

*Mr. Sutherland*

THAMES BOROUGH COUNCIL EMPOWERING

[LOCAL BILL]

ANALYSIS

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A BILL INTITULED

- AN ACT to Enable the Thames Borough Council to Make and Levy Rates on Behalf of the Hauraki Catchment Board Each Year at the Same Time as it Makes and Levies the Borough Rates and Also to Remove the Trust Provisions and Mining Reservations in Respect of Certain Lands Now Vested in the Thames Borough Council and to Prevent the Granting of Mining Privileges Over the Surface of Such Lands Under the Provisions of the Mining Act, 1926. Title.
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- WHEREAS the Borough of Thames is a constituent district of the Hauraki Catchment District: And whereas the Hauraki Catchment Board, pursuant to section ninety-five of the Soil Conservation and Rivers Preamble.

Control Act, 1941, may by special order direct the Thames Borough Council to make and levy on behalf of the Hauraki Catchment Board a rate in accordance with sections eighty-four and eighty-five of the said Act: And whereas the Hauraki Catchment Board is unable to notify the Thames Borough Council until the month of May in each rating year the amount of the rates to be made and levied for that year: And whereas the Council, pursuant to section nineteen of the Local Legislation Act, 1947, and section fifteen of the Thames Borough Commissioner Amendment Act, 1934, demands the borough rates prior to receiving the notice from the Hauraki Catchment Board: And whereas it is expedient that the Thames Borough Council be empowered at the same time as it makes and levies the borough rates for any rating year to make and levy any rates directed by the Hauraki Catchment Board to be made and levied by the Thames Borough Council on behalf of the Hauraki Catchment Board: And whereas by the certificate of title mentioned in the Schedule to this Act the Thames Harbour Board was seized of an estate in fee-simple in, *inter alia*, the lands described in that Schedule in trust for the improvement and maintenance of the harbour of the Port of Thames and the construction and maintenance of such harbour-works at the said port as might be deemed advisable by the said Board: And whereas the said lands, pursuant to section five of the Thames Harbour Act, 1936, are now vested in the Corporation of the Borough of Thames: And whereas the necessity for the improvement and maintenance of the harbour of the Port of Thames and the construction and maintenance of such harbour-works at the said port has now ceased to exist.

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

Short Title.

1. This Act may be cited as the Thames Borough Council Empowering Act, 1949.

Authority to make and levy rates on behalf of the Hauraki Catchment Board.

2. The Thames Borough Council is hereby authorized and empowered in each and every rating year to make and levy any rates directed by the Hauraki Catchment Board to be made and levied by the Thames Borough Council on behalf of the Hauraki Catchment Board up to but not exceeding the maximum rate allowed by

sections eighty-four and eighty-five of the Soil Conservation and Rivers Control Act, 1941, at the same time as the Thames Borough Council makes and levies the borough rates, notwithstanding that the Thames Borough Council has not at the time of making and levying such rate received notice from the Hauraki Catchment Board of the amount of the administrative or general rate for that rating year. Notwithstanding anything contained in sections ninety-five and ninety-six of the Soil Conservation and Rivers Control Act, 1941, it shall not be necessary for the Board, in making any special order directing the levying of any such rate as aforesaid, to fix therein the amount of the rate.

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- 3.** The Thames Borough Council is hereby empowered from time to time to sell, transfer, lease, or let the whole or any portion or portions of the land described in the said Schedule upon such terms and subject to such conditions as the Thames Borough Council may by special resolution resolve, and from time to time to use and apply all or any of the proceeds arising from any such sale, transfer, lease, or letting for any purposes of the Thames Borough Council from the date of the passing of this Act:

Power to sell lands held on trust and to apply proceeds for Council purposes.

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- Provided that nothing in this section shall derogate from the provisions of the Servicemen's Settlement and Land Sales Act, 1943.

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- 4.** From the date of the passing of this Act no mining privilege shall, without the prior consent of the Thames Borough Council, be granted or created under the provisions of the Mining Act, 1926, over the surface of the land described in the Schedule to this Act or within a distance of fifty feet from the surface of the said land.

Preventing granting of mining privileges over the surface of such land.

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- 5.** From the date of the passing of this Act, on application by the Thames Borough Council and without payment of any fee, the District Land Registrar shall remove the trust provisions from certificate of title, Volume 275, folio 175, Auckland Registry, in so far as that title relates to the land described in the Schedule hereto, and shall cancel from the said certificate of title all reservations as to mines and minerals.

Authority for District Land Registrar to remove trust provisions and mining reservations from title.

- 6.** The powers conferred by this Act on the Thames Borough Council are additional to those conferred by the Municipal Corporations Act, 1933, and the provisions of

Application of Municipal Corporations Act, 1933.

4. *Thames Borough Council Empowering*

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that Act shall, so far as the same are applicable, apply to the exercise by the Thames Borough Council of the powers hereby conferred as if the powers hereby conferred had been conferred by that Act.

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Schedule.

SCHEDULE

ALL that piece or parcel of land situated in the Borough of Thames, containing 110 acres, more or less, being the block called Pukehinau No. 1 and portions of the blocks called Moanataiari No. 1A, Kauaeranga No. 28B, Moanataiari No. 2A, and Moanataiari No. 3, and being portion of the land comprised and described in certificate of title, Volume 275, folio 175, Auckland Registry.