

**Reprint
as at 10 May 2016**



**Health Sector Transfers (Wellington City Council) Order
2002
(SR 2002/393)**

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 9th day of December 2002

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to sections 2(6) and 5 of the Health Sector (Transfers) Act 1993, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following order.

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Note

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

This order is administered by the Ministry of Health.

Order

1 Title

This order is the Health Sector Transfers (Wellington City Council) Order 2002.

2 Commencement

This order comes into force on 19 December 2002.

3 Wellington City Council to be transferee

The Wellington City Council is declared to be a transferee for the purposes of the Health Sector (Transfers) Act 1993.

4 Approval of proposal

The proposal set out in the Schedule is approved.

5 Provisions facilitating transfer of assets

It is declared that, on and from 19 December 2002,—

- (a) every reference to Capital and Coast DHB (a district health board established by the New Zealand Public Health and Disability Act 2000) in any notice or document (other than an enactment) that relates to the assets transferred by this order is deemed to be a reference to the Wellington City Council; and
- (b) Wellington City Council assumes any rights and obligations of Capital and Coast DHB under applications, objections, or proceedings that—
 - (i) relate to the assets transferred by this order; and
 - (ii) are pending on 19 December 2002 before any court, authority, or other person; and
- (c) this order is deemed to be notice to all persons, and specific notice need not be given to any authority or other person.

Schedule

Proposal for transfer of assets

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1 Background

This proposal, which has been agreed to by the Wellington City Council, has been prepared in accordance with section 5 of the Health Sector (Transfers) Act 1993 to transfer from Capital and Coast DHB to the Wellington City Council 2 areas of land in Wellington that were formerly part of the land known as the Chest Hospital land. As soon as practicable after the transfer date, the Welling-

ton City Council will be required to preserve the open space character of the larger area of land and give the public access to the land. Although the land will not legally form part of the Wellington Town Belt, the intention is that members of the public will be able to enjoy the land together with the surrounding Town Belt.

Because buildings are located on the smaller area of land, it must, for the time being, be treated separately from the larger area. However, the intention is that, in the longer term, the smaller area of land will be treated in substantially the same way as the larger area.

2 Interpretation

In this proposal, unless the context otherwise requires,—

Council means the Wellington City Council

DHB means Capital and Coast DHB, a district health board established by the New Zealand Public Health and Disability Act 2000

larger area of land means all that parcel of land containing an area of approximately 2.3028 hectares, being lot 3 on land transfer plan 316137, and being part of the land comprised and described in certificate of title 45C/357 (Wellington Registry)

reserve lands means the larger area of land and the smaller area of land

smaller area of land means all that parcel of land containing an area of approximately 8973 square metres, being lot 4 on land transfer plan 316137, and being part of the land comprised and described in certificate of title 45C/357 (Wellington Registry).

3 Transferor

The transferor is the DHB.

4 Transferee

The transferee is the Council.

5 Description of assets to be transferred

The assets to be transferred are the DHB's estates and interests in the reserve lands.

6 Value attributed to assets for purposes of transfer

For the purposes of the transfer, the value attributed to the assets referred to in clause 5 is nil as at the transfer date.

7 Transfer of assets without consideration

The assets referred to in clause 5 are transferred without the DHB receiving any asset in return.

8 Transfer date

The transfer date is 19 December 2002.

9 Council's obligations in relation to larger area of land

[Revoked]

Schedule clause 9: revoked, on 10 May 2016, by section 29(2) of the Wellington Town Belt Act 2016 (2016 No 1 (L)).

10 Council's obligations in relation to smaller area of land

[Revoked]

Schedule clause 10: revoked, on 10 May 2016, by section 29(2) of the Wellington Town Belt Act 2016 (2016 No 1 (L)).

11 Council's obligations in relation to reserve lands

[Revoked]

Schedule clause 11: revoked, on 10 May 2016, by section 29(2) of the Wellington Town Belt Act 2016 (2016 No 1 (L)).

12 Execution of proposal

This proposal is dated 3 December 2002 and is signed by the transferring Ministers, Annette Faye King, Minister of Health, and Michael John Cullen, Minister of Finance.

Annette Faye King,
Minister of Health

Michael John Cullen,
Minister of Finance

Marie Shroff,
Clerk of the Executive Council.

Reprints notes

1 *General*

This is a reprint of the Health Sector Transfers (Wellington City Council) Order 2002 that incorporates all the amendments to that order as at the date of the last amendment to it.

2 *Legal status*

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

3 *Editorial and format changes*

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

4 *Amendments incorporated in this reprint*

Wellington Town Belt Act 2016 (2016 No 1 (L)): section 29