection service and of utilising a sum not exceeding 500 pounds out of the proceeds of the loan in making *ex gratia* payments not exceeding 25 pounds to each of these ratepayers towards the cost of installing septic tanks on their properties:

Be it therefore enacted as follows:

Notwithstanding anything to the contrary in the Local Authorities Loans Act 1956, or in any other Act, the Council is hereby authorised to divert and apply not more than 500 pounds out of the proceeds of the loan for the purpose of making *ex gratia* payments, of an amount not exceeding 25 pounds, to any of these ratepayers for the purpose aforementioned.

29 Provision with respect to special overdraft of Wellington City Council

Whereas the Wellington City Council (in this section referred to as the **Council**) has from time to time borrowed or owed money on its Tramway Department Account in excess of the limits prescribed by section 20 of the Local Authorities Loans Act 1956:

And whereas it has been necessary for the Council to obtain extended approvals in terms of section 22 of the said Act:

And whereas the liability of the Council to its bankers on its Tramway Department Account as at 31 March 1959 amounted to the sum of 250,000 pounds approximately:

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

Be it therefore enacted as follows:

- (1) The Council is hereby authorised and empowered to borrow from its bankers, by way of special overdraft, the sum of 250,000 pounds to be applied in reduction of that liability.
- (2) The Council shall repay that sum by 10 equal payments out of money credited to its General Account, one such payment to be made in each year during the period of 10 years commencing on 1 April 1960:
provided that the Council may in any year repay out of its General Account an amount greater than a tenth part.
- (3) The sum of 250,000 pounds shall be carried to a separate account at the bank and all payments in reduction of the said sum shall be credited to that account.
- (4) No part of that sum shall hereafter be taken into account, in determining the amount that may be borrowed or that may be owed by the Council on its Tramway Department Account pursuant to section 20 of the Local Authorities Loans Act 1956.

30 Authorising Upper Hutt Borough Council to refund to District Fund Account from loan money

Whereas, before authority was obtained to the raising of a loan of 14,000 pounds to be known as the Pensioners' Cottages Loan 1957 (in this section referred to as the **loan**), the Upper Hutt Borough Council (in this section referred to as the **Council**) expended out of its District Fund Account the sum of 3,000 pounds in the purchase of all that piece of land situated in the Borough of Upper Hutt containing 2 roods, more or less, being part of Section 95 of the

Hutt District, and being also Lot 75 on Deposited Plan Number 3605, and being the whole of the land comprised and described in certificate of title, Volume 571, folio 190, Wellington Registry, for the purposes for which the loan was to be raised:

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

And whereas the Council is desirous of refunding to its District Fund Account out of the proceeds of the loan the sum of 3,000 pounds but has no authority to do so:

Be it therefore enacted as follows:

The Council is hereby authorised and empowered to refund to its District Fund Account out of the proceeds of the loan the sum of 3,000 pounds.

31 Authorising Te Puke Borough Council to apply certain trust money towards cost of constructing memorial swimming baths

Whereas the Te Puke Borough Council (in this section referred to as the **Council**) holds certain money amounting to the sum of 1,500 pounds, in trust for the purposes of extending and improving the Council's swimming baths:

And whereas the said sum is inadequate for that purpose:

And whereas it is desirable that the Council be authorised to pay the said money to the Board of Governors of the Te Puke High School to be applied towards the cost of the completion of the memorial swimming baths being constructed at that school:

Be it therefore enacted as follows:

The existing trust for which the said money is held by the Council is hereby discharged and the Council is hereby authorised to pay the said money to the Board of Governors of the Te Puke High School for the purpose of being applied towards the cost of completing the memorial swimming baths being constructed at that school.

32 Provision with respect to reclamation of certain land vested in Invercargill City Council

Whereas the Corporation of the City of Invercargill (in this section referred to as the **Corporation**) is registered as the proprietor of an estate in fee simple in the land described in subsection (10), upon trust as an endowment for municipal purposes:

And whereas the said land has never been fully reclaimed from the sea and portions thereof are at present covered by the sea at high tides:

And whereas the Corporation has reclaimed portions of the said land over a period of years by the dumping of rubbish and desires now to proceed, by that and other means, with the reclamation of the said land:

And whereas it is desirable that, for the purpose of financing the reclamation and the development of the said land, power and authority be given to the Corporation to deal with the said land in the manner hereinafter appearing:

And whereas for the purpose of expediting the completion of the reclamation of such portion of the said land as lies between Otepunu Creek on the north and Stead Street on the south the Corporation desires to enter into an agreement with the South Island Dredging Company Limited (in this section referred to as the **Company**) for the completion of the reclamation of that portion of the said land, upon terms whereby the Corporation will pay the cost of the works undertaken by the Company by the transfer to the Company of the fee simple of the land described in subsection (4):

And whereas it is desirable that authority be given to the Corporation to enter into such an agreement with the Company:

Be it therefore enacted as follows:

- (1) Notwithstanding anything in section 175 of the Harbours Act 1950, but subject to the provisions of sections 178 to 182 of that Act, the Corporation is hereby empowered to reclaim from the sea such parts of the said land as have not yet been fully reclaimed from the sea.
- (2) Notwithstanding anything in section 175 of the Harbours Act 1950, but subject to the provisions of sections 178 to 182 of that Act, the Corporation is hereby authorised to enter into a contract with the Company for the reclamation by the Company, upon such terms and conditions as may be mutually agreed upon between the Corporation and the Company, of such portion of the said land as lies between the Otepunu Creek on the north and Stead Street on the south by the dredging by the Company from the channel of the Waihopai River Estuary of spoil to be deposited by the Company on that portion of the said land to be reclaimed under that contract.
- (3) Notwithstanding anything in section 175 of the Harbours Act 1950, but subject to the provisions of sections 178 to 182 of that Act, the Corporation is hereby authorised to enter into a further contract or contracts with the Company or with any other person for the carrying out of the reclamation of such other portions of the said land as may be agreed upon between the Corporation and the Marine Department.
- (4) The Corporation is hereby authorised to pay for the works undertaken by the Company under the contract authorised by subsection (2) by the transfer to the Company at such times as may be mutually agreed upon between the Corporation and the Company of an estate in fee simple in—
 - (a) all those pieces of land situated in the City of Invercargill, containing together 1 acre 3 roods 39 perches and eight-tenths of a perch, more or less, being Lots 28 to 35 inclusive on Deposited Plan Number 4971, and being parts of Section 13, Block I, of the Invercargill Hundred, and be-

ing also part of the land comprised and described in certificate of title, Volume 178, folio 181, Southland Registry:

- (b) all that piece of land containing 9 acres, more or less, being part of Section 10, Block III, of the Invercargill Hundred and being part of the land comprised and described in certificate of title, Volume 151, folio 46, Southland Registry, and being such part of the land to be reclaimed under the contract authorised by subsection (2) as may be agreed upon between the Corporation and the Company and defined by survey,

and in the event of the Corporation entering into any further contract or contracts with the Company or with any other person for additional reclamation, the Corporation is hereby authorised to enter into a like arrangement or like arrangements for payment of the cost of such additional reclamation by the transfer to the Company or other person of part of the land so reclaimed.

- (5) Subject to subsection (7) the Corporation may, without further authority than this section, sell or lease any part or parts of the land described in subsection (10) by public auction, public tender, private treaty, or otherwise on such terms and subject to such conditions as it thinks fit, and on the sale of any part thereof any trusts and reservations theretofore affecting such part shall be deemed to be cancelled.
- (6) *[Repealed]*
- (7) No part of the land to be reclaimed shall be sold or leased or otherwise transferred to the Company or any other person until the Minister of Marine has first certified that the reclamation of the part of the land to be sold, leased, or otherwise transferred has been completed to his satisfaction.
- (8) The proceeds from any sale or leasing of any part of the said land shall be applied by the Corporation in or towards the reclamation, improvement, or development of other parts of the said land.
- (9) The District Land Registrar for the Land Registration District of Southland is hereby authorised and directed to accept such documents for registration and to do all such other things as may be necessary to give effect to this section.
- (10) The land to which this section relates is more particularly described as follows:
All that area in the Southland Land District, Invercargill City, containing by estimation 130 acres, more or less, bounded by a line commencing at the intersection of the northern side of Tweed Street and the western side of Ayr Street, and proceeding northerly along the western sides of Ayr Street and Mersey Street to a point in line with the southern boundary of Lot 1 on Deposited Plan Number 4284; thence easterly to and along the southern boundary of Lot 1 on Deposited Plan Number 4284 and that boundary produced to the western side of the Railway Reserve described in a Proclamation published in the *Gazette* of 24 April 1884 at page 693; thence northerly along the western boundary of the said Railway Reserve to the southern side of Spey Street; thence westerly along the southern side of Spey Street to a point in line with the western boundary of

Gasworks Reserve, Block LXXVII, Town of Invercargill; thence northerly and easterly along the western and northern boundaries of the said Gasworks Reserve, to the western side of the Kingston Branch Railway Reserve; thence northerly along the western side of the Kingston Branch Railway Reserve, to the southern boundary of the Railway Reserve described in a Proclamation published in the *Gazette* of 5 April 1928 at page 921; thence westerly and northerly along the southern and western boundaries of the said Railway Reserve to the southern boundary of the land taken for Public Works Depot and described in a Proclamation published in the *Gazette* of 22 July 1950 at page 900; thence westerly along the last-mentioned boundary and that boundary produced to the western side of Mersey Street; thence northerly along the western side of Mersey Street to the southern side of Victoria Avenue; thence westerly along the southern side of Victoria Avenue to the eastern boundary of Section 10, Block III, Invercargill Hundred; thence northerly along the eastern boundary of the said Section 10 to its intersection with the western boundary thereof; thence southerly along the western boundary of the said Section 10 to the northern side of Stead Street; thence easterly along the northern side of Stead Street and Tweed Street to the point of commencement. Excluding from the above-described land all public streets.

Section 32(5): amended, on 8 November 1974, by section 3(2)(a) of the Local Legislation Act 1974 (1974 No 147).

Section 32(6): repealed, on 8 November 1974, by section 3(2)(b) of the Local Legislation Act 1974 (1974 No 147).

Section 32(8): amended, on 8 November 1974, by section 3(2)(c) of the Local Legislation Act 1974 (1974 No 147).

Harbour boards

33 Provision with respect to overdraft of Havelock Harbour Board

Whereas the Havelock Harbour Board (in this section referred to as the **Board**) has from time to time borrowed and owed money to its bankers in excess of the limits prescribed by the Local Authorities Loans Act 1956:

And whereas the aforesaid excess borrowing and owing of money has occurred through exceptional expenditure on harbour improvements:

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

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Local Authorities Loans Act 1956, or in any other Act, all money heretofore borrowed and owed by the Board to its bankers in excess of the limits prescribed by that Act, shall for all purposes be deemed to have been at all times lawfully borrowed and owed by the Board.

- (2) For the purpose of repaying its outstanding liabilities, the Board is hereby authorised and empowered to borrow from its bankers, by way of special overdraft, the sum of 1,800 pounds.
- (3) The Board shall repay the said sum of 1,800 pounds by 5 equal payments out of money credited to its General Account, one such payment to be made in each year during the period of 5 years that commenced with 1 October 1959: provided that the Board may in each year repay out of its General Account an amount greater than a fifth part.
- (4) The said sum of 1,800 pounds shall be carried to a separate account at the bank and all payments made in reduction of the said sum shall be credited to that account.
- (5) The said sum of 1,800 pounds shall not at any time heretofore be deemed to have been taken into account, nor shall any amount at any time lawfully owing under this section hereafter be taken into account, in determining the amount that may be borrowed or that may be owed by the Board pursuant to section 20 of the Local Authorities Loans Act 1956.
- (6) This section shall be deemed to be a special Act within the meaning of the Harbours Act 1950.

34 Validating variation of terms of raising certain loan money by Bay of Islands Harbour Board

Whereas by Order in Council made on 17 December 1956 consent was given to the raising by the Bay of Islands Harbour Board (in this section referred to as the **Board**) of a sum of 40,000 pounds to be known as the Bay of Islands Harbour Board Loan 1956 (in this section referred to as the **loan**):

And whereas 2 of the conditions determined by the Local Government Loans Board in respect of the loan were that the loan should extend over a term of 30 years and that no part of the loan should bear interest at a rate exceeding four and seven-eighths per cent per annum:

And whereas the Board borrowed a sum of 7,800 pounds as part of the loan on terms providing for the payment of interest at 5% per annum extending over a term of 25 years:

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

Be it therefore enacted as follows:

The action of the Board in raising the sum of 7,800 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 7,800 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 Board and shall have full force and effect according to their tenor.

Electric power boards

35 Validating purchase by Westland Electric Power Board of the whole of the shares in Kanieri Electric Limited

Whereas by an agreement made on 15 January 1959 between the Westland Electric Power Board (in this section referred to as the **Board**), of the one part, and Plymouth Holdings Limited, of the other part, a copy of which has been deposited in the office of the New Zealand Electricity Department at Wellington, the Board agreed to purchase and Plymouth Holdings Limited agreed to sell the whole of the shares in Kanieri Electric Limited for the sum of 112,000 pounds:

And whereas by Order in Council made on 18 February 1959 the Board was authorised to purchase the whole of the shares in Kanieri Electric Limited:

And whereas doubts have arisen as to the authority of the Board to enter into the said agreement and as to the validity of the said Order in Council:

And whereas it is desirable that the said agreement and the said Order in Council be validated:

Be it therefore enacted as follows:

- (1) The said agreement is hereby validated and declared to have been lawfully made.
- (2) The said Order in Council, authorising the purchase by the Board of the whole of the shares in Kanieri Electric Limited, is hereby validated and shall have and be deemed to have had full force and effect according to its tenor as from the date of the making thereof.

36 Validating borrowing of and variation of terms of raising certain loan money by Otago Central Electric Power Board

Whereas by Order in Council made on 11 November 1957 consent was given to the raising by the Otago Central Electric Power Board (in this section referred to as the **Board**) of a loan of 20,000 pounds to be known as the Extensions Loan 1957 (in this section referred to as the **loan**):

And whereas one of the conditions determined by the Local Government Loans Board in respect of the loan was that no part of the loan should bear interest at a rate exceeding four and seven-eighths per annum:

And whereas, before the issue of the said Order in Council, the Board raised the sum of 5,000 pounds as part of the loan, on terms providing for the payment of interest thereon at the rate of 5% per annum:

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

Be it therefore enacted as follows:

The actions of the Board in raising the sum of 5,000 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 5,000 pounds shall be deemed to have been lawfully borrowed and all debentures issued in respect thereof shall be deemed to have been lawfully executed and issued by the Board and shall have full force and effect according to their tenor.

37 Validating variation of terms of raising certain loan money by Central Waikato Electric Power Board

Whereas by Order in Council made on 27 April 1959 consent was given to the raising by the Central Waikato Electric Power Board (in this section referred to as the **Board**) of a loan of 168,250 pounds to be known as the General Development Loan 1958 (in this section referred to as the **loan**):

And whereas 2 of the conditions determined by the Local Authorities Loans Board in respect of the loan were that the loan should extend over a term of 20 years and that the loan, together with interest thereon, should be repaid by equal aggregate annual or half-yearly instalments extending over that period:

And whereas the Board has raised the sum of 77,500 pounds as part of the loan on terms that it should be repaid by payments of 6,000 pounds on 15 May 1960, 15 May 1961, and 15 May 1962, 5,000 pounds on 15 May 1963, 3,900 pounds on 15 May 1964, 10,000 pounds on 15 May 1965, 8,600 pounds on 15 May 1966, 10,000 pounds on 15 May 1967, 14,500 pounds on 15 May 1968, 7,000 pounds on 15 May 1969, and 500 pounds on 15 May 1971:

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

Be it therefore enacted as follows:

The action of the Board in raising the sum of 77,500 pounds as part of the loan, otherwise than in accordance with the conditions determined by the Local Authorities Loans Board, is hereby validated and the sum of 77,500 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 Board and shall have full force and effect according to their tenor.

Affecting 2 or more classes of public bodies

38 Special provision with respect to reorganisation scheme of Local Government Commission

- (1) Notwithstanding anything contained in the Municipal Corporations Act 1954 or the Local Government Commission Act 1953 or in any other Act, any reorganisation scheme approved by the Local Government Commission (in this section referred to as the **Commission**) providing for the constitution of a new borough comprising the present boroughs of Devonport, Birkenhead, Northcote, Takapuna and East Coast Bays and any area or areas of the County of Waitemata adjoining any of those boroughs, may provide for the division of the

new borough into such number of wards not exceeding 7 as the Commission considers desirable and may, if the Commission thinks fit, include a condition that the Council of that borough shall not be entitled for a specified period not exceeding 10 years, to abolish or alter the boundaries of any of those wards or wholly redivide the borough into wards or declare that the division into wards is to be for the purposes of representation only.

- (2) Any Order in Council made pursuant to section 35 of the Local Government Commission Act 1953 constituting a new borough in accordance with the provisions of any such reorganisation scheme may make such provision with respect to the division of that borough into wards as may be necessary to give full effect to that scheme.

39 Authorising Auckland Harbour Board to lease Onepoto Basin to Northcote Borough Council

- (1) Notwithstanding the provisions of the Harbours Act 1950 the Auckland Harbour Board (in this section referred to as the **Board**) is hereby empowered to lease for a term of 50 years from the date of the passing of this Act to the Northcote Borough Council (in this section referred to as the **Council**) for recreation purposes, at such rental and upon such terms and conditions as the Board and the Council may determine, the portion of Shoal Bay, in the Auckland Harbour, known as Onepoto Basin, and being portion of the land in certificate of title, Volume 355, folio 147, Auckland Registry, and comprising approximately 47 acres and 1 rood, a plan of which area has been deposited at the office of the Chief Surveyor at Auckland under Number SO 40967.
- (2) Notwithstanding anything in section 175 of the Harbours Act 1950, but subject to the provisions of sections 178 to 182 of that Act, the Council is hereby empowered to reclaim the said Onepoto Basin and develop it for recreation purposes pursuant to the provisions of the Reserves and Domains Act 1953.
- (3) All payments heretofore made by the Council in connection with the reclamation and development of the said Onepoto Basin are hereby validated and declared to have been lawfully incurred.
- (4) The Board is hereby empowered to transfer and the Council is hereby empowered to acquire the fee simple of the land described in subsection (1) on such terms and conditions as may be specified in the lease.
- (5) Section 7 of the Auckland Harbour Board and other Local Bodies Empowering Act 1931 is hereby repealed.

40 Authorising Auckland City Council to enter into agreement with certain local authorities with respect to Mangere Airport

Whereas the Auckland City Council (in this section referred to as the **Council**) pursuant to section 31 of the Finance Act (No 3) 1944, proposes to enter into an agreement (in this section referred to as the **principal agreement**) with the Minister of Works (in this section referred to as the **Minister**) for the establish-

ment, maintenance, control, and management of an airport at Mangere near Auckland (in this section referred to as the **works**) and for the apportionment or allocation as between the Council and the Minister of the cost of establishing, maintaining, controlling, and managing the works:

And whereas the Council also proposes to enter into a further agreement (in this section referred to as the **subsidiary agreement**) with certain other local authorities providing for contributions by the said local authorities towards the costs and expenses incurred and to be incurred by the Council in negotiating and performing its obligations under the principal agreement:

And whereas doubts have arisen as to the powers of the Council and the said local authorities to enter into and be bound by the subsidiary agreement:

And whereas it is expedient that such doubts be removed:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act or rule of law, after the principal agreement has been entered into between the Council and the Minister, or contemporaneously therewith, the Council and any other local authority or local authorities are hereby authorised and empowered to enter into and perform their obligations under the subsidiary agreement which shall be binding on all the parties thereto.
- (2) The subsidiary agreement may provide—
 - (a) for the payment to the Council by any party to the agreement of any contribution payable by that party under that agreement, either in one sum, or by instalments spread over any period, or by yearly or other payments as and when the costs of the Council under the principal agreement are ascertained:
 - (b) for the payment to the Council by any party to the agreement in respect of money payable by that party of interest at such rate as the Minister of Finance approves:
 - (c) for the giving by any party to the agreement of security for the payment of any money payable by that party under the agreement:
 - (d) for the appointment by the parties to the agreement, in such manner and on such terms and conditions as may be mutually agreed upon, of a joint standing or special committee to which may be delegated such of the Council's powers under the principal agreement in relation to the works as may be mutually agreed upon:
 - (e) for the variation of the agreement from time to time by the introduction of such additional local authorities as may agree to be bound by its terms, and for the alteration of the contributions to be made to the Council consequent thereon:

- (f) for such other terms and conditions as may be mutually agreed upon which are in the opinion of the Minister of Works incidental to the general arrangement.
- (2A) Any joint standing or special committee appointed pursuant to paragraph (d) of subsection (2) shall be deemed to be a public body for the purposes of subsection (2) of section 2 of the Local Authorities (Members' Contracts) Act 1954.
- (3) Where the money to be paid by any local authority under the subsidiary agreement is not all to be payable within the financial year in which the subsidiary agreement is entered into, that money or so much thereof as consists of principal or the capital value of any instalments shall be paid upon and subject to such terms and conditions as the Minister of Finance thinks fit, and nothing in Part 1 of the Local Authorities Loans Act 1956 or in the Local Authorities Empowering (Aviation Encouragement) Act 1929 shall apply to money to be paid by a local authority under the subsidiary agreement.
- (4) For the purpose of providing any of the money to be paid or expended by any local authority under the subsidiary agreement, the local authority may from time to time borrow money by way of special loan under the Local Authorities Loans Act 1956 by special order, and notwithstanding anything contained in section 34 of that Act, without the prior consent of the ratepayers.
- (5) For the purpose of providing any of the money to be paid or expended by any local authority under the subsidiary agreement, the local authority shall, in addition to any other rating power have power to make levy and collect a rate over the whole of its district or over any defined part or parts thereof which, in its opinion, are particularly benefited by the works.
- (6) If default is made by a local authority for more than 14 days in payment of any amount due by it under the subsidiary agreement, the amount in respect of which default has been made together with interest at the rate of 5% per annum or at such other rate as may be provided by the subsidiary agreement, shall be recoverable as a debt due by the local authority in default to the Council.
- (7) A certificate under the hand of the City Treasurer of the Council shall, until the contrary is proved, be sufficient evidence of the amount in respect of which default has been made as aforesaid and of the date on which it was payable.

Section 40(2)(d): amended, on 25 October 1960, by section 30(a) of the Local Legislation Act 1960 (1960 No 107).

Section 40(2A): inserted, on 25 October 1960, by section 30(b) of the Local Legislation Act 1960 (1960 No 107).

Miscellaneous

41 Validating variation of terms of raising certain loan money by Wairoa Hospital Board

Whereas by Order in Council made on 23 March 1950 consent was given to the raising by the Wairoa Hospital Board (in this section referred to as the **Board**)

of a loan of 156,000 pounds, to be known as the Rebuilding (Second Stage) Loan 1949 (in this section referred to as the **loan**):

And whereas the Board has raised a sum of 11,650 pounds, as part of the loan, on terms that it should be repaid by payment of 2,900 pounds on 24 February 1960, 2,000 pounds on 24 February 1961, 1,000 pounds on 24 February 1962, 2,750 pounds on 24 February 1965, and 3,000 pounds on 24 February 1966:

And whereas one of the conditions determined by the Local Government Loans Board in respect of the raising of the said sum of 11,650 pounds was that that sum should be repaid over a term of 25 years:

And whereas it is desirable that the action of the Board in raising the said sum otherwise than in accordance with the conditions determined by the Local Government Loans Board be validated:

Be it therefore enacted as follows:

The action of the Board in raising the sum of 11,650 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 said sum of 11,650 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 Board and shall have full force and effect according to their tenor.

42 Authorising Auckland Metropolitan Drainage Board to make *ex gratia* payment in respect of contract

Whereas by an agreement dated 18 November 1957 made between the Auckland Metropolitan Drainage Board (in this section referred to as the **Board**), of the one part, and Wilkins and Davies Construction Company Limited and Mason Brothers Limited, in association (in this section referred to as the **contractors**), of the other part, the contractors agreed to construct and install the sewerage purification plant forming part of the Board's Manukau scheme of main sewerage:

And whereas the contractors are constructing and installing the said plant:

And whereas in compiling the schedule of quantities in respect of the said works the contractors made certain errors and omissions in respect of a number of items aggregating in value the sum of 70,423 pounds 17 shillings and 7 pence:

And whereas the Board, having regard to the special circumstances pertaining to this contract and to the hardship which the contractors would otherwise suffer, is desirous of making a payment of 70,423 pounds 17 shillings and 7 pence to the contractors:

Be it therefore enacted as follows:

The Board is hereby authorised and empowered to pay the sum of 70,423 pounds 17 shillings and 7 pence to the contractors by way of compensation.

43 Authorising Otago Provincial Patriotic Council to transfer certain land to Port Chalmers Borough Council

Whereas the land described in subsection (3) is vested in the Otago Provincial Patriotic Council (in this section referred to as the **Council**) for the purposes of the Council:

And whereas the Council does not require the said land and desires to transfer the said land to the Chairman, Councillors, and Citizens of the Borough of Port Chalmers (in this section referred to as the **Corporation**) for the general purposes of the Corporation:

And whereas the Council has no authority to transfer the said land:

Be it therefore enacted as follows:

- (1) The Council may, without further authority than this section, transfer the land described in subsection (3) to the Corporation without consideration for the general purposes of the Corporation, and on the transfer of the said land any trust heretofore affecting the same shall be deemed to be cancelled.
- (2) The District Land Registrar for the Land Registration District of Otago 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.
- (3) The land to which this section relates is more particularly described as follows:
All that parcel of land situated in the Borough of Port Chalmers containing 27 perches, more or less, being part of Section 77 of the Town of Port Chalmers, and being all the land comprised and described in certificate of title, Volume 266, folio 160, Otago Registry, with the exceptions and subject to the encumbrances mentioned in the said certificate of title.

44 Further extending period during which classification for rating purposes of certain land in Wairarapa Catchment District shall continue in force

[Repealed]

Section 44: repealed, on 25 October 1963, by section 32(3) of the Local Legislation Act 1963 (1963 No 138).

Contents

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- 2 Status of reprints
- 3 How reprints are prepared
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- 5 List of amendments incorporated in this reprint (most recent first)

Notes**1 General**

This is a reprint of the Local Legislation Act 1959. 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)

Local Legislation Act 1974 (1974 No 147): section 3(2)

Hutt County Special Rates Amalgamation Act 1970 (1970 No 11 (L)): section 2(2)

Local Legislation Act 1963 (1963 No 138): section 32(3)

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

Local Legislation Act 1960 (1960 No 107): sections 12(3), 30