ANALYSIS

Title
Preamble
1. Short Title
2. Interpretation

PART I
RATES VALIDATION
3. Validating Lyttelton Borough Council excess rate
4. Validating Wairewa County Council rates
5. Validating Akaroa County Council rates
6. Transitional quarter rates
7. Validating Banks Peninsula District Council general rates

PART II
GOVERNORS BAY WATER AND SEWERAGE
8. Interpretation
9. Validation of loan
10. Extension of loan servicing area
11. Repeal of empowering Act

PART III
REMOVAL OF TRUSTS
12. Land freed from reservations
13. Validation of prior actions
14. Certificates of title

PART IV
REPEAL OF LYTTELTON BOROUGH EXTENSION ACT 1911
15. Repeals
16. Consequential provisions
Schedules

1994, No. 2—*Local*

An Act—

(a) To validate certain rates of the Banks Peninsula District Council and of certain former authorities of the Banks Peninsula District Council; and

(b) To make better provision for funding the capital costs of the existing water and sewerage schemes at Governors Bay, to validate certain prior funding arrangements, and to repeal the Mount Herbert County Council (Lump Sum Contributions) Empowering Act 1987; and

(c) To remove trust notations on certain properties in Lyttelton and to validate transactions in respect of certain of those properties; and

(d) To repeal the Lyttelton Borough Extension Act 1911 and its amendments [*1 September 1994*

WHEREAS—

PART I

RATES VALIDATION

Lyttelton Borough Council

(a) The Lyttelton Borough Council resolved on the 22nd day of July 1988 to make and levy a differential general rate on the annual value of every rateable property within its district for the year ended with the 31st day of March 1989:

(b) The general rate exceeded in that year the sum of 18 cents in the dollar on the annual value, in breach of section 136 of the Local Government Act 1974:

(c) It is desirable to validate the making, levying and collection of that general rate:

Wairewa County Council

(d) By resolution dated the 9th day of June 1989 the Wairewa County Council resolved to give public notice in terms of section 52 of the Rating Act 1967 of its intention to make and levy a certain general rate at its meeting to be held on the 21st day of July 1989:

(e) Public notice of the Wairewa County Council's intention to make and levy the general rate and to add 10 percent additional charges on unpaid rates, on the dates specified in the notice, was given in *The Press* on the 28th day of June 1989:

(f) By resolution dated the 21st day of July 1989 the Wairewa County Council purported to make and levy pursuant to sections 136 and 143 of the Local Government Act 1974 a general rate of 0.8084 cents in the dollar on the capital value of all rateable property within the County for the year ended with the 31st day of March 1990:

(g) By virtue of the Rating Powers Act 1988, all of the provisions referred to in the resolutions of the 9th day of June 1989 and the 21st day of July 1989 had been repealed at the time the resolutions were made:

(h) Notwithstanding that the Wairewa County Council did not resolve to prescribe additional charges to be added to unpaid rates in accordance with section 132 of the Rating Powers Act 1988, additional charges of

10 percent were added to so much of the first, second, and third instalments of rates as remained unpaid after the 19th day of June 1989, the 19th day of October 1989 and the 19th day of February 1990 respectively:

(i) It is desirable to validate the making, levying and collection of the general rate and the addition of additional charges:

Akaroa County Council

(j) By resolution dated the 4th day of August 1989 the Akaroa County Council resolved to give public notice of its intention to make and levy certain rates for the year ended with the 31st day of March 1990:

(k) Public notice of the Akaroa County Council's intention to make and levy the following rates and levy for the year ended with the 31st day of March 1990 was given in *The Press* on the 5th day of August 1989:

(i) A general rate pursuant to section 175 of the Local Government Amendment Act (No. 3) 1977 on the capital value of all rateable property in the rural ridings of the County of 1.0394 cents in the dollar:

(ii) A separate rate pursuant to section 143 of the Local Government Act (No. 3) 1977 (Pigeon Bay Hall) on the capital value of all rateable property in the riding of Pigeon Bay of 0.0126 cents in the dollar:

(iii) A consolidated rate pursuant to section 175 of the Local Government Amendment Act (No. 3) 1977 on the land value of all rateable property in the Akaroa riding of 1.9857 cents in the dollar made up as follows:

— A general rate pursuant to section 139 of the Local Government Act (No. 3) 1977 of 1.7067 cents in the dollar; and

— A separate sewerage rate pursuant to section 143 (c) of the Local Government Amendment Act (No. 3) 1977 and the Sanitation Bylaw 1965 of 0.279 cents in the dollar:

(iv) A sanitation levy pursuant to section 162 of the Local Government Amendment Act (No. 3) 1977, the Akaroa County Council Empowering Act 1962 and the Sanitation Bylaw 1965 of $45 per water closet connected to the Akaroa urban drainage area with

the proviso that where a dwelling used solely for residential purposes has 2 or more pans the charge for the second or additional pans shall be $15:

(l) The public notice also stated that an additional charge of 10 percent pursuant to section 132 of the Rating Powers Act 1988 shall be added to all outstanding rates (including the sanitation levy) remaining unpaid in respect of instalments 1, 2, and 3 after the 15th day of June 1989, the 15th day of October 1989, and the 15th day of February 1990 respectively:

(m) The public notice also stated that a minimum rate to be struck on any property shall be $11.19 pursuant to section 109 (2) of the Rating Powers Act 1988:

(n) There was no resolution passed by the Akaroa County Council on the 28th day of August 1989 in terms of the public notice, and therefore the rates and levy were not made and the additional charges were not prescribed:

(o) All references to the Local Government Amendment Act (No. 3) 1977 and the Local Government Act (No. 3) 1977 in the public notice and in the earlier resolution were incorrect references to provisions which had been repealed by the Rating Powers Act 1988:

(p) The minimum rate specified in the public notice exceeded $10, in breach of section 109 (2) of the Rating Powers Act 1988:

(q) There is doubt whether the Akaroa County Council was empowered to levy more than 1 additional sanitation levy on residential properties:

(r) It is desirable to validate the levying and collection of the rates and levy by the Akaroa County Council in the year ended with the 31st day of March 1990, and to validate the minimum rate of $11.19, and the addition of additional charges in that year:

Banks Peninsula District Council

(s) To the extent that the validity of any rates levied by the Banks Peninsula District Council under the provisions of Part I of the Local Government Reform (Transitional Provisions) Act 1990 may have been affected by the invalidity of the rates and levies made in the previous year by the Wairewa County Council and the Akaroa County Council, it is desirable that those rates be validated:

(t) Clause 148 of the Local Government (Canterbury Region) Reorganisation Order 1989 provided that the system of rating in the Banks Peninsula District was to be the capital value system, provided that, until the 30th day of June 1992, the system in the area of the former Lyttelton Borough was to be the annual value system, and the system in those parts of the former Akaroa County in which the rates were made and collected on the land value system, was to be the land value system:

(u) By resolution dated the 28th day of November 1990, the Banks Peninsula District Council purported to make and levy differential general rates for the year ended with the 30th day of June 1991 in the area of the former Lyttelton Borough, in accordance with the system of differential rating in force in that area immediately before the 1st day of November 1989, as follows:

— 18.165 cents in the dollar on the annual value of industrial properties; and

— 16.258 cents in the dollar on the annual value of commercial properties; and

— 10.782 cents in the dollar on the annual value of residential properties:

(v) By that resolution dated the 28th day of November 1990, the Banks Peninsula District Council also purported to make and levy the following general rates for the year ended with the 30th day of June 1991:

— 1.5415 cents in the dollar of land value on all separately rateable properties in the area of the Akaroa ward in which the Council was required to rate on land value (Akaroa Township); and

— 0.9463 cents in the dollar on the capital value of all separately rateable properties in the balance of the Akaroa ward (Akaroa rural); and

— 0.6961 cents in the dollar on the capital value of all separately rateable properties in the Wairewa ward; and

— 0.3134 cents in the dollar on the capital value of all separately rateable properties within

the area of the former Mount Herbert County—

and a uniform annual general charge of $150 on every separately rateable property within the area of the former Mount Herbert County:

(w) By resolution dated the 26th day of February 1992, the Banks Peninsula District Council purported to make and levy a differential general rate for the year ended with the 30th day of June 1992 in the area of the former Lyttelton Borough, in accordance with the system of differential rating in force in that area immediately before the 1st day of November 1989, as follows:

— 16.80607 cents in the dollar on the annual value of each industrial property; and

— 16.14531 cents in the dollar on the annual value of each commercial property; and

— 10.78388 cents in the dollar on the annual value of each residential property:

(x) By that resolution dated the 26th day of February 1992, the Banks Peninsula District Council also purported to make and levy the following general rates for the year ended with the 30th day of June 1992:

— 1.5435 cents in the dollar on the land value of all separately rateable property in the area of the Akaroa ward in which the Council was required to rate on land value (Akaroa Township); and

— 0.932089 cents in the dollar on the capital value of all separately rateable property in the balance of the Akaroa ward (Akaroa rural); and

— 0.69692 cents in the dollar on the capital value of all separately rateable property in the Wairewa ward; and

— 0.307168 cents in the dollar on the capital value of all separately rateable property in the area of the former Mount Herbert County—

and a uniform annual general charge of $150 on every rateable property in the area of the former Mount Herbert County:

(y) Notwithstanding clause 148 of the Local Government (Canterbury Region) Reorganisation Order 1989, the

making and levying of different general rates in different parts of the district for the years ended with the 30th day of June 1991 and the 30th day of June 1992, was contrary to section 12 of the Rating Powers Act 1988:

(z) The making and levying of a uniform annual general charge only in the area of the former Mount Herbert County for the years ended with the 30th day of June 1991 and the 30th day of June 1992 was contrary to section 19 of the Rating Powers Act 1988:

(za) It is desirable that the general rates and uniform annual general charges made and levied by the Banks Peninsula District Council for the years ended with the 30th day of June 1991 and the 30th day of June 1992, be validated:

PART II

GOVERNORS BAY WATER AND SEWERAGE

(zb) By requisition dated the 22nd day of April 1986, the Board of Health pursuant to section 25 (2) of the Health Act 1956, required the Mount Herbert County Council to provide water and sewerage schemes at Governors Bay:

(zc) The Mount Herbert County Council (Lump Sum Contributions) Empowering Act 1987 (hereinafter referred to as "the Act") gave the Mount Herbert County Council wider powers to invite lump sum contributions than existed at that time under the Local Government Act 1974:

(zd) The powers to invite lump sum contributions under the Act applied to any water works within a water supply area constituted under section 377 of the Local Government Act 1974, or to any drainage works within an urban drainage area constituted under section 443 of that Act:

(ze) By special orders resolved on the 17th day of February 1988 and confirmed on the 16th day of March 1988, the Mount Herbert County Council altered the boundaries of the Governors Bay urban drainage area, and constituted the Governors Bay water supply area:

(zf) The urban drainage area and the water supply area were defined by reference to a plan, drawing number 4708/2 prepared by E R Garden & Partners Limited

dated the 17th day of August 1984, but subject to the exclusion of certain specified properties:

(zg) Two properties excluded from the urban drainage area were included in the water supply area, but otherwise the areas were identical:

(zh) By special order resolved on the 17th day of February 1988 and confirmed on the 16th day of March 1988, the Mount Herbert County Council resolved to raise a special loan of $1,900,000, to be known as the Governors Bay Water and Sewerage Loan 1988, to provide reticulated water and sewerage services in the Governors Bay area:

(zi) Contrary to section 26 of the Local Authorities Loans Act 1956, the special order to raise the special loan omitted to specify the amount applicable to the Governors Bay water scheme and the amount applicable to the Governors Bay sewerage scheme, notwithstanding that the two schemes were otherwise treated as separate purposes by the Mount Herbert County Council, and were to be secured over areas of the county which were not identical:

(zj) On the 28th day of March 1988, in reliance on the Act, the Mount Herbert County Council resolved to invite lump sum capital contributions in respect of the water works and sewerage works, and to fund so much of the capital costs as was not met by the lump sum capital contributions by uniform annual charges on separately habitable lots:

(zk) Approximately 104 properties elected the lump sum contribution option in respect of the water works, and 105 properties elected the lump sum contribution option in respect of the sewerage works:

(zl) In December 1988 the Mount Herbert County Council raised $950,000 of the Governors Bay Water and Sewerage Loan 1988 by a subscription of stock which matured on the 1st day of December 1990:

(zm) Since the maturity of the initial issue of stock, the Banks Peninsula District Council has financed the sum raised by way of overdraft until the 25th day of March 1992, and subsequently by way of a 90 day commercial bill facility:

(zn) The means by which funds have been raised under the purported authority of the Governors Bay Water and Sewerage Loan 1988 since the 1st day of December

1990 are contrary to the provisions of the Local Authorities Loans Act 1956 and the determinations of the Local Authorities Loans Board under that Act:

(zo) Following the alteration of the residential zone boundary in Governors Bay, residential properties outside the urban drainage area and the water supply area have connected to the completed schemes, and properties outside the areas are capable of being developed as residential properties and of connecting to the schemes:

(zp) It is desirable that provision be made to authorise contributions, either by uniform annual charges or lump sum contributions to the original capital costs of the water supply and sewerage schemes from those properties benefiting or capable of benefiting from the schemes, but outside the original urban drainage area and water supply area:

(zq) It is desirable that all prior and existing arrangements to fund the existing water and sewerage schemes at Governors Bay be validated:

(zr) As all matters initially authorised by the Act are now authorised by the Rating Powers Act 1988, it is desirable that the Act be repealed:

PART III

REMOVAL OF TRUSTS

(zs) The Banks Peninsula District Council holds certain land in Lyttelton "in trust as and for the sites for public buildings for the use and benefit of the inhabitants of the Borough of Lyttelton and upon trust to use and occupy the same when and so long as the same or any part thereof shall not be built upon for general municipal purposes":

(zt) The Banks Peninsula District Council has determined that certain of the land subject to the trust will not be required to be built upon for public purposes and has been leased for private residential, commercial and other purposes unrelated to the activities of the Council:

(zu) Some lessees of the land wish to acquire freehold title:

(zv) The Lyttelton Borough Council, and subsequently the Banks Peninsula District Council, in respect of certain of the land subject to the trust, entered into

transactions which were in breach of the trust and unlawful:

(zw) It is desirable that certain lands be freed from the trust and that transactions in breach of the trust be validated:

PART IV

REPEAL OF LYTTELTON BOROUGH EXTENSION ACT 1911

(zx) The Lyttelton Borough Extension Act 1911 and its amendments authorised the Lyttelton Borough Council to acquire land on the south side of Lyttelton harbour (at Diamond Harbour) to enable the Borough to expand:

(zy) The Lyttelton Borough Extension Amendment Act 1915 contains specific provisions authorising and regulating the development of the land at Diamond Harbour for residential purposes:

(zz) It is desirable that the Lyttelton Borough Extension Act 1911 and its amendments be repealed, as all matters initially authorised by those Acts are now authorised by general Acts of Parliament:

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

1. Short Title—This Act may be cited as the Banks Peninsula District Council (Rates Validation, Empowering, and Trust Removal) Act 1994.

2. Interpretation—In this Act, except as expressly provided in sections 3, 4, and 5, "Council" means the Banks Peninsula District Council.

PART I

RATES VALIDATION

3. Validating Lyttelton Borough Council excess rate—(1) In this section, unless the context otherwise requires, "Council" means the Lyttelton Borough Council; and includes the Banks Peninsula District Council as the successor of that Council.

(2) All actions of the Council in making, levying, and collecting a differential general rate for the year ended with the 31st day of March 1989 which exceeded 18 cents in the dollar on the annual value of rateable property in the Lyttelton

Borough, are hereby validated and declared to have been lawful.

(3) All money received by the Council in payment of the differential general rate to which subsection (2) of this section refers is hereby deemed to have been lawfully paid to and received by the Council.

(4) Such part of the differential general rate as has not yet been paid is hereby deemed to be lawfully payable to the Council and capable of being collected by it as if it had always been lawfully payable.

4. Validating Wairewa County Council rates—(1) In this section, unless the context otherwise requires, "Council" means the Wairewa County Council; and includes the Banks Peninsula District Council as the successor of that Council.

(2) Notwithstanding that the general rate that the Council resolved on the 21st day of July 1989 to make and levy for the year ended with the 31st day of March 1990 was not lawfully made and levied, the general rate is hereby validated and declared to have been lawfully made and levied.

(3) All actions of the Council in levying and collecting the general rate to which subsection (2) of this section refers, and in adding additional charges of 10 percent in respect of unpaid amounts of that general rate, are hereby validated and declared to have been lawful.

(4) All money received by the Council in payment of the general rate and the additional charges is hereby deemed to have been lawfully paid to and received by the Council.

(5) Such part of the general rate and additional charges as has not yet been paid is hereby deemed to be lawfully payable to the Council and capable of being collected as if it had always been lawfully payable.

5. Validating Akaroa County Council rates—(1) In this section, unless the context otherwise requires, "Council" means the Akaroa County Council; and includes the Banks Peninsula District Council as the successor of that Council.

(2) Notwithstanding anything in the Rating Powers Act 1988, the rates and levy that the Council gave public notice on the 5th day of August 1989 of its intention to make and levy on the 28th day of August 1989 for the year ended with the 31st day of March 1990, are hereby validated and declared to have been lawfully made and levied as publicly notified.

(3) All actions of the Council in—

(a) Levying and collecting the rates and levy validated by subsection (2) of this section; and

(b) Adding additional charges of 10 percent in respect of amounts remaining unpaid on the dates specified in the public notice; and

(c) Applying a minimum rate of $11.19—

are hereby validated and declared to have been lawful.

(4) All money received by the Council in payment of the rates and levy, additional charges, and minimum rate is hereby deemed to have been lawfully paid to and received by the Council.

(5) Such part of the rates and levy, additional charges, and minimum rate as has not yet been paid is hereby deemed to be lawfully payable to the Council and capable of being collected as if it had always been lawfully payable.

6. Transitional quarter rates—(1) To the extent that the validity of any rates levied by the Council under the provisions of Part I of the Local Government Reform (Transitional Provisions) Act 1990 may have been affected by the invalidity of the rates and levies validated by sections 4 and 5 of this Act, those rates are hereby validated.

(2) All actions of the Council in—

(a) Levying and collecting any rates to which subsection (1) of this section applies; and

(b) Adding additional charges on such parts of those rates as had not been paid to it by the penalty dates specified by the Council—

are hereby validated and declared to have been lawful.

(3) All money received by the Council in payment of those rates and additional charges is hereby deemed to have been lawfully paid to and received by the Council.

(4) Such part of those rates and additional charges as has not yet been paid is hereby deemed to be lawfully payable to the Council and capable of being collected as if it had always been lawfully payable.

7. Validating Banks Peninsula District Council general rates—(1) Notwithstanding anything in the Rating Powers Act 1988, the general rates and uniform annual general charges purportedly made and levied by the Council in respect of the years ended with the 30th day of June 1991 and the 30th day

of June 1992 are hereby validated and declared to have been lawfully made and levied.

(2) All actions of the Council in levying and collecting the general rates and uniform annual general charges validated by subsection (1) of this section are hereby validated and declared to have been lawful.

(3) All money received by the Council in payment of the general rates and uniform annual general charges is hereby deemed to have been lawfully paid to and received by the Council.

(4) Such part of the general rates and uniform annual general charges as has not yet been paid to the Council is hereby deemed to be lawfully payable and capable of being collected as if it had always been lawfully payable.

PART II

GOVERNORS BAY WATER AND SEWERAGE

8. Interpretation—In this Part of this Act, unless the context otherwise requires,—

"Council" means the Mount Herbert County Council; and includes the Banks Peninsula District Council as the successor of that Council:

"Empowering Act" means the Mount Herbert County Council (Lump Sum Contributions) Empowering Act 1987:

"Governors Bay Water and Sewerage Loan 1988" means the loan of that name raised by special order of the Council resolved on the 17th day of February 1988 and confirmed on the 16th day of March 1988; and includes any loan raised by the Council in repayment, renewal or conversion of that loan:

"Loan servicing area" means, in respect of any loan, the part of the district within which the Council—

(a) May raise a special loan for the benefit of that part of the district in terms of section 27 of the Local Authorities Loans Act 1956; and

(b) Is deemed to have made, and may levy, a special rate pursuant to section 55 of the Rating Powers Act 1988:

"Urban drainage area" means the Governors Bay urban drainage area, as altered pursuant to section 443 of the Local Government Act 1974 by special order of

the Council resolved on the 17th day of February 1988 and confirmed on the 16th day of March 1988:

"Water supply area" means the Governors Bay water supply area constituted pursuant to section 377 of the Local Government Act 1974 by special order of the Council resolved on the 17th day of February 1988 and confirmed on the 16th day of March 1988.

9. Validation of loan—(1) Notwithstanding anything in the Local Authorities Loans Act 1956 or in any determination or order made pursuant to that Act, all actions of the Council in raising the Governors Bay Water and Sewerage Loan 1988 are hereby validated and declared to have been lawful.

(2) Until the Council raises a further special loan to fund the Governors Bay Water and Sewerage Loan 1988, all payments by the Council in purported payment of any principal, interest, or other charges in respect of that loan are hereby deemed to have been, and to be, lawfully made.

(3) Subsection (2) of this section shall expire with the close of the 30th day of June 1995.

10. Extension of loan servicing area—Notwithstanding the provisions of any other enactment, the loan servicing area of the Governors Bay Water and Sewerage Loan 1988 shall be the area shown marked on plan numbers 67057/1a and 67057/2a drawn by Royds Garden and dated the 29th day of July 1992.

11. Repeal of empowering Act—(1) The empowering Act is hereby repealed.

(2) For the avoidance of doubt—

(a) Any uniform annual charges previously made and levied by the Council in reliance on section 3 (2) (b) (i) and section 6 of the empowering Act shall continue to be made pursuant to section 20 of the Rating Powers Act 1988; and

(b) Any invitation to make, or election to pay, a lump sum capital contribution in reliance on the provisions of the empowering Act shall, for all purposes, be treated as an invitation to make, and election to pay, a lump sum contribution pursuant to Part IV of the Rating Powers Act 1988, and sections 62 to 73 of that Act shall apply accordingly.

(3) For the avoidance of doubt, all actions of the Council before the commencement of this section in the exercise or purported exercise of the powers conferred on the Council pursuant to the empowering Act are hereby validated and declared to have been lawful, and shall be deemed for all purposes to have been taken under the corresponding provisions of the Rating Powers Act 1988.

(4) Nothing in this section shall authorise the addition, before the 1st day of July 1995, of more than 1 additional charge to any lump sum capital contribution to which subsection (2) (b) of this section applies.

PART III

REMOVAL OF TRUSTS

12. Land freed from reservations—(1) Subject to subsections (2) and (3) of this section, the land described in the First Schedule to this Act is hereby freed and discharged from all trusts, reservations, and restrictions to which the land or any part of it was subject immediately before the commencement of this section.

(2) The land to which subsection (1) of this section applies shall remain subject to all leases, encumbrances, liens, or easements existing in respect of the land immediately before the commencement of this section.

(3) Nothing in this section shall in any way affect the rights of the lessees under any existing leases.

(4) The land to which subsection (1) of this section applies shall cease to be subject to the Reserves Act 1977 from the date of commencement of this section.

(5) Nothing in this section shall have the effect of vesting in the Crown any land to which this section applies.

(6) Before the Council offers for sale, or accepts any offer to buy, any of the land described in Part II of the First Schedule to this Act, the Council, in relation to the proposed sale, shall adopt the special consultative procedure set out in section 716A of the Local Government Act 1974, and shall give specific notice of the proposal pursuant to subsection (1) (b) of that section to the New Zealand Historic Places Trust (Pouhere Taonga).

(7) All proceeds received by the Council, after the commencement of this Act, from the sale of any of the land described in the First Schedule to this Act, after the deduction and payment of all costs and expenses relating to and

incidental to the sale, shall be applied by the Council for the general purposes of the Council for the benefit of the inhabitants of the Banks Peninsula District as a whole.

13. Validation of prior actions—(1) Any action taken or decision made by the Council in relation to the land described in the First Schedule to this Act and its ownership and management is hereby declared to be, and to have always been, as valid as it would have been if this Act had been in force when that action was taken or that decision made.

(2) Without limiting the generality of subsection (1) of this section the sale by the Council and by the Lyttelton Borough Council of any land described in Part I of the First Schedule to this Act is hereby validated.

14. Certificates of title—(1) On application by or on behalf of the Council, the District Land Registrar for the Canterbury Land Registration District shall, upon payment of the prescribed fee, enter on every certificate of title for the land described in the First Schedule to this Act a memorial that the land is freed from all trusts, restrictions, and reservations.

(2) The District Land Registrar for the Canterbury Land Registration District is hereby empowered and directed to do all such things as may be necessary to give effect to this Part of the Act.

PART IV

REPEAL OF LYTTELTON BOROUGH EXTENSION ACT 1911

15. Repeals—The enactments specified in the Second Schedule to this Act are hereby repealed.

16. Consequential provisions—(1) Where any certificate of title contains a notation that land described in the certificate of title is subject to the provisions of the Lyttelton Borough Extension Amendment Act 1915, the registered proprietor, or any duly authorised agent, may apply to the District Land Registrar for the Canterbury Land Registration District for the removal of the notation.

(2) On receiving any application pursuant to subsection (1) of this section, the District Land Registrar shall, upon payment of the prescribed fee, enter a notation on the certificate of title that the land is no longer subject to the provisions of the Lyttelton Borough Extension Amendment Act 1915.

(3) The District Land Registrar is hereby empowered and directed to do all such things as may be necessary to give effect to this section.

SCHEDULES

Section 12

FIRST SCHEDULE

PART I

All those pieces of land situated in the Banks Peninsula District being more particularly described as follows:

1. 427 square metres, being Lot 1 on Deposited Plan 22658, and being all that land described in certificate of title, Register 17F, folio 771, Canterbury Land Registration District.
2. 233 square metres, being Lot 1 on Deposited Plan 51886, and being all the land described in certificate of title, Register 30B, folio 1059, Canterbury Land Registration District.

PART II

All those pieces of land situated in the Banks Peninsula District being more particularly described as follows:

1. 3,554 square metres, being part Reserve 34, and being all that land described in certificate of title, Register 30B, folio 1060, Canterbury Land Registration District.
2. 1,195 square metres, being Lot 1 on Deposited Plan 38400, and being also all the land described in certificate of title, Register 17F, folio 1375, Canterbury Land Registration District.
3. 196 square metres, being Lot 2 on Deposited Plan 38400, and being all the land described in certificate of title, Register 17F, folio 1376, Canterbury Land Registration District.
4. 675 square metres, being Lot 1 on Deposited Plan 9129, and being all the land described in certificate of title, Register 17F, folio 902, Canterbury Land Registration District.
5. 1 square metre, being part Reserve 34, and being the balance of the land described in certificate of title, Register 14A, folio 731, Canterbury Land Registration District.
6. 417 square metres, being part Reserve 35, and being all the land described in certificate of title, Register 590, folio 33, Canterbury Land Registration District.

SECOND SCHEDULE

Section 15

ENACTMENTS REPEALED

1911, No. 36 (Local)—The Lyttelton Borough Extension Act 1911.

1913, No. 67—The Reserves and Other Lands Disposal and Public Bodies Empowering Act 1913: Section 80.

1915, No. 14 (Local)—The Lyttelton Borough Extension Amendment Act 1915.

1963, No. 138—The Local Legislation Act 1963: Section 16.