



## ANALYSIS

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1983, No. 8

**An Act to confer powers on certain public bodies and to authorise and validate certain transactions and other matters**  
*[23 September 1983]*

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 and commencement**—(1) This Act may be cited as the Local Legislation Act 1983.

(2) Except as provided in section 8 (3) of this Act, this Act shall come into force on the day on which it receives the Governor-General's assent.

**2. Auckland Harbour Board: Authorising payments for surrendered leases**—(1) In this section,—

“The Board” means the Auckland Harbour Board:

“The said land” means the land described in subsection (5) of this section:

“The said leases” means the leases Nos. 715502-1 and 715502-2 referred to in subsection (5) of this section.

(2) The lessees under the said leases are hereby authorised and empowered to surrender them to the Board; and the Board is hereby authorised and empowered to pay to any lessee under either of the said leases, in respect of the surrender of that lease to it, any sum the Board thinks fit.

(3) So soon as the said leases have both been surrendered in respect of any part of the said land, that part of the said land shall thereupon be freed from all trusts, reservations, and restrictions (not being trusts, reservations, or restrictions, applicable to all land vested in Harbour Boards) other than lease No. 715502-3, and the party wall rights, referred to in subsection (5) of this section.

(4) The District Land Registrar of the Land Registration District of North Auckland shall do all such things and make all such entries in his registers as may be necessary to give effect to subsection (3) of this section.

(5) The said land comprises—

- (a) All that parcel of land situated in the City of Auckland containing approximately 260 m<sup>2</sup>, being Lot 140, D.P. 626, and being part of the land comprised and described in certificate of title No. 429/209 (North Auckland Registry), subject to leases Nos. 715502-1, 715502-2, and 715502-3; and
- (b) All that parcel of land situated in the City of Auckland containing approximately 521 m<sup>2</sup>, being Lots 141 and 142, D.P. 626, and being all the land comprised and described in certificate of title No. 429/210 (North Auckland Registry), subject to party wall rights created by transfers Nos. 39408 and 57094 and to leases Nos. 715502-1, 715502-2, and 715502-3.

**3. Featherston Borough Council: Validation of informal rates**—Notwithstanding that the rates described in the Schedule to this Act (hereafter in this section referred to as the said rates) may not have been lawfully made,—

- (a) The said rates are hereby validated, and deemed to have been lawfully resolved to be made and levied, in respect of the year that ended with the 31st day of March 1982, on the 23rd day of July 1981:
- (b) All actions of the said Council in levying and collecting the said rates are hereby validated and deemed to have been lawful:

- (c) All money received by the said Council in payment of the said rates is hereby deemed to have been lawfully paid to and received by it:
- (d) Such part of the said rates as has not yet been paid to the said Council is hereby deemed to be lawfully payable and capable of being collected as if it had always been lawfully payable.

**4. Greytown Borough Council: Validation of excessive rate**—Notwithstanding that the special rate on the land value of all rateable property in the Borough of Greytown of 1.014164 cents in the dollar resolved to be made and levied in respect of the year that ended with the 31st day of March 1982 by the Greytown Borough Council at a duly notified meeting held on the 6th day of July 1981 was invalid by virtue of its exceeding the limit imposed by section 47 (1) of the Local Authorities Loans Act 1956,—

- (a) The said rate is hereby validated and deemed to have been lawfully made:
- (b) All actions of the said Council in levying and collecting the said rate are hereby validated and deemed to have been lawful:
- (c) All money received by the said Council in payment of the said rate is hereby deemed to have been lawfully paid to and received by it:
- (d) Such part of the said rate as has not yet been paid to the said Council is hereby deemed to be lawfully payable, and capable of being collected as if it had always been lawfully payable.

**5. Mount Albert City Council: Validation of agreement to purchase land**—(1) Notwithstanding that they were without the consent of the Minister of Local Government as required by section 228 of the Local Government Act 1974, the actions of the Mount Albert City Council in entering into an agreement, dated the 1st day of April 1981, with Her Majesty the Queen under the Housing Act 1955, for the purchase of the land described in subsection (2) of this section are hereby validated and deemed to have been lawful; and that agreement is hereby validated and deemed to have been lawful; and the said Council is hereby authorised and empowered to pay the purchase price for that land, and interest on the balance of that price from time to time outstanding, from revenue by instalments as provided in that agreement.

(2) The said land comprises all that parcel of land situated in the City of Mount Albert containing approximately 2.451 ha,

being Lot 2, D.P. 92460, and being parts Allotments 52 and 53, Parish of Titirangi, and being all the land comprised and described in certificate of title No. 48D/1306 (North Auckland Registry).

**6. Nelson Provincial Museum Trust Board: Validation of amendment to agreement by contributing authorities—**

(1) The agreement dated the 13th day of June 1983, a certified copy of which is recorded in the Department of Internal Affairs at Wellington on file 105/887, between the territorial authorities specified, immediately before the commencement of this section, in section 22 (9) of the Local Legislation Act 1976 is hereby validated and deemed to have been lawfully made; and the actions of those authorities in entering into that agreement are hereby validated and deemed to have been lawful.

(2) Section 22 (9) of the Local Legislation Act 1976 is hereby amended by repealing paragraphs (c) and (g).

(3) The Governor-General may by Order in Council, on the advice of the Minister of Local Government, repeal the following provisions:

(a) Section 22 of the Local Legislation Act 1976:

(b) Subsections (1) and (2) of this section.

(4) The Minister of Local Government shall not advise the making of an Order in Council under subsection (3) of this section unless he is satisfied that each of the territorial authorities specified in section 22 (9) of the Local Legislation Act 1976 (as amended by subsection (2) of this section) or, as the case requires, its lawful successor, agrees that it should be made.

(5) Upon the repeal of the provisions specified in subsection (3) of this section, the agreement specified in section 40 of the Local Legislation Act 1963 relating to the establishment of a museum for the Provincial District of Nelson, together with the amendments specified in section 22 (1) of the Local Legislation Act 1976 and subsection (1) of this section, shall be deemed to have been abrogated.

(6) Nothing in subsection (3) or subsection (5) of this section shall affect the validity of anything validated by any provision specified in subsection (3) of this section.

**7. Northland Harbour Board: Validation of illegal payment of retirement gratuity—**Notwithstanding that the actions of the Northland Harbour Board in paying to Ronald Norman Griggs, during the year ending with the 30th day of September 1983, a retirement gratuity of \$7,559.25 were

unlawful in that he had not been in the service of the said Board for 10 years, as required by section 6 of the Finance Act (No. 2) 1941, those actions are hereby validated and deemed to have been lawful.

**8. North Shore Drainage Amendment Act 1983 amended**—(1) Section 4 of the North Shore Drainage Amendment Act 1983 is hereby amended by adding the following subsection:

“(3) Subsections (1) and (2) of this section shall come into force on the 8th day of October 1983.”

(2) Section 1 of the said Act is hereby consequentially amended by adding, as subsection (2), the following subsection:

“(2) Except as provided in section 4 (3) of this Act, this Act shall come into force on the day on which it receives the Governor-General’s assent.”

(3) Subsections (1) and (2) of this section shall be deemed to have come into force on the 13th day of August 1983.

**9. Patea Borough Council: Validation of excessive rate**—Notwithstanding that the general rate on the land value of all rateable property in the Borough of Patea of 7.78 cents per dollar resolved to be made and levied in respect of the year that ended with the 31st day of March 1982 by the Patea Borough Council at a duly notified meeting held on the 17th day of June 1981 was invalid by virtue of its exceeding the limit imposed by section 136 of the Local Government Act 1974,—

- (a) The said rate is hereby validated and deemed to have been lawfully made:
- (b) All actions of the said Council in levying and collecting the said rate are hereby validated and deemed to have been lawful:
- (c) All money received by the said Council in payment of the said rate is hereby deemed to have been lawfully paid to and received by it:
- (d) Such part of the said rate as has not yet been paid to the said Council is hereby deemed to be lawfully payable, and capable of being collected as if it had always been lawfully payable.

**10. Wairoa Borough Council: Authorising special agreement to supply water**—(1) The Wairoa Borough Council is hereby authorised and empowered by deed to agree with

Swift New Zealand Company Limited and Waitaki NZ Refrigerating Limited (each of which is a duly incorporated company having its registered office in Christchurch) that it will not, otherwise than in accordance with the terms of the deed concerned, reduce or discontinue the supply of water referred to in that deed; and, notwithstanding any enactment or bylaw to the contrary, but subject to subsection (2) of this section, to the extent that the said Council so agrees, that deed shall be binding upon the said Council according to its tenor.

(2) Notwithstanding anything in subsection (1) of this section, or in any deed made under that subsection, the said Council may at any time reduce or discontinue the said supply—

(a) In accordance with section 397 of the Local Government Act 1974; or

(b) For so long as, and (subject to paragraph (d) of this subsection) to the extent only that, any part of the Council's waterworks (being a part used in, or affected by, the said supply) is about to fail, or is undergoing maintenance or repair, or is being replaced; or

(c) For so long as, and (subject to paragraph (d) of this subsection) to the extent only that, for any reason beyond its control, the said Council is unable to maintain the said supply; or

(d) For so long as, and to the extent only that, in the opinion of the said Council, a drought, a flood, or some other emergency, makes it necessary to reduce or discontinue the said supply in order to ensure that the supply of water to other consumers supplied by the Council—

(i) Is not reduced below the quantity necessary for the preservation of public health; or

(ii) Is reduced as little as possible below that quantity.

**11. Whakatane District Council: Varying amount of rate—**(1) Notwithstanding anything to the contrary in the Rating Act 1967 or the Local Government Act 1974, at any time before the 1st day of October 1983 the Whakatane District Council may by resolution, without notice, make and levy in respect of each of the rates resolved by the said Council on the 23rd day of March 1983 to be made and levied in respect of any category of rateable property within the said Council's District, a lower rate; and in that case, except for the purposes of subsection (2) (a) of this section,—

- (a) Each of those first-mentioned rates shall be deemed never to have been resolved to have made and levied as aforesaid; and
- (b) Each such lower rate shall be deemed lawfully to have been made and levied, in respect of the appropriate category of rateable property, on the 23rd day of March 1983, in respect of the year ending with the 31st day of March 1984.

(2) Notwithstanding section 86C of the Rating Act 1967, where the said Council passes a resolution under subsection (1) of this section, the following provisions shall apply, and be deemed always to have applied, for the purposes of assessing the instalments of rates payable in respect of any rateable property within the said Council's District in respect of the year ending with the 31st day of March 1984:

- (a) The first instalment shall be half (or as nearly half as possible) of the sum of those rates referred to in subsection (1) (a) of this section that are applicable to that property:
- (b) The second instalment shall be—
  - (i) The sum of the rates referred to in subsection (1) (b) of this section that are applicable to that property; less
  - (ii) The amount of the first instalment.

**12. Whangarei City Council: Removal of limitations on title**—(1) The land described in subsection (3) of this section is hereby freed from all trusts, reservations, and restrictions, to which it was subject immediately before the commencement of this section (not being trusts, reservations, or restrictions, applicable to all land vested in City Councils).

(2) The District Land Registrar of the Land Registration District of North Auckland shall do all things and make all such entries in his registers as may be necessary to give effect to subsection (1) of this section.

(3) The said land comprises all that parcel of land situated in the City of Whangarei containing approximately 2060 m<sup>2</sup>, being Lots 3 and 4, D.P. 10925, and being all the land comprised and described in certificate of title No. 1035/24 (North Auckland Registry).

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## SCHEDULE

Section 3

RATES VALIDATED (EXPRESSED IN CENTS IN THE DOLLAR ON THE LAND  
VALUE OF ALL RATEABLE PROPERTY IN THE BOROUGH OF FEATHERSTON)

<i>Group 1 (Residential)</i>		<i>Group 2 (Urban)</i>	
Loans . . . . .	2.1750	Loans . . . . .	1.5225
Works and Services . . . . .	.9844	Works and Services . . . . .	.6891
General Rate . . . . .	<u>5.0919</u>	General Rate . . . . .	<u>3.5643</u>
	8.2513		5.7759
<i>Group 3 (2 Units)</i>		<i>Group 4 (3 Units)</i>	
Loans . . . . .	2.8275	Loans . . . . .	3.4800
Works and Services . . . . .	1.2797	Works and Services . . . . .	1.5750
General Rate . . . . .	<u>6.6194</u>	General Rate . . . . .	<u>8.1470</u>
	10.7266		13.2020
<i>Group 5 (4 Units)</i>		<i>Group 6 (5 Units)</i>	
Loans . . . . .	4.1326	Loans . . . . .	4.7851
Works and Services . . . . .	1.8703	Works and Services . . . . .	2.1656
General Rate . . . . .	<u>9.6745</u>	General Rate . . . . .	<u>11.2021</u>
	15.6774		18.1528
<i>Group 7 (6 Units)</i>		<i>Group 8 (7 Units)</i>	
Loans . . . . .	5.4376	Loans . . . . .	6.0901
Works and Services . . . . .	2.4609	Works and Services . . . . .	2.7562
General Rate . . . . .	<u>12.7296</u>	General Rate . . . . .	<u>14.2572</u>
	20.6281		23.1035
<i>Group 9 (8 Units)</i>		<i>Group 10 (9 Units)</i>	
Loans . . . . .	6.7426	Loans . . . . .	7.3851
Works and Services . . . . .	3.0516	Works and Services . . . . .	3.3569
General Rate . . . . .	<u>15.7847</u>	General Rate . . . . .	<u>17.3123</u>
	25.5789		28.0543
<i>Group 11 (over 9 Units)</i>		<i>Group 12 (Commercial)</i>	
Loans . . . . .	8.0476	Loans . . . . .	3.1623
Works and Services . . . . .	3.6422	Works and Services . . . . .	1.4312
General Rate . . . . .	<u>18.8398</u>	General Rate . . . . .	<u>7.4032</u>
	30.5296		11.9967

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This Act is administered in the Department of Internal Affairs.

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