

New Zealand



ANALYSIS

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|---------------------------------|---|
| Title. | 7. Financial adjustment with the Council. |
| 1. Short Title. | 8. Bridges. |
| 2. Interpretation. | 9. Power to hire plant. |
| 3. Vesting of lands and rights. | 10. Power to lease endowments. |
| 4. Existing leases. | 11. Repeals. |
| 5. Application of rents. | Schedules. |
| 6. Special loans. | |

1943, No. 7—*Local and Personal*

AN ACT to amend the Lower Clutha River Improvement Act, 1938, and to vest in the Lower Clutha River Trust the Tuakitoto and Kaitangata Lakes, and the Power of the Bruce County Council and the Kaitangata Borough Council in relation thereto. Title.

[25th August, 1943]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Lower Clutha River Improvement Amendment Act, 1943, and should be read together with and deemed part of the Lower Clutha River Improvement Act, 1938 (hereinafter referred to as the principal Act). Short Title.

2. In this Act, unless such meanings shall be inconsistent with the context,— Interpretation.

“The Borough” means the Kaitangata Borough Council:

“The Council” means the Bruce County Council.

Vesting of
lands and
rights.

3. The lands described in the First and Second Schedules to the Tuakitoto and Kaitangata Lakes Act, 1911 (hereinafter referred to as the said lands), the said lands being more particularly described in the First Schedule to this Act, and all works constructed or undertaken by the Council and the Borough or either of them, or by any predecessors of either of them, for the reclamation or drainage of all or any of the said lands or for the drainage of the Tuakitoto and Kaitangata Lakes or either of them, and all lands, rights-of-way, easements, and other rights whatsoever over lands acquired by them or either of them in connection with or for the purposes of any such work, are hereby transferred to and vested in the Trust, and, in the case of the said lands, for an estate in fee-simple as endowments.

Existing
leases.

4. All leases granted by the Council or by the Borough in respect of the said lands and subsisting at the commencement of this Act shall be deemed to have been granted by the Trust.

Application
of rents.

5. All rents arising from any of the lands hereby vested in the Trust may in its discretion be applied in or towards the drainage of the said lands or in or towards the payment of the annual charges in connection with any loan raised by the Trust for any such purpose or any loan for which the Trust is made liable by section six hereof.

Special
loans.

6. (1) The liability of the Council in respect of the loans mentioned in the Second Schedule hereto (being loans raised by it for the drainage and reclamation of the lands firstly described in the First Schedule hereto) is hereby transferred to the Trust, and the said loans shall for all purposes be deemed to have been raised by the Trust.

(2) All special rates made as security for the said loans shall be deemed to have been made by the Trust, and may from time to time be levied accordingly.

Financial
adjustment
with the
Council.

7. The Council shall pay to the Trust upon the passing of this Act the sum of one thousand one hundred pounds, and no claim shall be made by the Trust against the Council in respect of any failure of the Council to clear and maintain the channels joining the Tuakitoto and Kaitangata Lakes with each other

and with the Clutha River or to apply for that purpose any rents arising from the lands hereinbefore mentioned.

8. (1) The Trust shall not be bound to provide or maintain any bridge over any channel running into or through or over either of the said lakes, or the said lands or connecting the said lakes with each other or with the Clutha River. Bridges.

(2) The Trust may in its discretion widen or deepen any such channel or any part thereof, but nothing contained herein or in the Lower Clutha River Improvement Act, 1938, shall be construed as authorizing or empowering the Trust to remove or interfere with any bridge now existing over any channel connecting the said lakes with each other or with the Clutha River, or to remove or interfere with any approach to any such bridge, or to expend any of its funds in or towards the removal, repair, or replacement of any such bridge now existing or any approach thereto.

9. The Trust may from time to time let to any person (with or without drivers or other servants to work the same) any plant or other chattels not required for its own immediate use and upon such terms and conditions as it thinks fit and without the necessity of advertising or calling for tenders. No contract for any such hiring or letting shall be open to objection on the ground that it amounts to a contract for the performance of work or labour by the Trust. Power to hire plant.

10. (1) The Trust shall have power to lease any lands vested in it as endowments and shall be in respect thereof a leasing authority within the meaning of the Public Bodies' Leases Act, 1908. Power to lease endowments.

(2) Section thirty-one of the principal Act is hereby amended by repealing paragraph (b) thereof.

11. The Tuakitoto and Kaitangata Lakes Act, 1890, the Tuakitoto and Kaitangata Lakes Act 1890 Amendment Act, 1891, the Tuakitoto and Kaitangata Lakes Act, 1911, the Tuakitoto and Kaitangata Lakes Amendment Act, 1913, and the Tuakitoto and Kaitangata Lakes Amendment Act, 1914, are hereby repealed. Repeals.

Schedules.

SCHEDULES

FIRST SCHEDULE

FIRSTLY, all that area in the County of Bruce, containing by admeasurement 2,285 acres, more or less, being Tuakitoto Lake and part of Kaitangata Lake and the adjacent shores: bounded towards the north by the road forming the southern boundary of part of Block VII, South Tuakitoto Survey District; towards the east generally by the road forming the western and south-western boundaries of Blocks VI, V, IV, III, and parts of Blocks VII and II, the said survey district; towards the south by the prolongation westerly of the division-line between Sections 4 and 5, Block II, South Tuakitoto District, to a point 25 links from the eastern margin of the canal constructed by the Council of the Bruce County through said Kaitangata Lake; again towards the east by a line distant 25 links east from the margin of the said canal, running in a southerly direction to the intersection of the road forming the northern boundary of Section 7, Block VII, North Molyneaux District; and towards the west generally by the road forming the eastern boundary of Blocks VII, VIII, and IX, North Molyneaux District, and Blocks XII, X, IX, and part Block VIII, South Molyneaux District.

Secondly, all that area in the said county containing 140 acres, more or less, being the Kaitangata Creek and part of the Kaitangata Lake: bounded towards the north by a prolongation of the boundary-line between Sections 4 and 5, Block II, South Tuakitoto District, to a point distant 25 links from the eastern margin of the canal constructed by the Council of the Bruce County through Kaitangata Lake; towards the east by the road forming the western boundaries of Sections 4, 3, 2, and 1, Block II aforesaid, and the Town of Kaitangata; towards the south by the Clutha River; and towards the west by the road forming the eastern boundaries of Section 1, Block IV, and part of Section 7, Block VII, North Molyneaux District, and by a line distant 25 links from and running parallel with the eastern margin of the said canal through said lake.

SECOND SCHEDULE

- (1) Kaitangata Tuakitoto Lakes Canal Loan.
- (2) Lakes Drainage No. 4 Deepening Morrison's Creek Loan.
- (3) Matau Riding Extension Drainage Works Loan.