



ANALYSIS

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1971, No. 50

An Act to confer certain powers on certain public bodies and to authorise and validate certain transactions and other matters [19 November 1971]

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

1. Short Title—This Act may be cited as the Local Legislation Act 1971.

2. Empowering Corporation of Borough of Devonport to transfer O'Neill's Point Cemetery to Corporation of City of Takapuna—Whereas by deed of conveyance dated the 12th day of May 1890 and registered in the Deeds Registry Office at Auckland under No. 117243 the land described in subsection (2) of this section (in this section referred to as the land) was vested in the Mayor, Councillors, and Citizens of the Borough of Devonport (in this section referred to as the Corporation) to be used as a public cemetery: And whereas the Corporation has since then used the land as a public cemetery: And whereas it is now expedient that the land be vested in the Mayor, Councillors, and Citizens of the City of Takapuna (in this section referred to as the City Corporation) and that the land should continue to be used by the City Corporation for cemetery purposes: And whereas the Corporation has no authority to transfer the land, and the City Corporation is precluded by the provisions of section 21 (1) of the Burial and Cremation Act 1964 from using the said land, which is situated in its district, for cemetery purposes: And whereas it is desirable that provision be made empowering the Corporation to transfer the land to the City Corporation and for the City Corporation to continue to use it for cemetery purposes: Be it therefore enacted as follows:

(1) Notwithstanding anything in the Burial and Cremation Act 1964 or in any other Act—

- (a) The Corporation is hereby empowered to transfer the land to the City Corporation for the purposes of a public cemetery and to hand over to the City Corporation all records and assets pertaining to the land which the City Corporation may require:
- (b) The City Corporation is hereby empowered and authorised to use the land for cemetery purposes:
- (c) The bylaws of the Corporation pertaining to the operation of the land as a cemetery shall continue to apply to the land and shall be enforceable by the City Corporation until the City Corporation repeals them and enacts bylaws in their place.

(2) The land to which this section relates is more particularly described as follows:

8 acres 2 roods, more or less, being part of Allotment 13 of Section 1 of the Parish of Takapuna, as the same is delineated on deposited plan No. 884, and being the whole of the land comprised and described in certificate of title, Volume 59, folio 208, North Auckland Registry, together with appurtenant drainage rights created by Transfer No. 252451.

3. Authorising refund by Papakura Borough Council to District Fund Account from loan money—Whereas before the Papakura Borough Council (in this section referred to as the Council) obtained authority to raise a loan of \$18,000 known as Pensioner Flats (Don Street) Additional Loan 1969 (in this section referred to as the loan), the Council expended out of its District Fund Account for certain purposes for which the loan was to be raised the sum of \$10,073.47: And whereas authority to raise the loan has since been obtained and it is desirable to authorise the Council to refund that sum to its District Fund Account out of the proceeds of the loan: Be it therefore enacted as follows:

The Council is hereby authorised to refund the sum of \$10,073.47 to its District Fund Account out of the proceeds of the loan.

4. Varying the purposes to which certain trust money may be applied by Southland Hospital Board—Whereas, pursuant to the last will of Jessie Ewart who died at Auckland in 1940, the sum of \$40 was paid to the Southland Hospital Board (hereinafter referred to as the Board) on the 8th day of September 1941 to be expended for the benefit of the children who were patients in the Southland Hospital at the time the money was received: And whereas the said money has been held in trust by the Board since that date and consequently the terms of the bequest can no longer be complied with: And whereas the Board wishes to use the said sum and the income arising therefrom for the purchase of toys, books, and other recreational equipment for the school classroom in the children's ward at Southland Hospital, but this is not in accord with the terms of the said bequest: And whereas the Board is desirous of altering the terms of the said bequest accordingly: Be it therefore enacted as follows:

Notwithstanding anything to the contrary in any Act or rule of law or in the last will of the said Jessie Ewart—

- (a) The said sum paid to the Board pursuant to the said will and the income arising therefrom may be applied and used by the Board for the purchase of toys, books, and other recreational equipment for the school classroom in the children's ward at Southland Hospital:
- (b) The failure to comply with the terms of the bequest shall be deemed not to have been a breach of trust.

5. Including certain land within the City of Napier—Whereas pursuant to the provisions of the Napier Harbour Board and Napier Borough Enabling Act 1933, certain land owned by the Napier Harbour Board was deemed to be included within the City of Napier: And whereas the land described in subsection (2) of this section (in this section referred to as the land) did not form part of the Napier Harbour Board's title at that date and was therefore not included within the City of Napier: And whereas it is desirable that the land should be declared to have been included within the City of Napier on and after the 20th day of December 1933: Be it therefore enacted as follows:

(1) Notwithstanding anything in the Municipal Corporations Act 1954 or in any other Act, the land is hereby declared to have been included within the City of Napier on and after the 20th day of December 1933.

(2) The land to which this section relates is more particularly described as follows:

- (a) All that area originally shown as road, adjoining or passing through Lots 2, 3, and 6, D.P. 6187, being Part Te Whare-O-Maraenui Block, being an area of 7 acres 3 roods 04 perches, situated in Block IV, Heretaunga Survey District:
- (b) Lot 55, D.P. 4488, being part Te Whare-O-Maraenui Block, having an area of 1 acre 1 rood, situated in Block IV, Heretaunga Survey District.

6. Authorising Hutt County Council to raise a special loan—Whereas the Hutt County Council (in this section referred to as the Council) has expended out of its County Fund Account the sum of \$27,500 to repay the balance outstanding in respect of the Wainuiomata War Memorial

Community Centre Loan 1958 of \$40,000: And whereas the Local Authorities Loans Board has no authority to sanction the raising of a loan for the purpose of enabling the Council to refund that sum to its County Fund Account: And whereas it is desirable to authorise the Council to raise a loan of not more than \$27,500 for the purpose of recouping its County Fund Account in respect of the sum so expended from that Account: Be it therefore enacted as follows:

The Council is hereby authorised and empowered to borrow by way of special loan under the Local Authorities Loans Act 1956 an amount not exceeding \$27,500 for the purpose of refunding to its County Fund Account the sum so expended from that Account; and, notwithstanding anything in section 34 of that Act, the special loan may be raised without the prior consent of the ratepayers.

7. Authorising Stratford Borough Council to establish an endowment fund for money received from the sale of its electrical undertaking—Whereas on the 4th day of February 1970 the Stratford Borough Council (in this section referred to as the Council) completed the sale of its electrical undertaking to the Taranaki Electric Power Board (in this section referred to as the Board): And whereas \$8,640 of the consideration for the sale was paid in cash and \$363,000 of the consideration was satisfied by the Board executing a debenture dated the 1st day of April 1970 securing payment to the Council of such sum, together with interest thereon at \$5.75 percent per annum, by half-yearly payments of \$13,775.16 over a period of 25 years: And whereas the Council desires to establish an endowment fund to be known as the Electrical Endowment Fund into which the said sum of \$8,640 together with all payments made by way of reduction of principal by the Board to the Council under the debenture shall be paid: And whereas the Council desires to preserve intact for all time all payments made to such endowment fund to the intent that such money shall be invested by the Council from time to time in trustee securities and that the interest therefrom, together with the interest received from the Board under the said debenture, be used for the general purposes of the Borough of Stratford: And whereas it is necessary to make special provision to enable the Council to establish the said endowment fund: Be it therefore enacted as follows:

(1) The Council is hereby authorised to establish a separate bank account to be known as the Electrical Endowment Fund (in this section referred to as the Fund), and, without further or other authority than this section and notwithstanding anything to the contrary in section 104 of the Local Authorities Loans Act 1956 but subject to paragraphs (a) and (b) of subsection (4) of that section, the Council shall pay into the Fund the said sum of \$8,640 and the net money received from the Board by way of reduction of principal under the said debenture.

(2) All money paid into the Fund as aforesaid shall, except for the purpose of investment as hereinafter provided, be retained in the Fund for all time as an endowment in aid of the Council's General Account.

(3) The money in the Fund shall as soon as practicable be invested by the Council in investments authorised for the time being as trustee investments under the Trustee Act 1956, and the income earned from any such investment shall be transferred to the District Fund Account of the Council to the credit of the General Account and be used for the general purposes of the Borough.

8. Validating payments made and mortgage given by Kaitaia Borough Council—Whereas the Mayor, Councillors, and Citizens of the Borough of Kaitaia (in this section referred to as the Corporation) on the 20th day of April 1970 agreed with Allan Ross Dyer of Kaitaia, farmer (in this section referred to as the vendor), to purchase the land described in subsection (3) of this section from the vendor: And whereas the purchase price of \$30,000 was, in terms of the agreement, to be paid by a deposit of \$3,000 on the execution of the agreement, by the payment of an instalment of \$5,000 on the 1st day of May 1970, and by the Corporation executing in favour of the vendor a first mortgage over the land for the balance of \$22,000 for a term of 5 years with interest payable quarterly at the rate of $5\frac{3}{4}$ percent: And whereas the Corporation did not obtain the consent of the Minister of Internal Affairs to the method of payment for the land as required by section 165 of the Municipal Corporations Act 1954: And whereas the Corporation executed the said mortgage without complying with the provisions of Part I of the Local Authorities Loans Act 1956: And whereas it is desirable that the actions of the Corporation in making the payments and executing the mortgage as aforesaid be validated: Be it therefore enacted as follows:

(1) The actions of the Corporation in entering into the said agreement for the purchase of the said land and in making the payments of \$3,000 and \$5,000 as aforesaid are hereby validated and declared to have been lawful.

(2) The action of the Corporation in executing the mortgage for \$22,000 in favour of the vendor as aforesaid is hereby validated and declared to have been lawful.

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

All that piece of land in the North Auckland Land District in the Borough of Kaitaia containing 24 acres 2 roods 11 perches, more or less, being part Lot 27, Deposited Plan 405, and being part of the land comprised and described in certificate of title, Volume 11b, folio 1426 (North Auckland Registry).

9. Validating certain expenditure incurred by Auckland Regional Authority—The expenditure by the Auckland Regional Authority, during the financial year ending with the 31st day of March 1972, of the sum of \$1,000 in connection with the celebration of the centennial of the City of Auckland is hereby validated and declared to have been lawfully incurred.

10. Authorising the acquisition by the Thames Borough Council of certain land in Thames County and authorising the purchase of certain land and interests in certain other land on a system of time payment—Whereas the Thames Borough Council (in this section referred to as the Council) has entered into a tentative agreement with Nellie Barnard Deeble (in this section referred to as the donor) whereunder the donor has agreed to transfer to the Council the land described in subsection (6) of this section and her interest in the land described in subsection (7) of this section for the benefit of the citizens of Thames subject to certain conditions: And whereas the donor has agreed that from the date of the signing of the sale and purchase agreement the Council will collect and retain for its own use absolutely the rentals for the said lands at present totalling \$1,322 per annum: And whereas the Council has agreed to pay to the donor the sum of \$2,000 per annum for a period of 5 years and thereafter the sum of \$1,000 per annum for a further period of 5 years making a total payment of \$15,000 free of interest: And whereas the Council has agreed to set aside

a suitable area (containing not less than 3 acres) of the land described in subsection (6) of this section as a site for the erection of a number of pensioner flats to be known as Deeble Village: And whereas the Council has agreed to pay all gift duty, stamp duty, legal and other expenses in connection with the proposed transaction: And whereas the Council has no power to acquire land outside its own district or to pay for the said land by instalments: And whereas it is expedient to authorise the Council to acquire the said land and interest in land pursuant to the agreed terms: Be it therefore enacted as follows:

(1) The Council is hereby authorised to purchase from the donor the land described in subsection (6) of this section.

(2) The Council is hereby authorised to purchase from the donor her interest in the land described in subsection (7) of this section.

(3) Notwithstanding the provisions of section 165 of the Municipal Corporations Act 1954, the Council is hereby authorised to pay the donor for the aforesaid land and interest in land the sum of \$15,000 free of interest by paying the sum of \$2,000 per annum for a period of 5 years and thereafter the sum of \$1,000 per annum for a further period of 5 years.

(4) The Council is hereby authorised to pay all gift duty, stamp duty, legal, and other expenses incurred in connection with the proposed transaction.

(5) Until such time as the land and interest in land which the Council is hereby authorised to purchase are included within the district of the Thames Borough, the Council shall continue to use the lands for leasing as farm land and residential buildings and for no other purpose.

(6) The land to which this section relates is more particularly described as follows:

All those areas of land in the South Auckland Land Registration District, being—

First: All that parcel of land containing 31 acres 2 roods 17 perches, more or less, being all the land on Deposited Plan No. 7100, and being the Pakaraka Block No. 1691, and Te Ranga a Piri Block No. 1669, situated in Block VII, Thames Survey District, and being all the land comprised and described in certificate of title, Volume 189, folio 72, South Auckland Registry, subject to section 50 of the Mining Act 1908.

Secondly: All that parcel of land containing 1 acre 3 roods 6 perches, more or less, being the Houkotuku South Block, situated in Block VII, Thames Survey District, and being all the land comprised and described in certificate of title, Volume 266, folio 247, South Auckland Registry.

Thirdly: All that parcel of land containing 2 acres 2 roods 1 perch, more or less, being the Houkotuku Ohaupo No. 1 Block, situated in Block VII, Thames Survey District, and being all the land comprised and described in certificate of title, Volume 268, folio 45, South Auckland Registry.

Fourthly: All that parcel of land containing 3 acres 1 rood 23 perches, more or less, being the Ohoupo B Block, situated in Block VII, Thames Survey District, and being all the land comprised and described in certificate of title, Volume 270, folio 262, South Auckland Registry.

Fifthly: All those parcels of land containing 9 acres 3 roods 8.9 perches, more or less, being part of the land on Deposited Plan No. 1960 and being the Kaitawa and Kaitawa No. 6 Blocks and portions of the Tawhitirahi No. 1 and Tawhitirahi No. 2 Blocks, situated in Block VII, Thames Survey District, and being all the land comprised and described in certificate of title, Volume 373, folio 260, South Auckland Registry.

Sixthly: All that parcel of land containing 2 acres 3 roods 25 perches, more or less, being portions of the Ohoupo No. 1A, Ohoupo No. 1B, Ohoupo No. 2A, and Ohoupo No. 2B Blocks, situated in Block VII, Thames Survey District, and being all the land comprised and described in certificate of title, Volume 374, folio 46, South Auckland Registry.

Seventhly: All that parcel of land containing 1 acre 1 rood 0.4 perches, more or less, being portion of the Paetehe Block, situated in Block VII, Thames Survey District, and being all the land comprised and described in certificate of title Volume 403, folio 220, South Auckland Registry, subject to the grant of right of way over part of the above land, appurtenant to the land comprised and described in Provisional Register Volume 174, folio 74, South Auckland Registry, created in and by Transfer No. 230882.

Eighthly: All that parcel of land being portion of the Tawhitirahi No. 2 Block, situated in Block VII, Thames Survey District, and being all the land comprised and described in certificate of title Volume 574, folio 43 (limited as to parcels), South Auckland Registry.

(7) The interest in land to which this section relates is more particularly described as follows:

An undivided one-half share in all that parcel of land containing 2 acres 1 rood 33 perches, more or less, being the Ohoupo A Block, situated in Block VII, Thames Survey District, and being all the land comprised and described in Provisional Register Volume 98, folio 46, South Auckland Registry.

11. Authorising refund by Hunterville Town Council to District Fund Account from loan money—Whereas the Hunterville Town Council (in this section referred to as the Council) has expended out of its District Fund Account the sum of \$5,679 in part payment for works done in reconstructing the Glenmorven Reservoir supplying water to the Hunterville Town District, for the purpose of increasing its holding capacity: And whereas the Local Authorities Loans Board has no authority to sanction the raising of a loan for the purpose of enabling the Council to refund the said sum to its District Fund Account: And whereas it is desirable to authorise the Council to raise a special loan of not more than \$5,679 for the purpose of recouping its District Fund Account in respect of the sum expended from that Account as aforesaid: Be it therefore enacted as follows:

The Council is hereby authorised and empowered to borrow by way of special loan under the Local Authorities Loans Act 1956 an amount not exceeding \$5,679 for the purpose of refunding to its District Fund Account the sum expended from that account as aforesaid.

12. Validating the election of officers and members of the Nelson Institute—Whereas by the Nelson Institute Act 1907 the Nelson Institute (hereinafter referred to as the Institute) was incorporated as a body corporate under the provisions of that Act: And whereas rules have from time to time been prepared pursuant to the powers given by that Act: And whereas at the annual meeting of the Institute held on 30th day of March 1965 no steps were taken by the then existing officers of the Institute to have officers appointed for the ensuing year, it being the opinion of the said existing officers or a majority of them that the Institute as such would cease to exist on the 31st day of March 1965: And whereas certain members of the Institute put forward, prior to such meeting,

nominations for officers and committee members of the Institute and believed that such members were properly and duly elected as officers of the Institute, and they and their successors have continued since that time to carry on the affairs of the Institute in the belief that they were duly elected to office and were continuing the affairs of the Institute as incorporated under the Nelson Institute Act 1907: And whereas Graham Kemble-Welch of Nelson, medical practitioner, applied to the Supreme Court of New Zealand at Nelson for a declaratory judgment to determine certain matters in connection with the Institute and it was determined by the said Court that the Institute continued to exist as a legal entity but that the persons purporting to be the officers and committee of the Institute were not in fact validly elected to those offices: And whereas it is desired to preserve the continuity of the Institute as at present carried on, with the Institute incorporated under the Nelson Institute Act 1907 and to validate the election of officers and members thereof: And whereas pursuant to section 42 of the Local Legislation Act 1964 all the assets of the Institute (including the common seal and minute books but excepting museum assets) have been transferred to the Mayor, Councillors, and Citizens of the City of Nelson (hereinafter referred to as the Corporation): And whereas such common seal and minute books, being articles of historical value, are held by the Librarian of the Nelson Public Library for safe custody and it is desired that the officers of the Institute should have rights of access to the said minute books and to use the said common seal on documents required to be executed in the name of the Institute: Be it therefore enacted as follows:

(1) The persons filling the office of President, Secretary-Treasurer, and committee members of the Institute, namely—

President: Graham Kemble-Welch.

Secretary-Treasurer: Christopher John Hay.

Committee: Beryl Claire Parr.

Peggy Laird.

Philippa Katherine Vine.

Marion Rayward.

Michael Eric Upcott Taylor.

Graham Rhind.

Peter John Firman Wood—

and all persons who have filled such offices since the 1st day of April 1965 shall be deemed and are hereby declared to

have been duly elected to such offices notwithstanding any deficiencies in the elections held and notwithstanding any failure to comply with the rules of the Institute in respect of such elections.

(2) The Institute is hereby declared to be the same body as that incorporated under the Nelson Institute Act 1907 and the members and officers thereof elected under the Institute's rules existing on the date of the passing of this Act are hereby deemed and declared to be members of the Institute incorporated under the Nelson Institute Act 1907.

(3) The Institute, its officers, and persons authorised by it, shall have the right to peruse the minute books of the Institute held by the Corporation and to make extracts therefrom, and shall have the right to use the said common seal also held by the Corporation in connection with the execution of documents by the Institute to which the seal is required to be affixed.

(4) All property of the Institute acquired by the Institute after the 31st day of March 1965 shall continue to remain the property of the Institute, subject however to the rules and regulations of the Institute regarding the same.

13. Authorising the payment of certain money to the Paparua County Council's County Fund—Whereas the former Halswell County Council and its successor, the Paparua County Council, obtained authority to raise a loan for the purpose of constructing the Halswell Sewerage Scheme: And whereas control and management of the Halswell Sewerage Scheme and responsibilities for the loan have passed to the Christchurch Drainage Board: And whereas there remained, as at the 31st day of March 1970, the sum of \$2,055.47 in the Paparua County Council's Halswell Sewerage Operating Account, being the balance of funds received upon a special rate: And whereas the Christchurch Drainage Board's Sinking Fund Commissioners hold a sum of \$3,010, being an excess contribution made by the former Halswell County Council to the Sinking Fund for the issue of \$200,000 of the Sewerage Loan 1967 of \$430,000: And whereas it is desired to refund this excess contribution to the Paparua County Council but the Sinking Fund Commissioners have no authority to do so: And whereas the Paparua County Council will have no further expenses to be met from the Halswell Sewerage Operating Account and it is desired that the amount remaining in that account

together with the amount held by the Sinking Fund Commissioners be transferred to the credit of the Halswell County Town Account so that those amounts can be expended for the benefit of the area in which they were raised: Be it therefore enacted as follows:

(1) All money held in the Halswell Sewerage Operating Account of the Paparua County Council shall be transferred to the credit of the Halswell County Town Account.

(2) The Sinking Fund Commissioners for the Christchurch Drainage Board are hereby empowered and directed to refund the said sum of \$3,010 held by them to the Paparua County Council, and the Council shall credit that sum to the Halswell County Town Account.

14. Authorising Wanganui City Council to raise a special loan—Whereas the Wanganui City Council (in this section referred to as the Council) has from time to time borrowed and owed money on its District Fund Account in carrying out the distribution of natural gas in Wanganui: And whereas the liability of the Council to its bankers in respect of such costs and the additional costs of work undertaken and to be undertaken to control losses from the mains will exceed the sum of \$150,000 by the 31st day of March 1972: And whereas the Council desires to obtain authority to raise by way of a special loan a sum not exceeding \$200,000 to be applied in reduction of that liability: And whereas the Local Authorities Loans Board has no authority to sanction the raising of a loan for the purpose of enabling the Council to refund the said sum to its District Fund Account: Be it therefore enacted as follows:

The Council is hereby authorised and empowered to borrow by way of special loan under the Local Authorities Loans Act 1956 an amount not exceeding \$200,000 for the purpose of refunding to its District Fund Account the sum expended and to be expended from that account as aforesaid; and, notwithstanding anything in section 34 of that Act, the special loan may be raised without the prior consent of the ratepayers.

15. Authorising the Carterton Borough Council to guarantee a loan for housing purposes—Whereas the Carterton Borough Council (in this section referred to as the Council) has appointed Gordon Desmond Clode (in this section referred to as the employee) to be the Overseer and Health

and Building Inspector for the Council: And whereas the Council wishes to assist the employee with the acquisition of an existing residential dwelling in the Borough for his personal occupation, and wishes, pursuant to section 338 of the Municipal Corporations Act 1954, to guarantee portion of a mortgage to be executed between the employee and a financial institution: And whereas the provisions of the said section do not apply to the acquisition of an existing house: Be it therefore enacted as follows:

Notwithstanding anything to the contrary in section 338 of the Municipal Corporations Act 1954, the Council is hereby empowered to guarantee portion of an advance by way of first mortgage to the employee for the purpose of acquiring a house within the Borough, and the provisions of the said section 338 shall apply as if the acquisition of that house was the erection of a house in terms of that section.

16. Authorising Havelock North Borough Council to expend certain unclaimed money—Whereas on the 31st day of May 1966 the Havelock North Borough Council (in this section referred to as the Council) closed a Post Office Savings Bank account standing in the name of the Havelock North Town Board Relief Committee: And whereas the proceeds of that account comprising \$1,589.22 (in this section referred to as the unclaimed money) have been held by the Council as unclaimed money in its District Fund Account since that date: And whereas the unclaimed money was made up of an amount of \$600 deposited in the Post Office Savings Bank on the 31st day of October 1946 from an account known as the Havelock North Town Board Chairman's Fund Account, which amount is believed to have been raised principally to send parcels to soldiers overseas, and a further amount of \$400, being an amount transferred from the said Havelock North Town Board Chairman's Fund Account to the Havelock North Mayor's Trust Account and thence to the said Post Office Savings Bank Account on the 5th day of January 1954, together with accumulated interest on those amounts: And whereas the Council intended to apply the unclaimed money towards the development of Anderson Park No. 2 but doubts arose as to whether the amount of \$600 at least should not have been paid to the Hawke's Bay Provincial Patriotic Council as being money raised for patriotic purposes under the Patriotic Purposes Emergency Regulations 1939 and not being otherwise disposed of by the 1st day of April 1952: And whereas the

council applied certain money from its Subdivision Reserve Account towards the development of the Park in anticipation of being able to expend the unclaimed money for that purpose: And whereas the Council wishes to reimburse its Subdivision Reserve Account from the unclaimed money: Be it therefore enacted as follows:

Notwithstanding anything to the contrary in the Patriotic and Canteen Funds Act 1947 or in any other Act, the Council is hereby empowered to transfer the unclaimed money to its Subdivision Reserve Account, and the unclaimed money shall be available for the general purposes of that account.

17. Authorising Marton Borough Council to borrow money by way of special overdraft—Whereas the Marton Borough Council (in this section referred to as the Council) has entered into a contract for the construction of a swimming-baths complex: And whereas a portion of the finance for the said contract has been obtained by way of a grant of the sum of \$15,000 from the J. B. S. Dudding Trust: And whereas payment of the said grant is to be made to the Council in 3 instalments each of \$5,000 in the years ending the 31st day of March 1972, 1973, and 1974: And whereas the Council, in anticipation of its revenue from the said Trust in the years ending with the 31st day of March 1973 and 1974, desires to borrow the sum of \$10,000 from its bankers by way of special overdraft: Be it therefore enacted as follows:

(1) The Council is hereby authorised and empowered to borrow from its bankers by way of special overdraft the sum of \$10,000 to be applied by the Council towards its liability under the said contract for the construction of a swimming-baths complex.

(2) The said sum of \$10,000 so borrowed by the Council shall be repaid as to not less than one-half thereof on or before the 31st day of March 1973, and as to the balance thereof on or before the 31st day of March 1974.

(3) The said sum of \$10,000 shall be debited to a separate account to be opened by the Council with its bankers and all payments made in reduction of that sum shall be credited to that account.

(4) All interest and any other charges payable by the Council as a result of the said borrowing shall be met from the general account of the Council.

(5) No part of the said sum of \$10,000 so borrowed shall be taken into account in determining the amount which the Council may borrow or which the Council may owe pursuant to the provisions of section 20 of the Local Authorities Loans Act 1956.

This Act is administered in the Department of Internal Affairs.
