



ANALYSIS

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1967, No. 1—*Local*

**An Act to enable the Wellington City Council to set aside part of Cuba Street, Wellington, as a pedestrian Mall**

[23 June 1967]

WHEREAS it is expedient to enable the Wellington City Council to set aside part of Cuba Street, Wellington, as a pedestrian Mall and to exclude vehicles therefrom so far as necessary for that purpose:

BE IT THEREFORE 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 Wellington City (Cuba Street Mall) Empowering Act 1967.

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

“Vehicle” shall have the meaning given to it by section 2 of the Transport Act 1962:

“Parking” means the standing of a vehicle for any period exceeding five minutes; and “park” has a correspondent meaning.

**3. Council may exclude vehicles from Cuba Street—**

(1) Notwithstanding the provisions of any other enactment, the Wellington City Council may by special order prohibit or restrict either generally or during particular hours and subject to such exceptions and conditions as to occasional user or otherwise as may be specified in the order the driving or parking of any vehicle on that part of Cuba Street, Wellington, lying between the southern boundary of its intersection with Dixon Street and the northern boundary of its intersection with Ghuznee Street.

(2) The first public notice of any resolution under subsection (1) of this section shall, in addition to any other particulars required to be given therein, contain a statement to the effect that any person likely to be affected by the proposal contained in the resolution may, by writing under his hand delivered to the Town Clerk and received at the office of the Council not later than fourteen days after publication of the notice, object to the proposal and that any such person will be given the opportunity of being heard by the Council.

(3) Where any person objects to the proposal in accordance with subsection (2) of this section, the Council shall appoint a day for considering the objection and shall give notice to the objector of the time when and place where the objection is to be heard. Any such time shall be not earlier than seven days after the date on which the notice of objection was received by the Clerk.

(4) The Council, at the time and place stated in the notice referred to in subsection (3) of this section, shall consider the objection and, after hearing any submissions made by or on behalf of the objector, may either dismiss the objection or make such modifications to the proposal to which the objection relates as it thinks fit. The hearing of any such objection may be adjourned from time to time and from place to place.

(5) Where any proposal is modified under subsection (4) of this section, the modified proposal shall, for the purposes of the special order, be deemed to be contained in the original resolution and may be confirmed at a subsequent meeting of the Council in accordance with the Municipal Corporations Act 1954 without any further notification of the original resolution as modified:

Provided that where there are more objectors than one, the Council shall, as far as practicable, hear all objections

together and give each objector an opportunity of considering and being heard in respect of all other objections.

(6) No resolution under this section shall be confirmed until the Council has considered all objections of which notice has been given in accordance with this section.

**4. Offences**—Any person who drives or parks any vehicle or causes or permits any vehicle to be driven or parked in contravention of an order made under section 3 of this Act commits an offence and shall be liable on summary conviction to a fine not exceeding ten pounds.

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