

New Zealand



ANALYSIS

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| <p>Title.</p> <p>1. Short Title.</p> <p style="text-align: center;"><i>County Council</i></p> <p>2. Authorizing extension of time for the raising of the Stoke Waterworks Loan, 1938, by the Waimea County Council.</p> <p style="text-align: center;"><i>City and Borough Councils</i></p> <p>3. Authorizing Auckland City Council to raise a special loan of £34,000 in connection with the establishment of Western Springs Transit Housing Centre.</p> <p>4. Empowering the Dunedin City Council to expend moneys in connection with centennial celebrations.</p> <p>5. Authorizing Wanganui City Council to grant renewal of certain lease.</p> <p>6. Authorizing Christchurch City Council to expend moneys in assisting the objects of the Christchurch Expansion and Development Committee.</p> <p>7. Extending authority of Wellington City Council to borrow moneys for purposes of Wellington City Housing Act, 1938.</p> <p>8. Empowering Dunedin City Council to make grants to Dunedin Development Council, Incorporated.</p> <p>9. Special provision with respect to raising of Waterworks Loan, 1945, by Dannevirke Borough Council.</p> | <p>10. Authorizing remission of rates by Gisborne Borough Council.</p> <p>11. Conferring special powers on Masterton Borough Council with respect to disposal of lands held for purposes of coal-gas production.</p> <p>12. Provision with respect to advances made by Onehunga Borough Council from its District Fund Account for sanitary works.</p> <p>13. Validating payment of special grant of £50 by Tauranga Borough Council.</p> <p>14. Validating certain water charges made by Waipawa Borough Council.</p> <p>15. Validating certain water charges made by Waipukurau Borough Council.</p> <p>16. Provision with respect to compensation-moneys payable to Geraldine Borough Council.</p> <p style="text-align: center;"><i>Road Board</i></p> <p>17. Provision for the constitution of the Taupo Road District as a town district.</p> <p style="text-align: center;"><i>Harbour Boards</i></p> <p>18. Provision with respect to sale of land by Napier Harbour Board to Crown for housing purposes.</p> <p>19. Authorizing Oamaru Harbour Board to grant certain leases.</p> <p>20. Authorizing Wanganui Harbour Board to raise a special loan of £15,000 for erection of shed.</p> |
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1945, No. 29

AN ACT to confer certain Powers on certain Public Title Bodies and to validate certain Transactions.

[7th December, 1945]

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 Local Legislation Short Title. Act, 1945.

County Council

2. Whereas by a poll of ratepayers taken on the eleventh day of May, nineteen hundred and thirty-eight, the Waimea County Council (in this section referred to as the Council) was authorized to raise a loan of twenty-one thousand pounds, to be known as the Stoke Waterworks Loan, 1938, for the particular purpose of the construction of a water reservoir and the reticulation of water through the Stoke Water-supply Special Rating Area: And whereas owing to difficulties arising out of the war such construction and

Authorizing extension of time for the raising of the Stoke Waterworks Loan, 1938, by the Waimea County Council.

See Reprint
of Statutes,
Vol. V, p. 368

reticulation as aforesaid have not been proceeded with, and in consequence thereof the said loan has not been raised: And whereas under section sixteen of the Local Bodies' Loans Act, 1926, the authority to raise the said loan lapsed on the eleventh day of May, nineteen hundred and forty-three: And whereas it is desirable that the authority to raise the said loan be revived and extended for a further period ending on the thirty-first day of March, nineteen hundred and forty-seven: Be it therefore enacted as follows:—

The authority to raise the said loan granted to the Council by the ratepayers at the poll taken on the eleventh day of May, nineteen hundred and thirty-eight, is hereby revived and extended for the period ending on the thirty-first day of March, nineteen hundred and forty-seven.

City and Borough Councils

Authorizing
Auckland City
Council to raise
a special loan
of £34,000 in
connection
with the
establishment
of Western
Springs
Transit
Housing
Centre.

3. Whereas by reason of the housing shortage in Auckland, the Auckland City Council (in this section referred to as the Council) has established at Western Springs, Auckland, a Transit Housing Centre with a view to providing temporary accommodation for persons who, while erecting their own homes, are living under unsuitable conditions, or for whose accommodation the State Advances Corporation of New Zealand would within a reasonable time make State rental houses available: And whereas the Council has acquired from the Crown certain buildings for the erection of portion of the Transit Housing Centre, and in consideration thereof has agreed to pay to the Crown the sum of twenty-eight thousand pounds: And whereas it has been necessary for the Council to expend the sum of six thousand pounds in providing roading, paths, and drainage and the installation of water, gas, and electricity supplies at the Transit Housing Centre: And whereas for the purpose of paying or providing the said sums the Council proposes to raise a special loan of thirty-four thousand pounds to be known as the Western Springs Temporary Housing Loan, 1944: And whereas the Council has completed all roading, paths, and drainage and the installation of water, gas, and

electricity supplies at the Transit Housing Centre and has paid out of its General Account in respect thereof the sum of six thousand three hundred and eight pounds: Be it therefore enacted as follows:—

The Council is hereby authorized to raise a special loan of thirty-four thousand pounds to be known as the Western Springs Temporary Housing Loan, 1944, for the purpose of meeting the payment of the said sum of twenty-eight thousand pounds to the Crown, and for the purpose of refunding to its General Account all moneys, not exceeding the sum of six thousand pounds, already expended by it in carrying out and completing all roading, paths, and drainage and the installation of water, gas, and electricity supplies at the Transit Housing Centre at Western Springs, Auckland.

4. It shall be lawful for the Dunedin City Council to expend moneys out of its general revenues for the purpose of providing funds towards celebrating and commemorating in the year nineteen hundred and forty-eight the hundredth anniversary of the settlement of the Province of Otago and the foundation of the City of Dunedin, and in connection with the establishment of a centennial memorial or centennial memorials; and to make grants to the body known as the Otago Centennial Association, Incorporated, for any such purpose.

Empowering
the Dunedin
City Council
to expend
moneys in
connection
with
centennial
celebrations.

5. Whereas by deed of lease dated the fifth day of February, nineteen hundred and three, registered in the Deeds Register Office at Wellington under Number 91589, the Mayor, Councillors, and Citizens of the City of Wanganui (in this section referred to as the Corporation) leased the lands described in the said deed of lease to Henry James Turner for a term of forty-two years from the first day of June, nineteen hundred and two: And whereas by deed of assignment dated the seventh day of July, nineteen hundred and five, the lease became vested in George Sigley, of Wanganui, Coachbuilder (in this section referred to as the lessee): And whereas by arrangement between the Corporation and the lessee portion of the lands described in the said deed of lease reverted to the Corporation, the lessee retaining the land

Authorizing
Wanganui City
Council to
grant renewal
of certain lease.

referred to in subsection three of this section for his own use and occupation: And whereas the lessee inadvertently omitted to take the necessary steps, before the expiry of the lease, to obtain a surrender of the lease, and to obtain a new lease of the land retained by him as aforesaid: And whereas the Wanganui City Council is desirous of granting to the lessee a new lease of the land retained by him as aforesaid in the form approved by the Council and providing for perpetual rights of renewal for successive periods of twenty-one years: Be it therefore enacted as follows:—

(1) The Wanganui City Council is hereby authorized and empowered to grant to the lessee a new lease of the land referred to in subsection three of this section for a term of twenty-one years from the date of the expiry of the term of the said deed of lease, registered Number 91589, such new lease to be in the form approved by the Council and to provide for perpetual rights of renewal for successive periods of twenty-one years.

(2) The Council is hereby authorized and empowered to execute all such deeds and documents and do all such other things as may be necessary for the effectual granting of the new lease to the lessee.

(3) The land to which this section relates is particularly described as follows:—

All that piece or parcel of land, situate in the City of Wanganui, containing 24.3 perches, more or less, being part of Section 29 on a plan of the subdivision of Blocks Numbers 31 and 32 and part of the Block numbered 24, part of the Wanganui Town Belt, deposited in the Deeds Register Office at Wellington as Number 249.

6. The Christchurch City Council is hereby authorized to expend a sum not exceeding one thousand pounds in or towards the expenses of the Expansion and Development Committee set up by the said Council and formed for the purpose of promoting any activity having for its object the expansion and betterment of the City of Christchurch.

7. Section twenty-two of the Local Legislation Act, 1939, is hereby amended by omitting from subsection eleven and from subsection thirteen the words " fifty thousand pounds ", and substituting in each case the words " two hundred and fifty thousand pounds ".

Extending authority of Wellington City Council to borrow moneys for purposes of Wellington City Housing Act, 1938.

1939, No. 25

8. It shall be lawful for the Dunedin City Council to make out of its general revenues an annual grant, for a period of five years, of the sum of five hundred pounds to the society known as the Dunedin Development Council, Incorporated, in furtherance of the objects of the said society as contained in its rules.

Empowering Dunedin City Council to make grants to Dunedin Development Council, Incorporated.

9. Whereas on the seventh day of March, nineteen hundred and forty-five, the Local Government Loans Board sanctioned the borrowing by the Dannevirke Borough Council (in this section referred to as the Council) of the sum of six thousand seven hundred pounds by a loan to be known as the Waterworks Loan, 1945 (in this section referred to as the loan), for the purpose of financing the cost of cement-lining, by the " Tate " process, certain water-mains of the borough, namely, the twelve-inch, eight-inch, six-inch, and three-inch mains, and certain work incidental thereto: And whereas by a poll of ratepayers taken on the eleventh day of July, nineteen hundred and forty-five, the Council was duly authorized to raise the loan: And whereas in order to avoid delay in the completion of the said works the Council commenced and completed the said works before being authorized to raise the loan and before obtaining the consent of the Governor-General in Council in accordance with section nine of the Local Government Loans Board Act, 1926, to the raising of the loan, and consequently the Council is precluded, without further authority, from raising the loan: And whereas in anticipation of the raising of the loan the Council has expended moneys out of its District Fund Account towards the cost of the said works: Be it therefore enacted as follows:—

Special provision with respect to raising of Waterworks Loan, 1945, by Dannevirke Borough Council.

(1) The Council is hereby authorized and empowered to raise the amount of the loan, notwithstanding that the works in respect of which the loan was to have been raised have been completed.

See Reprint of Statutes, Vol. V, p. 417

(2) The Council may out of the proceeds of the loan refund to its District Fund Account all moneys advanced thereout, whether before or after the passing of this Act, on account of the cost of carrying out and completing the said works.

Authorizing remission of rates by Gisborne Borough Council.

10. Whereas the Gisborne Borough Council (in this section referred to as the Council) is desirous of obtaining authority to remit rates amounting to the sum of forty-six pounds thirteen shillings and fourpence, being the rates levied by the Council for the year ending on the thirty-first day of March, nineteen hundred and forty-six, and due and payable by the Gisborne and East Coast Young Men's Christian Association (Incorporated) in respect of that piece of land situated in the Borough of Gisborne, containing one rood and thirty-six perches, more or less, being Lot 1, Deposited Plan No. 3003 of 6A Fitzherbert Street, situated in Fitzherbert Street, in the Borough of Gisborne, and numbered 3228 on the district valuation roll for that borough: And whereas the Council has no legal authority to make such remission: Be it therefore enacted as follows:—

The Council is hereby authorized to remit the sum of forty-six pounds thirteen shillings and fourpence, being the amount of the said rates, and to absolve the said association and the said lands from liability in respect thereof.

Conferring special powers on Masterton Borough Council with respect to disposal of lands held for purposes of coal-gas production.

11. Whereas the Corporation of the Mayor, Councillors, and Burgesses of the Borough of Masterton is seised of an estate in fee-simple, for the purpose of coal-gas production and incidental purposes, in the land described in subsection five of this section: And whereas the said land is not required for the purposes aforesaid, and it is expedient that the Council of the said Corporation (in this section referred to as the Council) be empowered to sell, lease, or let the said land for the purposes, in the manner, and subject to the conditions set out in this section: Be it therefore enacted as follows:—

(1) Notwithstanding anything to the contrary in any Act, the Council may sell the said land, or any part or parts thereof, either altogether or in lots, by public auction, public tender, or private contract, or partly by one and partly by another or others of such

modes, and subject to such conditions as to title, time, or mode of payment of purchase-money, or otherwise, as the Council thinks fit, and with or without grants or reservations of rights-of-way, water or drainage easements, and other rights and privileges of every description in relation to the land sold, or any land remaining unsold, on such terms as the Council thinks fit.

(2) Notwithstanding anything to the contrary in any Act, the Council may let or lease the said land, or any part or parts thereof, either altogether or in lots, on the terms set out in sections one hundred and fifty-eight, one hundred and fifty-nine, and one hundred and sixty of the Municipal Corporations Act, 1933, or on the terms set out in subsection two of section nineteen of the Masterton Borough Housing Act, 1945, and with or without grants or reservations of rights-of-way, water or drainage easements, and other rights and privileges of every description, in relation to the land let or leased, or any land remaining unsold, on such terms as the Council thinks fit.

1933, No. 30

1945 (Local),
No. 7

(3) For any of the purposes of this section, the Council may subdivide the said land, or any part or parts thereof, in such manner as it thinks fit, and may dedicate parts of the said land as public streets, and construct streets thereon.

(4) All moneys received by the Council by way of purchase-money on any such sale as aforesaid, or by way of rent on any such letting or leasing as aforesaid, shall, after the payment thereout of all costs and expenses of and incidental to the sale, or, as the case may be, to the letting or leasing, be applied by the Council in accordance with the provisions of section twenty of the Finance Act, 1934; but nothing in this subsection shall apply to any moneys received by the Council by way of interest or repayment of principal under any mortgage to which the Masterton Borough Housing Act, 1945, applies.

1934, No. 2

(5) The land to which this section relates is particularly described as follows:—

All those parcels of land together containing eleven acres two rods and two perches, more or less, and being all the balance of the land included in certificate of title, Volume 276, folio 280, Wellington Registry,

and being part of the Ngaumutawa Block, Block IV, Tiffin Survey District, and comprising parts of Lot 2 on Deposited Plan No. 2911, and other part of the Ngaumutawa Block, part of which land is also delineated in Deposited Plan No. 4875; the said land being subject, as to parts thereof, to the right-of-way created by Proclamation No. 3383, and to Fencing Agreement No. K25669; but expressly excluding therefrom the portion thereof bounded towards the north-east by the Maka Kaka Weka Stream, towards the north by the land taken by Proclamation No. 3383, and towards the south-west by the land over which a right-of-way is taken by the said Proclamation, which land so excluded is estimated to contain an area of approximately three-quarters of an acre.

Provision with
respect to
advances made
by Onehunga
Borough
Council from
its District
Fund Account
for sanitary
works.

See Reprint
of Statutes,
Vol. VI,
p. 1069

12. Whereas by a requisition dated the sixteenth day of March, nineteen hundred and forty-two, the Board of Health (in this section referred to as the Board) in pursuance of the powers conferred upon it by subsection two of section twenty-two of the Health Act, 1920, required the Onehunga Borough Council (in this section referred to as the Council) to provide within its district certain sanitary works estimated to entail the expenditure of the sum of forty-two thousand five hundred pounds, and by the same requisition directed that if the said works could not be completed by the expenditure of the said sum the Council was to apply to the Board for further instructions: And whereas the Council, pursuant to section twenty-four of the said Act, raised a loan for the said sum and commenced the construction of the said works: And whereas by reason of increased costs of materials, shortage of labour, and other causes arising out of the war the said sum was insufficient to enable the Council to complete the said works and the Council accordingly applied to the Board for further instructions and, at the same time, submitted estimates that the completion of the said works and the construction of additional proposed sanitary works connected therewith would cost in the aggregate a further sum of forty thousand pounds: And whereas it was expedient in the public interest that while those estimates were under consideration the said works be completed without

delay and the labour engaged thereon be not transferred to other national service: And whereas in anticipation of a further requisition by the Board requiring the said works to be completed the Council financed the continuation of the construction of the said works out of moneys advanced from time to time from its District Fund Account: And whereas the Board, by a further requisition made in pursuance of its powers as aforesaid, has required the Council to complete the said works and to construct the said additional works at a total additional expenditure not exceeding the sum of forty thousand pounds, and the Council proposes pursuant to section twenty-four of the said Act to raise a loan for that sum to enable it to comply with the last-mentioned requisition: And whereas pending the raising of the said sum of forty thousand pounds the Council advanced further moneys from its District Fund Account for the completion of the said works: And whereas in order to refund to its District Fund Account the moneys so expended and to complete the works so authorized by the Board it is desirable that the Council should be authorized to raise a special loan for a sum not exceeding forty thousand pounds: Be it therefore enacted as follows:—

(1) The Council is hereby authorized and empowered to raise the said sum of forty thousand pounds by way of special loan, notwithstanding that certain of the works in respect of which the loan was to have been raised have been completed.

(2) The Council shall, out of the proceeds of the loan, refund to its District Fund Account all moneys advanced thereout, whether before or after the passing of this Act, on account of carrying out and completing any portion of the said works.

13. Whereas Miss Alice Heron Maxwell, of Mission Street, in the Borough of Tauranga, is the owner of the property situated in the Borough of Tauranga and known as "The Elms": And whereas that property is of great historical interest: And whereas for many years past the said Miss Alice Heron Maxwell has permitted and assisted the public to visit and inspect

Validating
payment of
special grant
of £50 by
Tauranga
Borough
Council.

the property: And whereas in recognition of the generosity and services of the said Miss Alice Heron Maxwell in so doing the Tauranga Borough Council has, during the financial year ended on the thirty-first day of March, nineteen hundred and forty-five, made to her a grant of fifty pounds: Be it therefore enacted as follows:—

The payment by the Tauranga Borough Council out of its District Fund Account of the said sum of fifty pounds to the said Miss Alice Heron Maxwell is hereby validated and declared to have been lawfully made.

Validating
certain water
charges made
by Waipawa
Borough
Council.

14. Whereas the Waipawa Borough Council (in this section referred to as the Council) has for the year ending on the thirty-first day of December, nineteen hundred and forty-five, and for all the preceding years since its constitution, levied an annual water charge of a fixed sum payable by the owner or occupier of every building in the Borough of Waipawa that is connected with the Council's water-supply, other than those supplied through a meter: And whereas the said water charges have been levied without authority: And whereas it is desirable that the levying of the said water charges should be validated: Be it therefore enacted as follows:—

The said water charges levied by the Council for the year ending on the thirty-first day of December, nineteen hundred and forty-five, and all water charges previously levied by the Council, shall for all purposes be and be deemed to have been at all times lawfully levied.

Validating
certain
water charges
made by
Waipukurau
Borough
Council.

15. Whereas the Waipukurau Borough Council (in this section referred to as the Council) has for the year ending on the thirty-first day of December, nineteen hundred and forty-five, and for all the preceding years since its constitution, levied an annual water charge of a fixed sum payable by the owner or occupier of every building in the Borough of Waipukurau that is connected with the Council's water-supply, other than those supplied through a meter: And whereas the said water charges have been levied without authority: And

whereas it is desirable that the levying of the said water charges should be validated: Be it therefore enacted as follows:—

The said water charges levied by the Council for the year ending on the thirty-first day of December, nineteen hundred and forty-five, and all water charges previously levied by the Council, shall for all purposes be and be deemed to have been at all times lawfully levied.

16. Whereas by a Warrant issued pursuant to section thirty-eight of the Land Act 1877 Amendment Act, 1884, dated the twelfth day of December, eighteen hundred and eighty-four, and published in the *Gazette* of the eighteenth day of that month, the lands described in subsection three of this section were reserved for a market and endowment in aid of the Town Board funds for the benefit of the Town of Geraldine: And whereas the said lands subsequently became vested in the Corporation of the Borough of Geraldine for the same purposes: And whereas the lands have now been set apart for the purposes of Part I of the Housing Act, 1919, and compensation-moneys amounting in all to a sum of three hundred and twenty-five pounds in respect of the taking of the said lands have been paid to the Public Trustee pursuant to section ninety-two of the Public Works Act, 1928: And whereas it is desirable to make provision with respect to the payment and expenditure of the said compensation-moneys: Be it therefore enacted as follows:—

Provision with
respect to
compensation-
moneys
payable to
Geraldine
Borough
Council.

See Reprint
of Statutes,
Vol. III,
p. 798

Ibid., Vol. VII,
p. 661

(1) Notwithstanding anything contained in section ninety-two of the Public Works, 1928, the Public Trustee is hereby authorized to pay the said sum of three hundred and twenty-five pounds to the Geraldine Borough Council.

(2) The said sum of three hundred and twenty-five pounds shall be applied, after payment thereout of all expenses herein, in the purchase of other lands to be held in trust for municipal purposes.

(3) The lands to which this section relates are particularly described as follows:—

Firstly, all that piece of land containing one acre and three roods, more or less, being Town Sections 278, 279, 280, 281, 282, 283, and 284, Block 20, Town of

Geraldine, and being the whole of the land comprised and described in certificate of title, Volume 113, folio 108, Canterbury Registry.

Secondly, all that piece of land containing three roods, more or less, being Town Sections 268, 269, and 270, Block 20, Town of Geraldine, and being the balance of the land comprised and described in certificate of title, Volume 113, folio 109, Canterbury Registry.

Thirdly, all that piece of land containing one acre, more or less, being Town Sections 264, 265, 266, and 267, Block 20, Town of Geraldine, and being the land comprised and described in certificate of title, Volume 469, folio 84, Canterbury Registry.

Road Board

**Provision for
the constitution
of the Taupo
Road District
as a town
district.**

**See Reprint
of Statutes,
Vol. V, p. 333
1921-22, No. 64**

17. (1) Notwithstanding anything to the contrary in the Town Boards Act, 1908, or in any other Act, the Governor-General may, by Proclamation, declare the Taupo Road District (in this section referred to as the road district) as described in the Tenth Schedule to the Waikato and King-country Counties Act, 1921-22, to be a town district under the Town Boards Act, 1908, and that the town district so constituted shall not form part of the County of Taupo.

(2) The Governor-General may make such arrangements and appointments as may be deemed necessary for holding the first election of members of the Board of Commissioners of the town district so constituted, and for the first meeting of the Board.

(3) The Taupo Road Board (in this section referred to as the Road Board) shall continue to exist during the period between the constitution of the town district and the date when the first members of the Town Board come into office, and shall then be deemed to be dissolved.

(4) Upon the constitution of the town district pursuant to this section the following provisions shall apply:—

(a) All the property, real or personal, of the Corporation of the road district shall become the property of the Corporation of the town district:

- (b) All rates payable to the Road Board at the date of the constitution of the town district shall be deemed to be rates payable to the Town Board;
- (c) All liabilities and engagements of the Road Board outstanding at that date shall become liabilities and engagements of the Town Board;
- (d) All interest and sinking fund charges of any loan raised by the Road Board shall be paid by the Town Board;
- (e) The valuation roll and the electors list or roll in force in the road district shall, for the purposes of the Town Boards Act, 1908, be deemed to be the valuation roll and the electors list or roll of the town district until a new valuation roll and electors list or roll are made;
- (f) All by-laws and generally all acts of authority of the Road Board that are subsisting or in force at the date of the constitution of the town district shall enure and be deemed to be by-laws and acts of the Town Board until altered or revoked in the manner provided by the Town Boards Act, 1908.

(5) Subject to the provisions of this section, all the provisions of the Town Boards Act, 1908, shall apply with respect to the constitution of the town district as aforesaid.

Harbour Boards

18. Whereas the Napier Harbour Board (in this section referred to as the Board) is registered as proprietor of an estate in fee-simple in all that parcel of land situated in the Provincial District of Hawke's Bay, containing by admeasurement seventeen acres two roods thirty-five perches and seven-tenths of a perch, more or less, being parts of Te Whare-o-Maraenui Block, Ahuriri Lagoon Reserve, Section 13B, Block IV, Heretaunga Survey District, and the old Tutaekuri River-bed, being the Lot numbered 1 on Deposited Plan No. 7116, and being part of the land comprised and described in certificates of title, Volume 59, folio 65, Volume 59, folio 70, Volume 59, folio 71, and

Provision with
respect to sale
of land by
Napier
Harbour
Board to
Crown for
housing
purposes.

1874, No. 36

**See Reprint
of Statutes,
Vol. VI, p. 1134**

**Ibid., Vol. III,
p. 798**

Volume 99, folio 93 registered in the office of the District Land Registrar at Napier: And whereas the Board holds part of the said land upon trust under the Napier Harbour Board Act, 1874: And whereas by that Act the lands described therein were deemed to be reserves within the meaning of and subject to be dealt with under the Public Reserves Act, 1854, and are now subject to the provisions of the Public Reserves, Domains, and National Parks Act, 1928: And whereas the Board is desirous of selling the said land to the Crown for the purposes of the Housing Act, 1919: And whereas the Board is desirous of applying the purchase-money in respect of the said land, amounting to the sum of two thousand nine hundred and eighty-three pounds ten shillings and ninepence, in reduction of its debt to the Napier Borough Council (such debt having been incurred in the development of other lands of the Board adjacent to the above-described land): Be it therefore enacted as follows:—

(1) Notwithstanding anything contained in any Act the Board may sell the said land to the Crown for the purposes of the Housing Act, 1919, freed and discharged from the trusts, reservations, and restrictions affecting the same.

(2) There may be paid out of the Housing Account to the Board the sum of two thousand nine hundred and eighty-three pounds ten shillings and ninepence, being the amount of the purchase price of the said land.

(3) The Board may expend the whole of the said sum in repayment to the Napier Borough Council of part of the debt owing by the Board to the Council as aforesaid.

**Authorizing
Oamaru
Harbour Board
to grant
certain leases.**

19. Whereas the Oamaru Harbour Board (in this section referred to as the Board) is registered as proprietor of an estate in fee-simple in the lands described in subsection three of this section: And whereas the Board has from time to time granted or agreed to grant leases of the said lands, and may hereafter grant or agree to grant such leases: And whereas portions of the said lands have no frontage to a public street but have frontages to lands vested in the Board for an estate in fee-simple, and used for access purposes, being lands called respectively

Clyde Street, Beach Street, the Foreshore Road, and the Lower Breakwater Road, and a private right-of-way abutting on to Itchen Street, a public street in the Town of Oamaru: And whereas doubts have arisen as to whether the leases granted and agreements made as aforesaid are valid, and as to the power of the Board to grant such leases and make such agreements as aforesaid: And whereas it is desirable that such doubts be removed: Be it therefore enacted as follows:—

(1) Notwithstanding anything to the contrary in the Public Works Act, 1928, or in any other Act, the Board may lease, and shall be deemed always to have had power to lease, any of the said lands to any person, firm, or corporation for any period not exceeding twenty-one years, notwithstanding that the land so leased has no frontage to a public street.

(2) The District Land Registrar of the District of Otago is hereby empowered and directed to accept for registration any leases of the said lands or parts thereof authorized by this section.

(3) The lands to which this section relates are particularly described as follows:—

Firstly, all that parcel of land, situated in the Provincial District of Otago, containing by admeasurement one hundred and sixty-two acres two roods and twelve poles, more or less, the boundaries whereof commence at a point on the northernmost boundary-line of the parcel of land now or lately vested in the Oamaru Dock Trust, the said point being 520 links, more or less, distant from the northernmost corner of the said parcel of land vested in the Oamaru Dock Trust along the said northernmost boundary-line thereof, proceeding thence in an easterly direction 4080 links, thence in a southerly direction 4335 links, thence in a westerly direction 2835 links, thence in a southerly direction 280 links, thence in a westerly direction 570 links, thence in a north-westerly direction 910 links, thence in a northerly direction 720 links, thence in an easterly direction 138 links, thence in a northerly direction 404 links, thence in a northerly direction 375 links, thence

See Reprint
of Statutes,
Vol. VII,
p. 622

in a northerly direction 710 links, thence in a south-easterly direction 1200 links, thence in a northerly direction 2280 links, thence in a north-westerly direction 1100 links to the starting point, and being the whole of the land comprised and described in Crown Grant certificate of title, Volume 19, folio 150, Otago Lands Registry.

Secondly, all that piece of land, situated in the Town of Oamaru, containing by admeasurement twelve acres one rood thirty-seven poles, more or less, being part of Reserve numbered "A" on the public map of the said town, bounded towards the north-north-east by Crown lands 2600 links, towards the south-east by a street-line 800 links, towards the south-west by other part of the said Reserve 2322.2 links, and towards the west-north-west by a street-line 270 links, and being the whole of the land comprised and described in certificate of title, Volume 20, folio 272, Otago Lands Registry.

Thirdly, all that parcel of land, situated in the Town of Oamaru, containing one acre three roods six poles and three-tenths of a pole, more or less, being portion of a former Railway Reserve, and being also part of the original Oamaru Harbour Board Endowment, and being the whole of the land comprised and described in certificate of title, Volume 220, folio 203, Otago Lands Registry.

Fourthly, all those pieces of land, situated partly in the Town of Oamaru and partly in the Oamaru Bay, containing by admeasurement twenty-seven acres three roods thirty-one poles, more or less, as the same are delineated on the plan bordered red on certificate of title, Volume 181, folio 297, and also delineated or partly delineated on the public map of the said town deposited in the office of the Chief Surveyor at Dunedin, several of the boundaries of the said parcel of land being more particularly shown on a plan deposited in the Land Registry Office at Dunedin as Number 285, and on plans of which copies are deposited in the said office with Copy Proclamations Numbers 695 and 1532, and being the whole of the land comprised and described in the said certificate of title, Volume 181, folio 297, Otago Lands Registry.

20. Whereas the Wanganui Harbour Board (in this section referred to as the Board), pursuant to the powers contained in section one hundred and sixty-six of the Harbours Act, 1923, proposes to erect on lands at Castlecliff, Wanganui, vested in the Board, a concrete shed to be used for the storage of surplus wool which has accumulated owing to war conditions, and, when no longer required for that purpose, as a wharf shed: And whereas the Board desires to raise a special loan of fifteen thousand pounds for the purpose of erecting the shed and to meet the preliminary expenses in connection therewith: Be it therefore enacted as follows:—

(1) This section shall be deemed to be a special Act within the meaning of the Harbours Act, 1923.

(2) The Board is hereby authorized, subject to the provisions of the Harbours Act, 1923, the Local Government Loans Board Act, 1926, and the Local Bodies' Loans Act, 1926, to raise, by special resolution, and without taking the steps prescribed by sections nine to thirteen of the last-mentioned Act, a special loan not exceeding the sum of fifteen thousand pounds.

(3) Any moneys borrowed in pursuance of the authority contained in the last preceding subsection shall be applied in or towards the payment of the cost of erecting, on lands at Castlecliff, Wanganui, vested in the Board, a concrete shed to be used for the storage of surplus wool which has accumulated owing to war conditions, and, when no longer required for that purpose, as a wharf shed, and in or towards the payment of the preliminary expenses in connection with the erection of the shed.

(4) Notwithstanding anything contained in the Harbours Act, 1923, the Board is hereby authorized to secure the repayment of any moneys borrowed under the authority of this section, with interest thereon, by the issue of debentures charging the net revenue from time to time payable to the Board in respect of the said shed, and the Board is hereby authorized to apply such net revenue accordingly.

(5) Notwithstanding anything to the contrary in the Local Bodies' Finance Act, 1921–22, the Harbours Act, 1923, or any other Act, the Board may, pending

Authorizing
Wanganui
Harbour Board
to raise a
special loan
of £15,000
for erection
of shed.
See Reprint
of Statutes,
Vol. III, p. 625

Ibid., Vol. V,
pp. 415, 360

Ibid., p. 354

the raising of the said loan of fifteen thousand pounds, borrow and owe by way of overdraft an amount not exceeding the sum of fifteen thousand pounds, and such overdraft as may at any time be owing by the Board under the authority of this subsection shall not be taken into account in determining the amount that may be borrowed and owed by the Board by way of overdraft under the authority contained in the Local Bodies' Finance Act, 1921-22.

(6) Any overdraft incurred by the Board, prior to the passing of this Act, that would have been validly and lawfully incurred if this section had been in force shall be deemed to have been borrowed and owed under the authority of the last preceding subsection.

Provision with respect to leasing of land by the Tauranga Harbour Board.

1915 (Local),
No. 16

21. Whereas the Tauranga Harbour Board (in this section referred to as the Board) is registered as proprietor of an estate in fee-simple in certain lands, being part of Allotment 396 of Section 1, Town of Tauranga, containing one acre twenty perches and six-tenths of a perch, more or less, being the whole of the land comprised in certificate of title, Volume 622, folio 260, Auckland Registry; and Lots 1, 2, and 3 on Deposited Plan 23573 of Allotments 343 and 344, Section 1, Town of Tauranga, containing two acres fourteen perches and four-tenths of a perch, more or less, being the whole of the land comprised in certificate of title, Volume 625, folio 234, Auckland Registry: And whereas by the Tauranga Foreshore Vesting and Endowment Act, 1915, certain lands described in the Second Schedule to that Act were vested in the Board: And whereas the Board is entitled to have vested in it certain reclaimed lands adjoining the lands vested in it as aforesaid: And whereas the Board has granted or has agreed to grant leases of certain areas of the said lands without the said leases having been sold by public auction or public tender in accordance with the provisions of the Harbours Act, 1923, and the Public Bodies' Leases Act, 1908: And whereas it is desirable that provision be made as hereinafter appearing: Be it therefore enacted as follows:—

(1) Notwithstanding the provisions of the Harbours Act, 1923, or the Public Bodies' Leases Act, 1908, every lease granted by the Board, before the passing

See Reprint of Statutes, Vol. III, p. 568; Vol. IV, p. 1031

of this Act, in respect of the said lands is hereby declared to be valid and shall be deemed to have been granted in accordance with the provisions of the Public Bodies' Leases Act, 1908.

(2) Where prior to the passing of this Act the Board has agreed to grant a lease of any of the said lands the lease may be granted in accordance with the terms of such agreement and shall be deemed to be granted in accordance with the provisions of the Public Bodies' Leases Act, 1908.

Electric-power Board

22. Notwithstanding anything contained in section thirteen of the Auckland Electric-power Board Amendment Act, 1937, the next general election of members of the Auckland Electric-power Board shall be held on the third Saturday in the month of November in the year nineteen hundred and forty-seven.

Fixing date of
next general
election of
members of
the Auckland
Electric-power
Board.
1937 (Local),
No. 11

Drainage Board

23. Whereas pursuant to section fifty of the Auckland Metropolitan Drainage Act, 1944, the treasurer of the Auckland Metropolitan Drainage Board (in this section referred to as the Board) should have prepared a balance-sheet and statements for the period which commenced on the first day of February, nineteen hundred and forty-five (being the date on which the said Act came into operation), and ended on the thirty-first day of March, nineteen hundred and forty-five: And whereas it is deemed expedient that the first balance-sheet and statements of the Board shall be for the period which commenced on the first day of February, nineteen hundred and forty-five, and ends on the thirty-first day of March, nineteen hundred and forty-six: Be it therefore enacted as follows:—

Provision with
respect to
preparation of
first balance-
sheet and
statements of
Auckland
Metropolitan
Drainage
Board.
1944 (Local),
No. 8

Notwithstanding the provisions of section fifty of the said Act, the first balance-sheet and statements of the Board shall be for the period which commenced on the first day of February, nineteen hundred and forty-five, and ends on the thirty-first day of March, nineteen hundred and forty-six.

Validating payment of compassionate allowance by Masterton Fire Board.

Authorizing payment by the Southland Hospital Board of an additional sum in respect of a building contract.

Authorizing Southland Hospital Board to raise a special loan of £37,800.

Fire Board

24. The payment made by the Masterton Fire Board during the year ended on the thirty-first day of March, nineteen hundred and forty-four, of the sum of twenty-nine pounds fifteen shillings and eightpence by way of compassionate allowance to Ellen Elizabeth Clark, of Wellington, widow of Thomas Burton Clark, late Superintendent of the Masterton Fire Brigade, is hereby validated and declared to have been lawfully made.

Hospital Boards

25. Whereas the Southland Hospital Board (in this section referred to as the Board) by a contract made on the twenty-third day of December, nineteen hundred and forty-three, with Carl Augustus Fischer, of Invercargill, Building Contractor (in this section referred to as the contractor), engaged the contractor to execute certain works, being additions to the nurses' home attached to the Southland Hospital at Invercargill: And whereas the contractor had submitted the lowest tender for the said works: And whereas the contractor, in tendering for the said works, omitted to include in the tendered price the cost of joinery amounting to the sum of two thousand one hundred and forty-five pounds: And whereas the price contained in the next lowest tender was higher by the sum of one thousand eight hundred and sixty-four pounds than that of the contractor: And whereas the Board desires to pay to the contractor, in respect of the cost of joinery incurred in completion of the contract, the sum of one thousand five hundred and eighty-three pounds in addition to the moneys payable under the said contract: Be it therefore enacted as follows:—

The Board is hereby authorized to pay to the contractor in respect of the said works a sum of one thousand five hundred and eighty-three pounds over and above the amount agreed upon in the said contract.

26. Whereas the Southland Hospital Board (in this section referred to as the Board) made application for authority to raise a loan of the sum of thirty-seven thousand eight hundred pounds (in this section

referred to as the loan) for the purpose of providing funds for the carrying-out of additions to the nurses' home attached to the Southland Hospital at Invercargill and the provision of furnishings and equipment for such additions: And whereas in order to avoid delay in the completion of the said works the Board commenced the works before being authorized to raise the loan, and consequently the Board is precluded without further authority from raising the loan: And whereas it is desirable that provision be made as hereinafter appears: Be it therefore enacted as follows:—

(1) Notwithstanding that the work in respect of which the loan was to have been raised has been completed, the Board may raise the amount of the loan.

(2) The Board may refund to its General Account out of the loan-moneys any sums expended from that account in respect of the said works and for payment of all other liabilities incurred in connection with the completion of the said works.

27. (1) The borrowing by the Wellington Hospital Board (in this section referred to as the Board), during the financial year ended on the thirty-first day of March, nineteen hundred and forty-five, of the sum of twenty-four thousand pounds by way of bank overdraft in excess of the limits imposed by subsection two of section sixty of the Hospitals and Charitable Institutions Act, 1926, for the purpose of meeting the cost of alterations, renovations, and equipment of the Silverstream Hospital, is hereby validated, and such moneys are hereby declared to have been lawfully borrowed.

Provision with
respect to
borrowing by
way of
bank overdraft
by Wellington
Hospital Board.

See Reprint
of Statutes,
Vol. III, p. 748

(2) In computing the amount which the Board is empowered and authorized from time to time to borrow by way of bank overdraft under the powers and authorities conferred by subsection two of section sixty of the Hospitals and Charitable Institutions Act, 1926, no account shall be taken of the said sum of twenty-four thousand pounds or any part thereof:

Provided that the Board shall pay in reduction of the said overdraft the sum of six thousand pounds during the year ending on the thirty-first day of

March, nineteen hundred and forty-six, and a further sum of six thousand pounds during each subsequent year until it is extinguished.

Affecting Two or More Classes of Public Bodies

Authorizing payment by Heathcote County Council to Christchurch City Council with respect to purchase of "The Sign of the Takahe."

Validating agreement made by Onehunga Borough Council and Ellerslie Borough Council with respect to water-supply.

1933, No. 30

Provision with respect to exchange and sale of lands between the Petone Borough Council and the Petone and Lower Hutt Gas Board.

28. The Heathcote County Council is hereby authorized to pay out of its General Account to the Christchurch City Council the sum of four hundred and thirty-one pounds nineteen shillings and one penny as a contribution towards the cost of the acquisition by the Christchurch City Council of the land and buildings known as "The Sign of the Takahe".

29. Whereas the Onehunga Borough Council and the Ellerslie Borough Council entered into an agreement dated the twenty-seventh day of August, nineteen hundred and forty-five (of which agreement a certified copy is recorded in the Department of Internal Affairs at Wellington as I.A. 105/371), whereby the Onehunga Borough Council agreed to supply and the Ellerslie Borough Council agreed to take a supply of water upon the terms and conditions therein set out: And whereas it is desirable to validate the said agreement: Be it therefore enacted as follows:—

Notwithstanding anything contained in the Municipal Corporations Act, 1933, or any other Act, the Onehunga Borough Council and the Ellerslie Borough Council are hereby and shall be deemed to have been at all times authorized and empowered to enter into the said agreement, which shall be binding on the parties thereto and shall for all purposes have effect according to its tenor.

30. Whereas it is necessary for the Petone and Lower Hutt Gas Board (in this section referred to as the Board) to acquire additional land for the purpose of extending its gasworks: And whereas the only available land adjacent to the gasworks is that described in subsection one of this section: And whereas the said land is vested in the Mayor, Councillors, and Burgesses of the Borough of Petone (in this section referred to as the Corporation) and is used for recreation purposes: And whereas the Petone Borough

Council (in this section referred to as the Council) has agreed to sell the said land to the Board: And whereas it is part of the consideration for the said agreement that the Board shall sell to the Corporation the land described in subsection two of this section: And whereas it is desirable that the transaction hereinbefore described should be authorized: Be it therefore enacted as follows:—

(1) Notwithstanding anything contained in any Act, the Council may sell to the Board, at such price and upon such terms and conditions as to payment and otherwise in all respects as the Council shall think fit, all that piece of land situate in the Borough of Petone, containing two acres one rood two perches and nine-tenths of a perch, more or less, being part of section 6, Hutt District, and being such parts of the lands respectively comprised and described in certificates of title, Volume 93, folio 157, and Volume 356, folio 283, as lie between the boundaries of Lots 5, 6, 7, and 8 on Deposited Plan No. 12629 and a line drawn as follows: Commencing at a point on the south-eastern boundary of Lot 7 on Deposited Plan No. 12629 distant eighty feet from the south-eastern corner of the said allotment, thence parallel with the north-western boundary of Lot 4 on Survey Office Plan No. 18173 to a point on the north-eastern boundary of Lot 8 on Deposited Plan No. 12629; reserving nevertheless any such drainage rights or easements over the whole or any part of the said piece of land, and upon such terms and conditions in all respects, as shall be agreed upon between the Council and the Board.

(2) Notwithstanding anything contained in any Act, the Board may sell to the Corporation, at such price and upon such terms and conditions as to payment and otherwise in all respects as the Board shall think fit, all that piece of land, situate as aforesaid, containing twenty-eight perches and three-tenths of a perch, more or less, being all such part of Lot 7 on Deposited Plan No. 12629 as lies to the south-east of a line drawn from the point of commencement last described, and parallel with the north-western boundary of Lot 4 on Survey Office Plan No. 18173, to the north-eastern boundary of Lot 7 on Deposited Plan No. 12629.

(3) The proceeds of the sale of the land referred to in subsection one of this section shall be applied by the Council in or towards the purchase of other land to be held for recreation purposes.

Miscellaneous

Authorizing transfer of certain property to the Christchurch Returned Services' Association, Incorporated.
See Reprint of Statutes, Vol. VIII, p. 1058

31. Whereas the land described in subsection three of this section is vested for an estate in fee-simple in the National War Funds Council established under the War Funds Act, 1915, and is held by the Council as a war fund within the meaning of that Act: And whereas there is erected on the said land a building known as the Christchurch Returned Services' Club Building: And whereas it is desirable that the said land and building should be transferred to the Christchurch Returned Services' Association, Incorporated, to be used for the purposes of a Returned Services' Club in accordance with and subject to the rules and constitution of the Association: Be it therefore enacted as follows:—

(1) The National War Funds Council is hereby authorized and empowered to transfer the said land, together with the building thereon, to the Christchurch Returned Services' Association, Incorporated, on payment to the Council by the Association of the sum of one thousand seven hundred and fifty pounds.

(2) The said land and building shall be held and administered by the Association for the purposes of a club and the provision of services ancillary thereto in accordance with the rules and constitution of the Association.

(3) The land to which this section relates is particularly described as follows:—

All that parcel of land containing two roods, more or less, situated in the City of Christchurch, being Town Sections 328 and 329, and being more particularly described in conveyance registered Number 126690 (202/707), and being the whole of the land comprised and described in certificate of title, Volume 364, folio 231 (limited as to parcels), Canterbury Registry.

Repeal.
1927, No. 10

(4) Section four of the War Funds Amendment Act, 1927, is hereby repealed.

32. The payment made by the Petone and Lower Hutt Gas Board on the eleventh day of May, nineteen hundred and forty-four, of the sum of seventy-nine pounds, to Alwyn Atkinson, carrying on business at Lower Hutt under the style of Acto Welding and Forging Company, in respect of the supply to the said Board of a dumping truck is hereby validated and declared to have been lawfully made.

Validating payment made by Petone and Lower Hutt Gas Board to a contractor.

33. Whereas the Blue Mountain Rabbit Board (in this section referred to as the Board) has incurred the expenditure of the sum of one thousand six hundred and fifty-two pounds in acquiring an area of land and erecting thereon a dwellinghouse for the use of employees of the Board and in effecting improvements to the said land: And whereas the Board has paid out of its General Account the sum of one thousand four hundred and ninety pounds, being the cost of erecting the said dwellinghouse and effecting the said improvements, and is liable for payment of a further sum of one hundred and sixty-two pounds as purchase-money for the said land: And whereas, in order that the Board's General Account may be partially reimbursed in respect of the amount expended on the erection of the said dwellinghouse and effecting the said improvements, it is expedient that the Board be empowered to raise by way of special loan an amount not exceeding the sum of one thousand one hundred pounds: Be it therefore enacted as follows:—

Authorizing Blue Mountain Rabbit Board to raise a special loan of £1,100.

(1) The Board is hereby authorized, for the purpose of meeting in part the expenditure incurred in erecting the said dwellinghouse and effecting improvements to the said land, to borrow an amount not exceeding the sum of one thousand one hundred pounds by way of special loan under the provisions of the Local Bodies' Loans Act, 1926, by special order, and without taking the steps prescribed by sections nine to thirteen of that Act:

See Reprint of Statutes, Vol. V, p. 360

Provided that instead of taking such steps as aforesaid the Board shall adopt the procedure laid down in section eighty-eight of the Rabbit Nuisance Act, 1928, *Ibid.*, Vol. I, p. 273

(2) The Board may pay the proceeds of such loan into its General Account in part repayment of the moneys advanced thereout for the purposes of erecting the said dwellinghouse and effecting the said improvements.

Special provision with respect to rotation of members of Wainui-o-mata Public Hall Trust Board.

34. Whereas all that piece or parcel of land containing one rood, more or less, situate in Block XVII of the Belmont Survey District, being part of Section 2 of the Wainui-o-mata District, and being the whole of the land comprised in certificate of title, Volume 352, folio 180, Wellington Registry, is now vested in the Wainui-o-mata Public Hall Trust Board (in this section referred to as the Board) upon the trusts set out in a deed of conveyance dated the fifteenth day of April, nineteen hundred and thirteen, and made between John Wakeham of the one part and James Jackson Wood, John Burt Wood, Bertie Richard Rainsford Burdan, Christian Ludvig Jensen, Samson George Breach, James Burrow the Younger, and George Groves Burdan of the other part: And whereas the said deed contains no provision for rotation of trustees comprising the members of the Board, but does contain provision for the election of successors to a trustee dying or resigning: And whereas it is desirable to make provision for the retirement by rotation of members of the Board and to make any person so retiring eligible for re-election: Be it therefore enacted as follows:—

(1) Notwithstanding the provisions of the said deed the Board may by resolution, on or before the thirty-first day of March, nineteen hundred and forty-six, make such rules as to the retirement by rotation of members of the Board, and the eligibility of retiring members for re-election, as the Board thinks fit.

(2) From the time of the passing of the resolution the rules so made shall take effect as if they had been incorporated in the said deed of conveyance.