

New Zealand.



ANALYSIS.

<p>Title. Preamble. 1. Short Title. 2. Interpretation. 3. Lands vested in New Plymouth Harbour Board. 4. Lands vested in the Corporation of the Borough of New Plymouth. 5. Council to pay equality of exchange. 6. Power to promote carnivals.</p>	<p>7. Power to establish funds for future carnivals. 8. Power to make by-laws regulating admission to carnivals. 9. Special provisions as to licenses under by-laws. 10. Power of Minister to disallow by-law. 11. Offences and penalties. 12. Powers of Council under other Acts not restricted. Schedules.</p>
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1939, No. 6.—*Local and Personal.*

AN ACT to effect an Exchange of certain Lands between the Corporation of the Borough of New Plymouth and the New Plymouth Harbour Board; to empower the New Plymouth Borough Council to promote Carnivals for the Purpose of raising Funds for the Maintenance and Improvement of Public Reserves and Domains; to authorize the Council to establish Funds for the Promotion of Future Carnivals; and to empower the Council to make By-laws regulating Admission to Carnivals.

[8th September, 1939.]

WHEREAS the Corporation of the Mayor, Councillors, and Burgesses of the Borough of New Plymouth (hereinafter referred to as the Corporation) is the owner of the lands described in the First Schedule hereto: And whereas the New Plymouth Harbour Board (hereinafter referred to as the Board) is the

Preamble.

owner of the lands described in the Second Schedule hereto: And whereas it is for the mutual advantage of the Corporation and the Board that the exchange of the said lands authorized by this Act should be effected: And whereas much of the revenue required for the upkeep and maintenance of public reserves and domains within and without the Borough of New Plymouth vested in the Corporation or controlled by the New Plymouth Borough Council (hereinafter called the Council) is raised out of the proceeds of carnivals, entertainments, and other gatherings held from time to time on some one or other of those public reserves and domains: And whereas it is expedient that the Council be empowered to hold such carnivals and gatherings and to control the admission of persons to any place used therefor:

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

Short Title.

1. This Act may be cited as the New Plymouth Borough Land Exchange and Empowering Act, 1939.

Interpretation.

2. In this Act, unless the context otherwise requires,—

“Carnival” includes games, sports, competitions, festivals, celebrations, exhibitions, pageants, shows, picnics, displays, entertainments, contests, and gatherings of any description:

“Reserve” means any reserve vested in the Corporation for the purposes of public recreation, any land used for the purpose of public recreation of which the Council is by lease, license, or otherwise, the controlling authority, and any domain of which the Council has been or may hereafter be appointed as a Domain Board, or of which the Council is otherwise the controlling authority.

Lands
vested in
New
Plymouth
Harbour
Board.

3. (1) The lands described in the First Schedule hereto (being lands heretofore vested in the Corporation) are hereby vested in the Board in fee-simple, subject to existing leases and tenancies affecting the same, but otherwise free from the trusts

and reservations heretofore affecting them, and shall be held by the Board in trust as an endowment for the purposes for which the Board is constituted.

(2) The District Land Registrar for the Land Registration District of Taranaki is hereby authorized to make such entries in the register as are necessary to give effect to the provisions of this section.

4. (1) The lands described in the Second Schedule hereto (being lands heretofore vested in the Board) are hereby vested in the Corporation in fee-simple, subject to existing leases and tenancies affecting the same, free from the trusts and reservations heretofore affecting them, and shall be held by the Corporation for purposes of public utility.

Lands
vested
in the
Corporation
of the
Borough
of New
Plymouth.

(2) The District Land Registrar for the Land Registration District of Taranaki is hereby authorized to make such entries in the register as are necessary to give effect to the provisions of this section.

5. Forthwith after the passing of this Act the Council shall pay to the Board the sum of eighty-five pounds by way of equality of the exchange effected by this Act, and until paid the said sum shall be deemed to be a debt due by the Corporation to the Board, and shall be recoverable in any Court of competent jurisdiction accordingly.

Council
to pay
equality of
exchange.

6. For the purpose of raising funds for the maintenance or improvement of any reserve the Council from time to time may promote, conduct, and hold, or join with any person in promoting, conducting, or holding, carnivals, and may expend money for any of those purposes, and may provide, or contribute towards the cost of providing, prizes, medals, and other rewards therefor.

Power to
promote
carnivals.

7. The Council may from time to time set aside moneys out of the proceeds of any carnival to form a fund or funds, to be expended in the advertising, promoting, conducting, and holding of future carnivals to be held for the same purposes as the carnival from the proceeds of which such moneys were taken was promoted, conducted, or held.

Power to
establish funds
for future
carnivals.

Power to make by-laws regulating admission to carnivals.

8. (1) The Council may from time to time make by-laws controlling the admission of persons to any reserve used for any carnival held under the authority of this Act.

(2) Such by-laws may control admission to the reserve during the whole or any part of the period beginning three clear days before the opening of the carnival and ending three clear days after the close thereof.

(3) Without limiting the generality of the authority conferred by the foregoing provisions of this section, such by-laws may provide for—

- (a) The exclusion from any such reserve of any specified class of persons, either absolutely or subject to such conditions as are prescribed in the by-laws;
- (b) The issue by the Council or by any person or body of persons authorized by the Council in that behalf of licenses to any specified class of persons therein described; and
- (c) The exclusion as aforesaid of any person or a class so specified who is not for the time being the holder of such a license.

(4) No such by-law shall authorize or be deemed to authorize the issue of a license to any person under the age of sixteen years, and any license issued to such a person shall be void and of no effect.

(5) Nothing herein shall authorize the Council, in respect of any reserve subject to the provisions of the Public Reserves, Domains, and National Parks Act, 1928, to make a charge for the admission of the public to such reserve on a greater number of days than is or may be prescribed under the provisions of that Act, or to make a greater charge than is or may be authorized under those provisions.

Special provisions as to licenses under by-laws.

9. (1) With respect to licenses as aforesaid, the by-laws may make provision for all or any of the following matters:—

- (a) The terms for which licenses may continue in force, not exceeding in any case a period of one year;
- (b) Reasonable fees to be payable upon application for and upon the issue of licenses:

- (c) The suspension and revocation of licenses:
- (d) Requiring the production of licenses to the Council or any officer of the Council or any other specified person:
- (e) Prohibiting or restricting any assignment of a license or the benefits thereof:
- (f) Authorizing the imposition in a license of conditions, to be prescribed in the by-laws, relating to or restricting in any such place as aforesaid—
 - (i) The conduct of the licensee or any person employed by him or under his control;
 - (ii) The occupation by the licensee for any purpose of any site;
 - (iii) The activities to be permitted to the licensee;
 - (iv) The employment by the licensee of persons under any specified age:
- (g) Requiring the deposit with the Council of a prescribed sum of money by way of security for compliance by the licensee with the terms and conditions of the license, and for the forfeiture of such deposit upon breach of such terms and conditions.

(2) Any person to whom a license has been refused or whose license is revoked, or whose deposit is forfeited, may, within fourteen days from the date of the giving of the decision with which he feels aggrieved, by complaint under the Justices of the Peace Act, 1927 (the provisions whereof shall, with the necessary modifications, apply), appeal to a Magistrate for redress.

(3) On the hearing of the proceedings the Magistrate shall have power to confirm, reverse, or modify the decision appealed against, and such determination shall be final and conclusive.

(4) The Magistrate shall have power to award to either of the parties the costs of and incidental to any such proceedings.

10. A copy of every by-law made by the Council under this Act shall, within fourteen days from the making thereof, be forwarded by the Council to the Minister of Internal Affairs, who may, at any time

Power of
Minister to
disallow
by-law.

within three months after the making thereof, disallow the same or any part thereof, and upon such disallowance being gazetted such by-law or part thereof, as the case may be, shall be deemed to have been revoked.

Offences and penalties.

11. (1) Every person who commits a breach of any by-law made under the authority of this Act or who, being the holder of a license issued under the authority of any such by-law, commits a breach of any condition contained in such license, may be removed from any premises to which such by-law relates by any member, officer, agent, or servant of the Council, or by any constable, and is liable on summary conviction to a fine of twenty pounds.

(2) Every person commits an offence and is liable on summary conviction to a fine of twenty pounds who, in relation to any license granted under by-laws made under this Act, or in relation to an application for or in respect of any such license, does any of the following things, namely:—

(a) Gives a false name or address of himself or any other person; or

(b) Makes any false representation as to the identity of himself or any other person.

Powers of Council under other Acts not restricted.

12. Nothing herein shall take away, restrict, or modify any power conferred on the Council by the Municipal Corporations Act, 1933, the Public Reserves, Domains, and National Parks Act, 1928, or by any other Act.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

FIRSTLY, all those pieces of land containing together one rood three decimal five five perches (1 rood 3.55 perches), be the same a little more or less, being Lots 1, 2, 3, and 31 on Deposited Plan No. 4787, part of Mount Eliot Reserve, and also Lot 2 on Deposited Plan No. 5052, part of Mangaotuku Stream bed, all on the public map of the Town of New Plymouth, and being the whole of the land comprised in certificate of title, Volume 120, folio 221, Taranaki Registry.

Secondly, all that piece of land containing seven decimal two nine perches (7·29 perches), be the same a little more or less, being Subdivision 3 of Storehouse Reserve on the public map of the Town of New Plymouth, and being the whole of the land comprised in certificate of title, Volume 120, folio 201, Taranaki Registry.

Thirdly, all those pieces of land containing together ten acres two roods twelve decimal six perches (10 acres 2 roods 12·6 perches), be the same a little more or less, being Lots 2 to 36 (both inclusive) and parts Lots 1 and 37 to 41 (both inclusive) on Deposited Plan No. 2926, and being parts of Sections 1784 to 1791, 1815 to 1822, 1845 to 1850, 1871 to 1875, 1876, 1897 to 1902, 1923 to 1926, and 1944 to 1947 (all inclusive) on the public maps of the Town of New Plymouth, and being the whole of the lands comprised in certificates of title, Volume 85, folio 16, Volume 71, folio 148, and Volume 138, folio 170, Taranaki Registry.

And, fourthly, all that piece of land containing thirty-eight decimal four four perches (38·44 perches), be the same a little more or less, being Lots 1 and 2 on Deposited Plan No. 5364, and being part of Section H on the public map of the New Plymouth Town Belt, and being the whole of the land comprised in certificate of title, Volume 137, folio 140, Taranaki Registry.

SECOND SCHEDULE.

FIRSTLY, all those pieces of land containing together thirty-one decimal nought four perches (31·04 perches), be the same a little more or less, being parts Lots 16, 17, 43, 44, and 45 on Deposited Plan No. 578, and being parts of Mount Eliot Harbour Reserve shown on the public maps of the Town of New Plymouth, and being parts of the lands comprised in certificates of title, Volume 114, folio 59, and Volume 116, folio 183, Taranaki Registry.

Secondly, all those pieces of land containing together one rood twelve decimal five nine perches (1 rood 12·59 perches), be the same a little more or less, being Sections 2336 and 2337 on the public maps of the Town of New Plymouth and Lots 1, 2, and 3 on Deposited Plan No. 1282, being parts of Section 2335 on the public maps of the Town of New Plymouth, and being parts of the land comprised in certificate of title, Volume 93, folio 131, Taranaki Registry.
