

**Reprint
as at 21 November 1989**



Local Legislation Act 1989

Public Act 1989 No 110
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Commencement 20 November 1989

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by the Department of Internal Affairs.

An Act to confer powers on certain public bodies and to authorise and validate certain transactions and other matters

1 Short Title

This Act may be cited as the Local Legislation Act 1989.

2 Manukau City Council: vesting land in trustees of Te Paea Marae

- (1) In this section, unless the context otherwise requires,—
the said land means the land described in subsection (7)
section 439 means section 439 of the Maori Affairs Act 1953.
- (2) The reservation as recreation reserve of the land described in paragraphs (a) and (b) of subsection (7) is hereby revoked.
- (3) The road described in subsection (7)(c) is hereby stopped.
- (4) On the commencement of this Act, the said land shall vest in the persons in whom there is then vested all that parcel of land situated in Block V, Otahuhu Survey District containing 4 047 m², more or less, being Allotment 5A, Mangere Village, and being the land set apart and reserved as a Maori reservation by Order in Council made 29 October 1947 and published in the *Gazette* at page 1746; but—
- (a) the said land shall be deemed—
- (i) to have been so vested under subsection (7) of section 439; and
- (ii) to have been set apart under subsection (1) of section 439 for the common use of the Maori people of New Zealand as a meeting place and marae; and
- (b) subject to subsection (5) of this section, section 439 shall apply to the said land accordingly.
- (5) Where, under subsection (5) of section 439, the reservation of the said land is cancelled, or any part of the said land is excluded from the reservation, the Registrar of the Maori Land Court in whose Registry the land or part is situated shall execute a transfer of it to the territorial authority for the time being of the district in which it is situated as a recreation reserve under the Reserves Act 1977 (in the case of the land described

in subsection (7)(a) of this section or any part of it, without power of sale).

- (6) The District Land Registrar of the Land Registration District of North Auckland shall register against the land comprised and described in certificate of title No 52B/698 (North Auckland Registry) and, notwithstanding Caveat No A537755, against the residue of the land comprised and described in certificate of title No 211/174 (North Auckland Registry)—
- (a) the revocation effected by subsection (2); and
 - (b) the vesting effected by subsection (4).
- (7) The said land comprises—
- (a) all that parcel of land comprising 2.0670 hectares, more or less, being part Section I, Block V, Otahuhu Survey District, and being part of the land comprised and described in certificate of title No 211/174 (North Auckland Registry), and being more particularly shown marked “A” on SO Plan 56622 in the office of the Chief Surveyor at Auckland; and
 - (b) all that parcel of land comprising 610 m², more or less, being Section 14 of Block V, Otahuhu Survey District, and being all the land comprised and described in certificate of title No 52B/698 (North Auckland Registry); and
 - (c) all that parcel of land comprising 3 213 m², more or less, being road adjoining—
 - (i) Allotment 5A, Village of Mangere; and
 - (ii) Paro 16 Block; and
 - (iii) Allotment 74, Village of Mangere; and
 - (iv) Section I, Block V, Otahuhu Survey District,—and being more particularly shown marked “A” on SO Plan 56586 in the office of the Chief Surveyor at Auckland.

3 Otago Harbour Board: validating unlawful reclamations

- (1) The actions of the Otago Harbour Board in reclaiming the land described in subsection (3) are hereby validated and deemed to have been lawful; and the land is hereby deemed to have been lawfully reclaimed.

- (2) Nothing in subsection (1) affects the validity of, or affects or prevents the making of, any claim under the Treaty of Waitangi or based on a right arising or alleged to arise out of the treaty (whether under the Treaty of Waitangi Act 1975 or otherwise).
- (3) The land comprises first the parcel of land shown marked “A” on SO plan 21911 lodged in the office of the Chief Surveyor at Dunedin and containing 2 700 m², more or less, and secondly the parcel of land shown on that plan marked “B” and containing 1 100 m², more or less.

4 Thames-Coromandel District Council: removal of trust from land

- (1) Subject to this section, all trusts, reservations, and restrictions, to which the land described in subsection (8) (hereafter in this section referred to as the library land) was subject immediately before the commencement of this Act (not being trusts, reservations, or restrictions applicable to all land vested in District Councils as successors to Borough Councils) are hereby cancelled and revoked.
- (2) The Thames-Coromandel District Council (hereafter in this section referred to as the Council) shall not sell or exchange the library land unless—
 - (a) the building that was on the library land immediately before the commencement of this Act (hereafter in this section referred to as the library building) has been demolished or removed from the library land; and
 - (b) the Council has adopted and complied with the special consultative procedure in relation to the intention to sell or exchange the library land.
- (3) The Council shall not permit the library building to be demolished unless the Council—
 - (a) is satisfied that it has deteriorated to the point that it is effectively untenable; and
 - (b) has adopted and complied with the special consultative procedure in relation to the intention to permit it to be demolished.
- (4) The Council shall not permit the library building to be removed from the library land unless the Council—

- (a) is satisfied that it will be re-erected on a site within, or within a reasonable distance of, the district of the former Thames Borough Council; and
 - (b) has adopted and complied with the special consultative procedure in relation to the intention to permit it to be removed from the library land.
- (5) Subsection (6) applies to the library land, and to any land acquired by the Council—
 - (a) in full or part exchange for any land to which that subsection applies; or
 - (b) out of the proceeds of the sale of any land to which that subsection applies.
- (6) The Council shall use within the district of the former Thames Borough Council only, and for library purposes only,—
 - (a) any income derived from land to which this subsection applies or from the library building; and
 - (b) the net proceeds of the sale of any land to which this subsection applies; and
 - (c) the net proceeds of any sale of the library building.
- (7) The District Land Registrar of the land registration district of South Auckland shall do all things, and make all entries in registers, necessary to give effect to subsection (1).
- (8) The land is all that parcel of land situated in the District of Thames-Coromandel containing 653 m², more or less, being Lots 691, 692, and 693 of the Kauaeranga No 12 Block excepting all mines and minerals within or under the said land as excepted by conveyances 4382D (D11.198) and 4973D (D7.872), and being all the land comprised and described in certificate of title No 560/84 (South Auckland Registry), limited as to parcels.

5 Tuakau Borough Council: validating incorrectly expressed rates assessments

- (1) In this section,—
affected property means a rateable property situated in the former Borough of Tuakau

higher rates, in relation to an affected property, means those of the rates deemed under subsection (3) to have been resolved to be made and levied that apply to it

lower rates, in relation to an affected property, means those of the rates described in subsection (2) that, but for that subsection, would have applied to it.

- (2) The several rates resolved to be made and levied by the Tuakau Borough Council on all affected properties in respect of the year ended with 31 March 1987 at a duly notified meeting held on 30 April 1986 are hereby deemed not to have been so made and levied.
- (3) The Borough Council is hereby deemed to have lawfully resolved at that meeting that there be made and levied on all affected properties, in place of each of the lower rates, a rate higher by 5% than that lower rate.
- (4) All of the Borough Council's actions in levying, in respect of the said year on affected properties, amounts calculated on the basis of the higher rates are hereby validated and deemed to have been lawful.
- (5) All money received by the Borough Council or the Franklin District Council in payment of rates for the said year on affected properties calculated on the basis of the higher rates, is hereby deemed to have been lawfully paid to and received by the Borough or District Council.
- (6) Such part of the rates for the said year on any affected property, calculated on the basis of the higher rates, as has not yet been paid to the Borough Council or the Franklin District Council is hereby deemed to be lawfully payable to the District Council, and capable of being collected as if it had always been lawfully payable.

6 Waiheke County Council: validating annual general charges

Notwithstanding that the annual general charges of \$48 for residential properties and \$150 for commercial and industrial properties within the central riding of the District of the former Waiheke County Council resolved to be made and levied in respect of the year that ended with 31 March 1986 by the

County Council at its duly notified meeting held on 25 July 1985 were invalid by virtue of their not being uniform as required by section 157A of the Local Government Act 1974,—

- (a) the charges are hereby validated and deemed to have been lawfully made:
- (b) all actions of the Council or the Auckland City Council in levying and collecting the charges are hereby validated and deemed to have been lawful:
- (c) all money received by the Council or the Auckland City Council in payment of the charges is hereby deemed to be lawfully payable, and capable of being collected as if it had always been lawfully payable:
- (d) such part of the charges as has not yet been paid to the County Council or the City Council is hereby deemed to be lawfully payable to the City Council, and capable of being collected as if it had always been lawfully payable.

7 Wairoa County Council: validating unlawful loan

Notwithstanding the failure of the former Wairoa County Council to comply with the requirements of the Local Authorities Loans Act 1956 to—

- (a) pass a resolution to raise a loan; and
- (b) provide public notification of its intention to raise a loan; and
- (c) pass a resolution confirming a resolution to raise a loan,—

the actions of the Council in raising, on 28 November 1984, the loan known as the Staff Housing Loan 1984 are hereby validated and deemed to have been lawful, and the loan is hereby validated and deemed to have been and to continue to be lawful.

8 Wairoa District Council: removal of trust from land

- (1) Subject to subsection (2), all trusts, reservations, and restrictions, to which the land described in subsection (5) (hereafter in this section referred to as the library land) was subject immediately before the commencement of this Act (not being trusts, reservations, or restrictions applicable to all land

vested in District Councils as successors to County Councils) are hereby cancelled and revoked.

- (2) Subsection (3) applies to the library land, and to any land acquired by the Wairoa District Council—
 - (a) in full or part exchange for all or any part of any land to which the subsection applies; or
 - (b) out of the proceeds of the sale of any land to which the subsection applies.
- (3) The council shall use for library purposes only—
 - (a) any income derived from land to which this subsection applies; and
 - (b) the net proceeds of the sale of any land to which this subsection applies; and
 - (c) until it is sold or otherwise disposed of, all land to which this subsection applies.
- (4) The District Land Registrar of the land registration district of Gisborne shall do all things, and make all entries in registers, necessary to give effect to subsections (1) and (3).
- (5) The land is all that parcel of land containing 1 011 m², more or less, being section 61, Town of Frasertown, being part Block XIII, Opotiki Survey District, and being all the land comprised and described in certificate of title No 107/82 (Gisborne Registry), limited as to parcels and title.

9 Repeals and savings

- (1) The enactments specified in the Schedule are hereby repealed.
 - (2) The repeal by subsection (1) of any enactment does not affect the validity or effect of anything done or validated by the enactment or, before the commencement of this Act, done under the enactment.
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Schedule
Enactments repealed

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Akaroa County Council Empowering Act 1962 (1962 No 18 (L))

Bay of Plenty Licensing Committee Enabling Act 1933 (1933 No 5 (L))

Borough of Invercargill Loans Consolidation Act 1885 (1885 No 20 (L))

Carterton Borough Empowering Act 1944 (1944 No 11 (L))

City of Auckland Loans Consolidation Act 1879 (1879 No 1 (L))

City of Christchurch Special Loans Enabling Act 1903 (1903 No 9 (L))

Clutha County Council Empowering (Community Centres) Amendment Act 1969 (1969 No 6 (L))

Clutha County Empowering (Community Centres) Act 1962 (1962 No 2 (L))

Dargaville Borough Empowering Act 1954 (1954 No 7 (L))

Greymouth Borough Relief of Unemployment Loan Validation Act 1933 (1933 No 4 (L))

Greymouth United Borough Rating Empowering Act 1934 (1934 No 7 (L))

Horouta District Licensing Poll Act 1922 (1922 No 26 (L))

Huntly Borough Empowering Act 1950 (1950 No 6 (L))

Invercargill Borough Council Special Rate Empowering Amendment Act 1921 (1921 No 3 (L))

Kaitaia Borough Empowering Act 1954 (1954 No 12 (L))

Kamo Town Board Empowering Act 1953 (1953 No 11 (L))

**Lower Hutt City Empowering and Rates Consolidation Act
1941 (1941 No 3 (L))**

**Manawatu Catchment Board Empowering Act 1952 (1952
No 1 (L))**

**New Lynn Borough Empowering and Rates Consolidation Act
1952 (1952 No 9 (L))**

Oamaru Harbour Board Rating Act 1951 (1951 No 14 (L))

Onerahi Town Board Empowering Act 1954 (1954 No 5 (L))

**Otamatea County Empowering (Community Centres) Act 1961
(1961 No 7 (L))**

**Papakaio Water-race District Validation Act 1911 (1911
No 6 (L))**

Putaruru Borough Empowering Act 1958 (1958 No 5 (L))

Rangiora Borough Empowering Act 1957 (1957 No 7 (L))

Rawene Town Council Empowering Act 1955 (1955 No 3 (L))

Rotorua Borough Empowering Act 1930 (1930 No 2 (L))

**Southland Catchment Board Empowering Act 1953 (1953
No 7 (L))**

Tatum Trust Revocation Act 1912 (1912 No 1 (L))

**Tauranga County Council Empowering Act 1952 (1952
No 20 (L))**

**Te Kauwhata Town Council Empowering Act 1960 (1960
No 1 (L))**

Timaru City Rates Consolidation Act 1952 (1952 No 16 (L))

Tuakau Borough (Rates Validation) Act 1978 (1978 No 3 (L))

**Waikohu County Council Empowering Act 1965 (1965
No 14 (L))**

Wanganui Bridge Act 1968 (1968 No 16 (L))

**Wanganui City Council Special Rate Empowering and Enabling
Act 1924 (1924 No 5 (L))**

**Warkworth Town Council Empowering Act 1958 (1958
No 2 (L))**

**Western Waiheke Road Board Empowering Act 1952 (1952
No 15 (L))**

**Whangarei Harbour Board Empowering Act 1925 (1925
No 12 (L))**

**Woodlands Drainage Board (Rating) Validation Act 1934 (1934
No 11 (L))**

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Notes**1 General**

This is a reprint of the Local Legislation Act 1989. The reprint incorporates all the amendments to the Act as at 21 November 1989, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*
