

*Right Hon. Mr Nash*

## FREE AMBULANCE (LOWER HUTT SITE)

[LOCAL BILL]

### ANALYSIS

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### A BILL INTITULED

AN ACT to validate a deed relating to a Free Ambulance Station at Lower Hutt, and to authorize payments by local authorities in connection therewith, and to exempt the Ambulance Station from the payment of rates.

Title.

WHEREAS the New Zealand Free Ambulance Transport Service (Wellington District) (Incorporated), a society duly incorporated under the Incorporated Societies Act 1908 (herein called the Society) is established for the objects of making better provision for rendering first aid to and transport of sick and injured persons and of establishing an organization with certain powers and duties necessary therefor and incidental thereto: And whereas the Society operates in the City of Wellington and in districts adjacent thereto or nearby, including the City of Lower Hutt, the Boroughs of Petone, Upper Hutt, and Eastbourne, and the County of Hutt: And whereas

Preamble.

it is desirable that the Society should erect a station in the City of Lower Hutt: And whereas by the Free Ambulance (Lower Hutt Site) Act 1944 the transfer to the Society of a certain piece of land situate in Laings Road in the City of Lower Hutt together with the buildings erected thereon was validated: And whereas the local authorities affected have agreed that the provisions of the Free Ambulance (Lower Hutt Site) Act 1944 should be repealed to enable such local authorities to arrange for the erection of a Free Ambulance Station elsewhere in the City of Lower Hutt: And whereas the deed set out in the Schedule hereto has accordingly been executed by the parties thereto: And whereas it is expedient to validate the said deed:

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 Free Ambulance (Lower Hutt Site) Act 1954.
- Validation of deed. 2. The deed set out in the Schedule hereto is hereby validated and declared to have been lawfully executed by the parties thereto.
- Provision for payments under deed. 3. Payments agreed to be made under the said deed by the parties therein called "the Contributing Authorities" are hereby authorized either out of revenue or by way of loan, and if the Contributing Authorities or any of them shall resolve to make any such contribution from the proceeds of a loan, then the proviso to subsection one of section nine of the Local Bodies' Loans Act 1926 and subsection two of that section shall not apply to any such loan.
- Exemption from rates. 4. So long as the land described in the Second Schedule to the said deed and any buildings erected thereon shall be used for the purposes of the Society, the said land and buildings shall not be rateable property for the purposes of the Rating Act 1925, and in respect thereof the Society shall be exempt from liability for the payment of rates.
- Repeal. 5. The Free Ambulance (Lower Hutt Site) Act 1944 is hereby repealed.

**SCHEDULE**

Schedule.

THIS deed made the fifth day of July 1954 between the Mayor Councillors and Citizens of the City of Lower Hutt a body corporate under the provisions of the Municipal Corporations Act 1933 (hereinafter called "the Council") of the first part the New Zealand Free Ambulance Transport Service (Wellington District) (Incorporated) (hereinafter called "the Free Ambulance") of the second part and the Mayor Councillors and Citizens of the City of Lower Hutt the Mayor Councillors and Burgesses of the Borough of Petone (herein called "the Petone Borough"), the Mayor Councillors and Burgesses of the Borough of Upper Hutt (herein called "the Upper Hutt Borough"), the Mayor Councillors and Burgesses of the Borough of Eastbourne (herein called "the Eastbourne Borough") all of which are bodies corporate under the provisions of the Municipal Corporations Act 1933 and the Chairman Councillors and Inhabitants of the County of Hutt a body corporate under the provisions of the Counties Act 1920 (herein called "the Hutt County") all of which five corporate bodies are also hereinafter referred to as "the Contributing Authorities" of the third part Whereas by a certain Deed bearing date the first day of March 1944 made between the parties hereto and the Lower Hutt Fire Board a body corporate more particularly therein described the Council agreed to transfer to the Free Ambulance all that piece of land situate in Laings Road in the City of Lower Hutt and more particularly described in the First Schedule hereto for the purposes of the establishment and maintenance of a Free Ambulance Service in the City of Lower Hutt for the benefit of the Hutt Valley and Eastbourne and surrounding districts And whereas such Deed was duly validated by the Free Ambulance (Lower Hutt Site) Act 1944 And whereas the said piece of land has been duly transferred by the Council to the Free Ambulance and the payments contemplated by the said Deed have been duly made And whereas the Parties hereto have agreed that it is desirable to substitute for the land described in the First Schedule hereto a certain piece of land situate in Ward Street and Market Grove in the City of Lower Hutt and more particularly described in the Second Schedule hereto And whereas it has been agreed by and between the parties hereto that the replacement value of the main buildings erected on the land described in the First Schedule is the sum of eight thousand one hundred and thirteen pounds (£8,113) And whereas it has been further agreed that the Free Ambulance shall erect upon the land described in the Second Schedule hereto a Free Ambulance Main Building at a cost not exceeding twenty-six thousand five hundred and thirteen pounds (£26,513) which shall be borne by the Contributing Authorities in the following proportions:

- (a) As to the sum of £8,113—by the Lower Hutt City Council as the replacement value of the main buildings erected on the land described in the First Schedule hereto and
- (b) As to the balance—by the Contributing Authorities in proportion to their respective populations as more particularly hereinafter set out.

SCHEDULE—*continued*

And whereas the parties hereto have agreed to apply to Parliament for legislative validation of the terms of this Deed and legislative authority for the contributions so intended to be made by the Contributing Authorities to the Free Ambulance for the purposes herein set out And whereas the Council and the Free Ambulance have agreed that the pieces of land to be transferred to them shall be held by them for civic purposes and for the purpose of a Free Ambulance respectively and for no other purposes Now this Deed witnesseth as follows:

1. For the considerations herein appearing the Free Ambulance shall transfer to the Council all that piece of land more particularly described in the First Schedule hereto together with all buildings and other erections thereon for an estate in fee simple to be held by the Council for the purposes of civic buildings or other civic development.

2. For the like considerations the Council shall transfer to the Free Ambulance all that piece of land more particularly described in the Second Schedule hereto for an estate in fee simple to be held by the Free Ambulance for the purposes of its constitution.

3. Neither the Council nor the Free Ambulance shall permit or suffer the said pieces of land so agreed to be transferred as aforesaid to be used at any time for purposes other than those hereinbefore respectively set out.

4. The Council shall allow to the Free Ambulance on account in respect of the erection by the Free Ambulance of the new building to be erected on the land described in the First Schedule hereto the sum of eight thousand one hundred and thirteen pounds (£8,113) which sum is hereby accepted by the parties hereto as the replacement value of the main building erected on the said piece of land described in the First Schedule hereto.

5. Immediately upon the execution of these presents and their statutory validation, the Free Ambulance shall with all due diligence proceed to erect and duly complete a Free Ambulance building with proper amenities and a treatment of the grounds surrounding the said building in accordance with the by-laws of the Council and in further accordance with plans submitted by the Free Ambulance and approved by the Council at cost inclusive of architectural and legal fees outside paving and initial layout of grounds which shall not exceed twenty-six thousand five hundred and thirteen pounds (£26,513).

6. The cost of the building so to be erected by the Free Ambulance in pursuance of the provisions of clause 5 hereof shall be borne by the Contributing Authorities as follows:

- (a) As to the sum of £8,113—by the Lower Hutt City Council as the replacement value of the main building erected on the land described in the First Schedule hereto:

SCHEDULE—*continued*

(b) As to the balance of £18,400—upon the basis set out in the following Schedule:

	Popula- tion	Per- centage	Amount £
Eastbourne Borough .....	2,650	3.50	644
Petone Borough .....	10,750	13.66	2,513
Upper Hutt Borough .....	10,500	13.33	2,453
Lower Hutt City Council .....	47,200	59.93	11,028
Hutt County Council .....	7,550	9.58	1,762
		<u>100.00</u>	<u>£18,400</u>

7. The parties hereto shall forthwith apply to Parliament for legislation:

- (a) For the validation of the terms of this Deed and
- (b) For statutory authority to enable the Contributing Authorities to make the contributions referred to in the immediately preceding clause either from revenue or by way of loan in which latter case the proviso to sub-section 1 of section 9 of the Local Bodies Loans Act 1928 shall not apply to any such loan and
- (c) For a declaration that the land described in the Second Schedule hereto and any buildings erected thereon shall, so long as the same are used for the purposes of the Free Ambulance be free from all rates leviable by any local authority having jurisdiction in respect thereof and
- (d) For the repeal of the Free Ambulance (Lower Hutt Site) Act 1944.

## FIRST SCHEDULE

ALL that piece of land situate in the City of Lower Hutt containing one rood eight and eighty-five one hundredths perches (1rd. 8.85ps.) be the same a little more or less being part of section 25 of the Hutt District and being also Lot 1 on Deposited Plan No. 12766 and all the land contained in Certificate of Title Volume 513 Folio 175 (Wellington Registry) Together with the right to maintain existing encroachments And to right of free access of light and air And together with the right to continue encroachments on a public street And subject to the right of free access of light and air as to the said encumbrances and more particularly set out in the said Certificate of Title.

## SECOND SCHEDULE

ALL that piece of land situate in the City of Lower Hutt containing two roods six and thirty-nine one hundredths perches (2rd. 6.39ps.) be the same a little more or less being part of Sections 21 and 25 of the Hutt District and being also Lots 1, 2, 3, 4, 5, 6, and 14 on Deposited Plan No. 9398 and being all the land contained in Certificates of Title Volume 384 Folio 162 and Volume 439 Folio

SCHEDULE—*continued*

278 and part of the land contained in Certificates of Title Volume 184 Folio 29 and Volume 185 Folio 56 (Wellington Registry).

In witness whereof these presents are executed the day and year first hereinbefore written.

The Common Seal of the Mayor Councillors and Citizens of the City of Lower Hutt was hereunto affixed pursuant to a resolution of the Council in the presence of: } [L.S.]

P. DOWSE, Mayor.

C. M. TURNER, Town Clerk.

The Common Seal of the New Zealand Free Ambulance Transport Service (Wellington District) (Incorporated) was hereunto affixed pursuant to a resolution of the Board in the presence of: } [L.S.]

C. J. B. NORWOOD, Chairman.

R. R. OLEN, Secretary.

F. E. FEIST, Treasurer.

The Common Seal of the Mayor Councillors and Burgesses of the Borough of Petone was hereunto affixed pursuant to a resolution of the Council in the presence of: } [L.S.]

JOSEPH HUGGAN, Mayor.

H. LANG, Town Clerk.

The Common Seal of the Mayor Councillors and Burgesses of the Borough of Upper Hutt was hereunto affixed pursuant to a resolution of the Council in the presence of: } [L.S.]

R. H. E. SLACKE, Mayor.

R. G. COX, Town Clerk.

The Common Seal of the Mayor Councillors and Burgesses of the Borough of Eastbourne was hereunto affixed pursuant to a resolution of the Council in the presence of: } [L.S.]

C. L. BISHOP, Mayor.

M. MAGILL, Councillor.

M. A. BALLINGER, Town Clerk.

The Common Seal of the Chairman Councillors and Inhabitants of the County of Hutt was hereunto affixed pursuant to a resolution of the Council in the presence of: } [L.S.]

J. B. YALDWYN, County Chairman.

H. R. ROBINSON, County Clerk.