



ANALYSIS

Title	1. Short Title 2. Restrictions on deposit of plan
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1973, No. 101

An Act to amend the Unit Titles Act 1972

[21 November 1973]

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 Unit Titles Amendment Act 1973, and shall be read together with and deemed part of the Unit Titles Act 1972 (hereinafter referred to as the principal Act).

2. Restrictions on deposit of plan—(1) Section 5 (1) of the principal Act is hereby amended by repealing paragraph (g), and substituting the following paragraph:

“(g) Unless a certificate of approval of the plan has been given by the Clerk of the Council of the county, borough, or town district in which the land is situated:”.

(2) The said section 5 is hereby further amended by inserting, after subsection (2), the following subsections:

“(2A) The Clerk of the Council shall not refuse to give a certificate of approval under subsection (1) (g) of this section unless he has reason to believe that—

“(a) Any building shown on the unit plan does not comply with the Council’s bylaws; or

“(b) The whole development to which the plan relates does not comply with the requirements of the Town and Country Planning Act 1953.

“(2B) The fact that a certificate of approval of a unit plan has been given under subsection (1) (g) of this section shall in all proceedings be conclusive evidence as against the Council that, at the time the certificate was given,—

“(a) Every building shown on the plan complied with the Council’s bylaws; and

“(b) The whole development to which the plan relates complied with the requirements of the Town and Country Planning Act 1953.

“(2c) The Council, the Clerk of the Council, every member of the Council, and every employee or agent of the Council, shall not be under any civil or criminal liability in respect of the giving of a certificate of approval under subsection (1) (g) of this section, unless it or he has acted negligently or in bad faith.”

This Act is administered in the Department of Justice.
