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1959, No. 92

An Act to confer certain powers on certain public bodies and to validate certain transactions [22 October 1959]

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 Local Legislation Act 1959.

County Councils

2. Validating certain expenditure incurred by Waimate West County Council in connection with anniversary celebrations—The expenditure by the Waimate West County Council during the financial year ended on the thirty-first day of March, nineteen hundred and fifty-nine, of the sum of one hundred and seventy-eight pounds ten shillings and sixpence in celebration of the fiftieth anniversary of the County of Waimate West, is hereby validated and declared to have been lawfully incurred.

3. Exempting Meat Industry Research Institute from liability for payment of rates levied by Waikato County Council—The Meat Industry Research Institute of New Zealand Incorporated (in this section referred to as the Institute) shall be exempt for a period of two years from the thirty-first day of March, nineteen hundred and fifty-nine, from liability for the payment of rates levied by the Waikato County Council under the Rating Act 1925, in respect of that portion of Allotment 316 of the Parish of Kirikiriroa, situated in the County of Waikato, containing six acres and fifteen perches and one-half of a perch, more or less, occupied by the Institute.

AMD. 196
No. s.

AMD. 196
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AMD. 196
No. s.

4. Provision with respect to apportionment of general expenses amongst ridings of County of Southland by Southland County Council—Whereas the County of Southland (in this section referred to as the County) comprises nine ridings: And whereas the district valuation rolls for five of the said ridings were, pursuant to section nine of the Valuation of Land Act 1951, revised by the Valuer-General as at the thirty-first day of January, nineteen hundred and fifty-six: And whereas the district valuation rolls for the remainder of the said ridings were, pursuant to the said section, revised by the Valuer-General as at the thirty-first day of January, nineteen hundred and fifty-seven: And whereas the Southland County Council (in this section referred to as the Council) for the years ended with the thirty-first day of March, nineteen hundred and fifty-seven, and the thirty-first day of March, nineteen hundred and fifty-eight, and the thirty-first day of March, nineteen hundred and fifty-nine, levied a general rate separately in each such riding: And whereas subsection three of section one hundred and thirty-four of the Counties Act 1956 provides that when a general rate is levied separately in each riding the proportion of the

general expenses of the County to be borne by each riding shall bear to the total amount of those expenses the same proportion as the rateable value of all the property in the riding bears to the total rateable value of all the property in the County: And whereas, since the district valuation rolls had been revised as aforesaid as at two different dates, the Council, for the purpose of determining the proportion of the general expenses of the County to be borne by each of its nine ridings, for the years in question, in accordance with subsection three of the said section one hundred and thirty-four, used the values appearing in the district valuation rolls for the whole County as revised by the Valuer-General as at the thirty-first day of March, nineteen hundred and fifty-two: And whereas, doubts having arisen as to the validity of so determining the proportion of the general expenses of the County to be borne by each riding as aforesaid, it is desirable that such doubts be resolved: And whereas it is desirable that, until the rating year in which the next revision of the district valuation rolls for the ridings in the County is completed, the rateable valuation of the property in the County and in the ridings thereof as appearing in the district valuation rolls for the whole County as at the thirty-first day of March, nineteen hundred and fifty-two, be used for determining the proportions in which such ridings are to bear the general expenses of the County: Be it therefore enacted as follows:

(1) Notwithstanding anything to the contrary in the Counties Act 1956, the proportion of general expenses of the County borne by each riding thereof for the years ended with the thirty-first day of March, nineteen hundred and fifty-seven, the thirty-first day of March, nineteen hundred and fifty-eight, and the thirty-first day of March, nineteen hundred and fifty-nine, shall be deemed to have been lawfully determined by the Council.

(2) For the year ending with the thirty-first day of March, nineteen hundred and sixty, and for each subsequent year until the year ending with the thirty-first day of March in which the next revision of the district valuation rolls of the ridings in the County is completed, the rateable value of the property in the County and in the ridings thereof, as appearing in the district valuation rolls for the whole County as at the thirty-first day of March, nineteen hundred and fifty-two, may be used by the Council for determining the proportions in which the said ridings are to bear the general expenses of the County.

5. Validating refund to County Fund Account from loan money by Ohinemuri County Council—Whereas, before authority was obtained to the raising of a loan of ten thousand six hundred pounds, known as the Bridge Renewal Loan 1958 (in this section referred to as the loan), the Ohinemuri County Council (in this section referred to as the Council) expended out of its County Fund Account, for certain purposes for which the loan was to be raised, money amounting in the aggregate to the sum of three hundred and seventy-two pounds sixteen shillings: And whereas authority has since been obtained to the raising of the loan: And whereas the Council has refunded to its County Fund Account out of the proceeds of the loan the sum of three hundred and seventy-two pounds sixteen shillings: And whereas the Council had no authority to make such a refund and it is desirable to validate the same: Be it therefore enacted as follows:

The action of the Council in refunding the sum of three hundred and seventy-two pounds sixteen shillings to its County Fund Account out of the proceeds of the loan is hereby validated and declared to have been lawful.

6. Extending special rating areas in County of Hutt—(1) The special rating areas within the County of Hutt created pursuant to the Local Bodies' Loans Act 1926 and the Local Authorities Loans Act 1956 and respectively defined in the following resolutions:

- (a) A resolution of the Hutt County Council published in the *Gazette* of the seventh day of February, nineteen hundred and fifty-seven, at page 200, and relating to a loan of one hundred and ten thousand pounds known as the Wainuiomata Sewerage Reticulation Loan 1954; and
- (b) A resolution of the Hutt County Council published in the *Gazette* of the fourth day of December, nineteen hundred and fifty-eight, at page 1773, and relating to a loan of sixty thousand pounds known as the Wainuiomata Sewerage Reticulation Extension to Boundaries Loan 1958 and being identical with the area referred to in paragraph (a) of this subsection,

are hereby extended by adding thereto the contiguous areas described in subsection two of this section.

(2) The contiguous areas to which this section relates are more particularly described as follows:

Firstly, all that area in the Hutt County, Wellington Land District, bounded by a line commencing at the south-eastern corner of Lot 48 on plan numbered 19728, deposited in the office of the District Land Registrar at Wellington, being part Section 21, Lowry Bay District, situated in Block XIV, Belmont Survey District; thence northerly generally along the western boundary of the land shown on plan numbered 19728 to the northernmost corner of Lot 9 on plan numbered 19728; thence easterly generally along the northern boundary of the land shown on plan numbered 19728 to the north-eastern corner of Lot 87 on plan numbered 19728; thence easterly along a right line to and across Fitzherbert Road to the eastern side of that road; thence southerly along the eastern side of Fitzherbert Road to a point in line with the northern boundary of Lot 223 on plan numbered 15669 deposited as aforesaid; thence westerly along a right line across Fitzherbert Road, to and along the northern boundary of Lot 223 aforesaid, across Westminster Road, along the northern boundary of Lots 186 and 185 on plan numbered 15669, across Wellington Road and along the northern boundary of Lot 1 on plan numbered 15669 to the eastern boundary of Lot 48 on plan numbered 19728; thence southerly along the eastern boundary of Lot 48 to the south-eastern corner of Lot 48, being the point of commencement.

Secondly, all that area in the Hutt County, Wellington Land District, bounded by a line commencing at the southernmost corner of Lot 55 on plan numbered 16256, deposited in the office of the District Land Registrar at Wellington, being part Section 3, Lowry Bay District, situated in Block XVI, Belmont Survey District; thence southerly along a right line across the Lower Hutt - Wainuiomata Main Highway to the northernmost corner of Lot 59 on plan numbered 16818 deposited as aforesaid, and along the northern and western boundaries of Lots 59, 60, and 61 on plan numbered 16818 to the easternmost corner of Lot 123 on plan numbered 21057 deposited as aforesaid; thence westerly generally along the southern boundary of the land shown on plan numbered 21057 and the eastern and southern boundaries of the land shown on plan numbered 19428 deposited as aforesaid to the south-eastern boundary of Section 17, Lowry Bay District; thence south-westerly, north-westerly and north-easterly generally along the south-eastern boundary of Section 17, Lowry Bay District, for a distance of 400 links and along right lines, bearing two hundred and forty-five degrees distance 570 links, bearing three hundred and twenty-two degrees distance 550 links, and bearing forty-six degrees distance

425 links to the southernmost corner of Lot 115 on plan numbered 19009 deposited as aforesaid; thence north-westerly generally along the south-western and north-western boundaries of the land shown on plan numbered 19009 and the south-western boundary of the land shown on plan numbered 18846 deposited as aforesaid to the westernmost corner of Lot 56 on plan numbered 18846 aforesaid; thence north-westerly generally along the production of the last-mentioned boundary to and along the south-western and north-western boundaries of the land shown on plan numbered 18778 deposited as aforesaid and the north-western boundary of Lot 2 on plan numbered 16818 to the southern side of the Lower Hutt - Wainuiomata Main Highway; thence north-easterly along a right line across the said main highway to the westernmost corner of Lot 2 on plan numbered 18848 deposited as aforesaid; thence south-easterly along the northern side of the Lower Hutt - Wainuiomata Main Highway to the southernmost corner of Lot 55 on plan numbered 16256, being the point of commencement.

Thirdly, all that area in the Hutt County, Wellington Land District, bounded by a line commencing at the westernmost corner of Lot 1 on plan numbered 18687, deposited in the office of the District Land Registrar at Wellington, being part Section 4, Lowry Bay District, situated in Block XVI, Belmont Survey District; thence easterly along the northern boundary of the land shown on plan numbered 18687 and the northern boundary of the land shown on plan numbered 20399 deposited as aforesaid to the easternmost corner of Lot 77 on plan numbered 20399; thence southerly along the eastern boundaries of Lots 77 and 79 on plan numbered 20399 aforesaid to the northernmost corner of Lot 24 on plan numbered 16946 deposited as aforesaid; thence northerly, easterly, and southerly generally along the western, northern, and eastern boundaries of the land shown on plan numbered 16946 to the southernmost corner of Lot 30 on plan numbered 16946; thence westerly generally along the southern boundary of the land shown on plan numbered 16946 and the eastern and southern boundaries of the land shown on plan numbered 20399 to the eastern side of Moohan Street; thence westerly generally by a right line across Moohan Street to and along the south-eastern boundary of Lot 31 on plan numbered 18687 and along the south-western boundaries of that lot and Lot 24 on plan numbered 18687 to the eastern boundary of Lot 25 on plan numbered 18687; thence north-westerly along the eastern boundary of Lot 25 aforesaid to the westernmost

corner of Lot 1 on plan numbered 18687, being the point of commencement.

Fourthly, all that area in the Hutt County, Wellington Land District, bounded by a line commencing at the westernmost corner of Lot 1 on plan numbered 21287, deposited in the office of the District Land Registrar at Wellington, being part Section 26, Wainuiomata District, situated in Block XVII, Belmont Survey District; thence north-easterly along the western and north-western boundaries of the land shown on plan numbered 21287 to the southern boundary of Lot 249 on plan numbered 17960 deposited as aforesaid; thence easterly along the southern boundary of Lot 249 aforesaid and the southern boundary of Lot 18 on plan numbered 20438 deposited as aforesaid to the north-western corner of Lot 260 on plan numbered 18883 deposited as aforesaid; thence south-easterly generally along the western and southern boundaries of Lot 260 aforesaid to the southernmost corner of that lot; thence southerly, westerly, and northerly generally along the eastern boundary of the land shown on plan numbered 18883 and the eastern, southern, and western boundaries of the land shown on plan numbered 19281 deposited as aforesaid to the south-eastern corner of Lot 63 on plan numbered 18883; thence westerly along the southern boundary of Lot 63 aforesaid and by a right line to and along the southern and south-western boundaries of Lot 58 on plan numbered 18883 to the southernmost corner of the land shown on plan numbered 20437 deposited as aforesaid; thence north-westerly and south-westerly along the south-western boundary of the land shown on plan numbered 20437 aforesaid and the southern boundary of the land shown on plan numbered 17960 aforesaid to the south-western corner of Lot 24 on that plan; thence northerly along the western boundary of Lot 24 aforesaid to the southern side of Hine Road; thence westerly along the southern side of Hine Road to a point in line with the north-western boundary of Lot 1 on plan numbered 17960; thence north-easterly along a right line across Hine Road to and along the north-western boundary of Lot 1 on plan numbered 17960 to the westernmost corner of Lot 1 on plan numbered 21287, being the point of commencement.

(3) This section shall be deemed to have come into force on the first day of April, nineteen hundred and fifty-nine.

7. Certain area of County of Matamata deemed to be a legal subdivision for purposes of the Local Authorities Loans Act 1956—(1) For the purposes of the Local Authorities

Loans Act 1956 the area described in subsection two of this section shall be deemed to be a legal subdivision.

(2) The land to which this section relates is more particularly described as follows: All that area of land situated in Blocks VII, VIII, and XII of the Patetere South Survey District bounded by a line commencing at the point where the Putaruru-Kinleith Railway line crosses the Whakauru Stream; thence south-easterly generally by the said Whakauru Stream to and across the Tirau-Wairakei (No. 41) State Highway and continuing by the northern boundary of Lots 13 and 14 on D.P. 8320 (Tokoroa East School) and Lot 6 on D.P.S. 2424 (Recreation Reserve) to Mossop's Road; thence continuing by a right line at right angles to and across Mossop's Road; thence westerly by the southern boundary of Mossop's Road to the eastern boundary of Lot 1 on D.P.S. 1818; thence southerly and westerly by the eastern and southern boundaries of the said Lot 1 on D.P.S. 1818 to and continuing directly across the Tirau-Wairakei (No. 41) State Highway to the western boundary thereof; thence southerly generally by the western boundary of the said State highway to the southern boundary of D.P. 33685; thence westerly by the said southern boundary of D.P. 33685 to the Putaruru-Kinleith Railway line; continuing directly by a right line to the western boundary of the said railway line; thence northerly by the said railway line to the northern boundary of Lot 1 on D.P. 33684; thence westerly and southerly by the northern boundaries of Lot 1 on D.P. 33684 and D.P. 37044 and the western boundary of D.P. 37044 to the southern boundary of Lot 6 on D.P. 32554; thence westerly and northerly by the southern and western boundaries of the said Lot 6 on D.P. 32554 to the Maraetai Road, thence northerly by a right line to the south-western corner of Lot 24 on D.P.S. 4637; thence northerly by a right line to a point nine chains and one-half of a chain west of the south-eastern corner of part Lot 1 on D.P. 29115; thence westerly along the southern boundary of the said part Lot 1 on D.P. 29115 to its western boundary; thence northerly and north-easterly generally by the western boundary of the said part Lot 1 on D.P. 29115 to and across Baird Road to a point being ten chains distant from the north-western intersection of Baird Road and Paraonui Road; thence continuing by a production of the said right line to a point ten chains distant from the centre line of Baird Road; thence easterly by a line drawn parallel to and at a uniform distance of ten chains from the centre line of Baird Road to the Whakauru Stream; thence

south-easterly generally by the Whakauru Stream to the point of commencement.

(3) This section shall be deemed to have come into force on the first day of April, nineteen hundred and fifty-nine.

8. Provision with regard to further extension of period of appointment of Commissioner for County of Matakaoa—

(1) Section ten of the Local Legislation Act 1932–33 is hereby amended by repealing subsection eleven, as amended by section ten of the Local Legislation Act 1956, and substituting the following subsection:

“(11) The first election of Councillors of the county to be held after the appointment of the Commissioner shall be the election to be held pursuant to the Local Elections and Polls Act 1953, on the third Saturday in November, nineteen hundred and sixty-five.”

(2) Section ten of the Local Legislation Act 1956 is hereby repealed.

9. Provision with respect to closing of certain separate accounts kept by Chatham Islands County Council—Notwithstanding anything to the contrary contained in the Chatham Islands County Council Empowering Act 1936 or the Counties Act 1956, the Chatham Islands County Council may, without further authority than this section, close, from such date as it determines, but in any case not later than the thirty-first day of March, nineteen hundred and sixty, the separate accounts named the Northern Riding Account, the Central Riding Account, the Eastern Riding Account and the Pitt Island Riding Account respectively, by incorporating in the General Account of the County Fund the balances in those separate accounts.

10. Adoption of rating on unimproved value in County of Eyre—Whereas at a poll of ratepayers pursuant to the Rating Act 1925, taken in the County of Eyre on the nineteenth day of May, nineteen hundred and fifty-six, on a proposal to adopt the system of rating on the basis of the unimproved value, the number of votes recorded for the proposal was three hundred and ninety-four and the number of votes recorded against the proposal was two hundred and nine: And whereas notification of the result of the poll was given by the Returning Officer of the county in the *Christchurch Press* newspaper on the thirtieth day of May, nineteen hundred and fifty-six: And whereas the Chairman of the Eyre County Council omitted to cause a notice of the number of votes recorded for and against

the proposal to be published in the *Gazette*, and also in one or more newspapers circulating in the county, as required by section forty-two of the Rating Act 1925: And whereas from and after the thirty-first day of March, nineteen hundred and fifty-seven, the Eyre County Council has made and levied rates on the unimproved value: Be it therefore enacted as follows:

(1) Notwithstanding anything to the contrary in the Rating Act 1925, or any other Act, the system of rating on the basis of the unimproved value shall be deemed to have been adopted in the County of Eyre from and after the thirty-first day of March, nineteen hundred and fifty-seven.

(2) The actions of the Eyre County Council in making and levying rates on that basis for each of the years that ended with the thirty-first day of March, nineteen hundred and fifty-eight, and the thirty-first day of March, nineteen hundred and fifty-nine, and for the year ending with the thirty-first day of March, nineteen hundred and sixty, and in doing all things preliminary thereto, are hereby validated and all such rates are hereby declared to have been lawfully made and levied and to be legally recoverable.

(3) For the purposes of section forty-six of the Rating Act 1925, the date of the gazetting of the notice of the result of the poll held in the county on the nineteenth day of March, nineteen hundred and fifty-six, shall be deemed to be the thirtieth day of May, nineteen hundred and fifty-six.

11. Validating abolition of riding accounts by Heathcote County Council—Whereas the Heathcote County Council (in this section referred to as the Council) by special order passed on the twenty-eighth day of August, nineteen hundred and fifty-three, and confirmed on the twenty-fifth day of September, nineteen hundred and fifty-three, pursuant to section two of the Counties Amendment Act 1931, declared that sections one hundred and twenty-one and one hundred and thirty-one of the Counties Act 1920 should not apply to the Council: And whereas the Council omitted to forward to the Minister of Internal Affairs, as provided by the said section two, a copy of the said special order with the appropriate certificate to enable the said special order to be gazetted and to take effect: And whereas the Council has acted upon the said special order in all respects as if the same had taken effect from the thirty-first day of March, nineteen hundred and fifty-four: Be it therefore enacted as follows:

(1) The said special order of the Council declaring that sections one hundred and twenty-one and one hundred and

thirty-one of the Counties Act 1920 should not apply to the Council shall be deemed to have taken effect for all purposes, and the said sections one hundred and twenty-one and one hundred and thirty-one are hereby declared not to have applied to the Council as from the thirty-first day of March, nineteen hundred and fifty-four.

(2) The actions of the Council in closing the separate riding accounts kept pursuant to subsection three of section one hundred and thirty-one of the Counties Act 1920 by incorporating in the General Account of the County Fund the balances of the said separate accounts, and in disbursing money on a whole county basis instead of a riding basis as from the thirty-first day of March, nineteen hundred and fifty-four, are hereby validated and declared to have been lawful.

(3) The actions of the Council in making and levying all general rates over the county as a whole instead of separately in each riding for each of the years that ended with the thirty-first day of March, nineteen hundred and fifty-five, the thirty-first day of March, nineteen hundred and fifty-six, the thirty-first day of March, nineteen hundred and fifty-seven, the thirty-first day of March, nineteen hundred and fifty-eight, and the thirty-first day of March, nineteen hundred and fifty-nine, and for the year ending with the thirty-first day of March, nineteen hundred and sixty, and in doing all things necessary preliminary thereto are hereby validated, and all such rates are hereby declared to have been lawfully made and levied and to be legally recoverable.

12. Authorising raising of special loan by Rodney County Council—Whereas, by Order in Council made on the fifth day of September, nineteen hundred and fifty-six, consent was given to the raising by the Rodney County Council (in this section referred to as the Council) of a loan of six thousand pounds to be known as the Wellsford Sewerage Loan No. 1, for the purpose of constructing a sewerage works in the County Town of Wellsford: And whereas, after expending the amount of the said loan, the Council expended out of its County Fund Account the sum of three thousand pounds in completion of those sewerage works: And whereas it is desirable to authorise the Council to raise a loan of three thousand pounds for the purpose of recouping its County Fund Account in respect of the sum expended from that account as aforesaid: Be it therefore enacted as follows:

The Council is hereby authorised and empowered to borrow by way of special loan under the Local Authorities Loans Act

1956 an amount not exceeding three thousand pounds for the purpose of refunding to its County Fund Account the sum expended from that account for the purpose of completing the said sewerage works.

13. Validating borrowing of certain loan money by Marlborough County Council—Whereas on the tenth day of December, nineteen hundred and fifty-seven, the Local Authorities Loans Board sanctioned the raising by the Marlborough County Council (in this section referred to as the Council) of a loan of fourteen thousand pounds to be known as the Machinery Loan 1957 (in this section referred to as the loan): And whereas contrary to the provisions of the Local Authorities Loans Act 1956, the Council, without first obtaining the consent of the Governor-General in Council, raised the loan: And whereas it is desirable that the action of the Council in raising the loan should be validated: Be it therefore enacted as follows:

The action of the Council in raising the loan without the precedent consent of the Governor-General in Council is hereby validated, and the money received by the Council in respect thereof shall be deemed to have been lawfully borrowed and all debentures and stock issued in respect thereof shall be deemed to have been lawfully executed and issued by the Council and shall have full force and effect according to their tenor.

City, Borough, and Town Councils

14. Validating borrowing of and variation of terms of raising certain loan money by Manurewa Borough Council—Whereas on the thirtieth day of March, nineteen hundred and fifty-five, pursuant to subsection two of section twenty-two of the Health Act 1920, the Board of Health issued a requisition (in this section referred to as the first requisition) to the Manurewa Borough Council (in this section referred to as the Council) to install sewerage works for the Borough of Manurewa subject to proper plans, specifications and estimates of the cost of such works being approved by the Board of Health: And whereas, doubts having arisen by reason of certain provisions of the Auckland Metropolitan Drainage Act 1944 and its amendments as to the validity of the first requisition, the Board of Health revoked the first requisition and on the seventeenth day of March, nineteen hundred and fifty-eight, issued a new requisition (in this section referred to as the second

requisition) requiring the Council and the Auckland Metropolitan Drainage Board to carry out the said sewerage works on the terms set out in the second requisition: And whereas before the revocation of the first requisition and for the purposes of that requisition the Council had, pursuant to certain Orders in Council consenting to the raising of portions of a loan of two hundred and eight thousand pounds known as the Sewerage Loan 1955 (in this section referred to as the loan), borrowed money and issued debentures and stock in respect thereof: And whereas by Orders in Council made on the twenty-second day of January, nineteen hundred and fifty-eight, the eleventh day of June, nineteen hundred and fifty-eight, and the fifteenth day of October, nineteen hundred and fifty-eight, consent was given to the raising by the Council of sums of ten thousand pounds, five thousand pounds, and fifty thousand pounds respectively, being portions of the loan: And whereas two of the conditions determined by the Local Government Loans Board in respect of the loan were that the loan should extend over a term of thirty years and that no part thereof should bear interest at a rate exceeding four per cent per annum: And whereas, before the issue of the said Orders in Council, the Council raised the said sums of ten thousand pounds and five thousand pounds and a sum of seven hundred pounds being portion of the said sum of fifty thousand pounds as part of the loan, on terms providing for the payment of interest thereon at the rate of five per cent per annum extending over a term of ten years, and also raised sums amounting in the aggregate to twelve thousand three hundred and fifty pounds, being portion of the said sum of fifty thousand pounds, as part of the loan, on terms providing for the payment of interest thereon at the rate of five per cent per annum extending over a term of six years: And whereas it is desirable that the actions of the Council be validated: Be it therefore enacted as follows:

The actions of the Council in raising money so as to be able to comply with the terms of the first requisition and in raising the said sums of ten thousand pounds, five thousand pounds, seven hundred pounds, and twelve thousand three hundred and fifty pounds, as part of the loan without the precedent consent of the Governor-General in Council and otherwise than in accordance with the conditions determined by the Local Government Loans Board, are hereby validated and all money raised as aforesaid shall be deemed to have been lawfully borrowed and all debentures and stock issued in respect thereof shall be deemed to have been lawfully executed and issued

by the Council and shall have full force and effect according to their tenor.

15. Authorising Newmarket Borough Council to expend certain money in connection with opening of a parking building—The Newmarket Borough Council is hereby authorised and empowered to expend out of its General Account, during the financial year ending on the thirty-first day of March, nineteen hundred and sixty, the sum of two hundred and seventy-seven pounds three shillings and fivepence in connection with a function to mark the opening of its parking building in Davis Crescent, Newmarket, and the expenditure by the Council for that purpose of any part of that sum before the passing of this Act is hereby validated and declared to have been lawfully incurred and made.

16. Validating the terms of an agreement made between Corporation of Borough of Cambridge and Crows' Nest Properties Limited—Whereas the Corporation of the Borough of Cambridge (in this section referred to as the Corporation), pursuant to the Public Works Act 1928 and the Municipal Corporations Act 1933, for the purpose of obtaining a water supply for the borough, constructed a reservoir on that piece of land containing one rood and twenty-four perches, more or less, being Lot 2 on Deposited Plan 10077, and being part Allotment 227, Parish of Pukekura, and being also part of the land comprised and described in certificate of title, Volume 7, folio 77, Auckland Registry (in this section referred to as the first-described land), and did further construct a pipeline on and over those pieces of land containing respectively twenty-eight perches and seven-tenths of a perch and sixteen perches and three-tenths of a perch, more or less, being Lots 1 and 3 on Deposited Plan 10077, being parts Allotment 227, and being also parts of the land comprised and described in certificate of title, Volume 7, folio 77, Auckland Registry (in this section referred to as the second-described land): And whereas the first-described land and the second-described land are now vested in Crows' Nest Properties Limited, a duly incorporated company having its registered office at Hamilton (in this section referred to as the Company), and the Corporation has no estate or interest therein: And whereas the Corporation is desirous of becoming the registered proprietor of an estate in fee simple in the first-described land and of obtaining an easement of pipeline rights and rights of way over the second-described land, and the Company has agreed to transfer the

first-described land to the Corporation and to grant such easement over the second-described land in consideration of the Corporation supplying in perpetuity water for domestic purposes and watering of stock to land owned by the Company: And whereas a Deed of Covenant to give effect to the agreement has been entered into between the Corporation and the Company, a copy thereof being recorded in the Department of Internal Affairs at Wellington under Number I.A. 105/23: And whereas there is no legal authority for the Corporation to grant to the Company the perpetual right of water supply hereinbefore referred to: Be it therefore enacted as follows:

The Corporation shall be deemed to have been duly empowered to agree in and by the said Deed of Covenant to grant in perpetuity to the Company and its successors or assigns a sufficient supply of water for domestic purposes and the watering of stock in respect of the land owned by the Company and described in the said Deed of Covenant, subject to the terms, conditions, and limitations set out therein, and the said Deed of Covenant shall have effect and be binding on the parties thereto according to the tenor thereof.

17. Authorising Lower Hutt City Council to raise a special loan—Whereas on the twenty-second day of March, nineteen hundred and fifty-six, the Local Government Loans Board sanctioned the raising by the Hutt County Council (in this section referred to as the County Council) of a loan of twenty-four thousand five hundred pounds to be known as the Normandale Water Supply Loan 1956 for the purpose of providing a water supply in that portion of the County of Hutt generally known as Normandale: And whereas the County Council has raised as part of the said loan the sum of thirteen thousand pounds: And whereas by an Order in Council made on the twelfth day of June, nineteen hundred and fifty-seven, part of the County of Hutt including the portion generally known as Normandale was excluded from the County of Hutt and included in the City of Lower Hutt as on and from the first day of October, nineteen hundred and fifty-seven: And whereas it is desirable that the Lower Hutt City Council (in this section referred to as the City Council) should be authorised to raise the sum of eleven thousand five hundred pounds being the balance of the said loan: And whereas the City Council may be required to expend money out of its District Fund Account for the purposes for which the balance of the loan is to be raised: And whereas doubts have arisen as to whether the City Council has authority to raise the balance of the loan

and it is expedient to remove those doubts and to authorise the Council to reimburse its District Fund Account in respect of any money expended thereout as aforesaid: Be it therefore enacted as follows:

(1) The City Council is hereby authorised to raise by way of special loan under the Local Authorities Loans Act 1956, and notwithstanding anything in section thirty-four of that Act, without the prior consent of the ratepayers, an amount not exceeding the sum of eleven thousand five hundred pounds for the purpose of providing a water supply in Normandale.

(2) The City Council is hereby authorised to refund to its District Fund Account from the proceeds of the loan when raised any money expended from that Account, whether before the date of the passing of this Act or within six months after that date, in respect of the said work.

18. Authorising Auckland City Council to lease certain land—(1) Notwithstanding anything contained in any Act, the Auckland City Council (in this section referred to as the Council) is hereby empowered to grant leases of all or any part or parts of the land described in subsection three of this section at such rental or rentals, for such term or terms, with or without rights of renewal, and upon and subject to such covenants and conditions as the Council in its discretion shall think fit, including, but not by way of limitation, provisions for the lessee to erect within a specified time a building in compliance with the provisions of the Code of Ordinances prepared pursuant to the provisions of the Town and Country Planning Act 1953, any such building to be erected in accordance with the bylaws of the Council and to be so designed that the Council may retain the substantial control, use, and occupation of the ground level of the said land for the purposes of a municipal depot.

(2) All money received by the Council by way of rent in respect of leases granted under the provisions of this section shall be utilised in the first instance in repayment of loan charges on any loan or loans raised by the Council for the acquisition of the land described in subsection three of this section and for the construction of the municipal depot buildings and facilities thereon, and after all such loans are repaid such money shall be paid to the general funds of the Council.

(3) The land to which this section relates is more particularly described as follows:

All those pieces of land, situated in the City of Auckland, containing together six acres two roods thirty-four perches, more or less, being Allotments, 1, 2, 3, 4, 5, 7, 8, 34, 38, 40, 41, 42, and 43, and parts Allotments 6, 9, 10, 11, 12, 13, 14, 15, 16, 35, 36, and 37 of Section 39, City of Auckland, comprised in certificates of title, Volume 7, folios 98 and 220, Volume 41, folio 264, Volume 47, folio 254, Volume 113, folio 122, Volume 129, folio 226, Volume 133, folio 212, Volume 275, folio 149, Volume 336, folio 26, Volume 345, folio 87, Volume 349, folio 10, Volume 356, folio 125, Volume 371, folio 274, Volume 411, folios 299 and 300, Volume 449, folio 217, Volume 529, folios 2, 3, 4, 5, and 6, Volume 584, folio 136, Volume 595, folios 203, 204, 247, and 248, Volume 597, folios 203, 204, 205, 206, 207, 223, 224, 225, 227, 228, and 229, Volume 598, folios 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 70, 73, 74, 77, 78, 113, 114, 115, 116, 117, 118, and 119, Volume 603, folio 19, Volume 606, folio 23, Volume 620, folio 50, Volume 655, folio 114, Volume 687, folio 152, Volume 1117, folio 58, Volume 1120, folio 235, Volume 1367, folio 84, Volume 1505, folio 88, Volume 1555, folio 88, and Volume 1599, folio 99, Auckland Registry.

19. Validating certain expenditure incurred by Eltham Borough Council in connection with anniversary celebrations—The expenditure by the Eltham Borough Council during the financial year ended on the thirty-first day of March, nineteen hundred and fifty-nine, of the sum of one hundred and ninety-three pounds seventeen shillings and eleven pence in celebration of the seventy-fifth anniversary of the Borough of Eltham, is hereby validated and declared to have been lawfully incurred.

20. Validating certain expenditure incurred by Palmerston North City Council in connection with Sixth Commonwealth Relations Conference—The expenditure by the Palmerston North City Council during the financial year ended on the thirty-first day of March, nineteen hundred and fifty-nine, of the sum of three hundred and sixty-four pounds one shilling and eleven pence in connection with the holding of the Sixth Commonwealth Relations Conference in Palmerston North, and the entertainment of delegates thereto, is hereby validated and declared to have been lawfully incurred.

21. Validating certain expenditure incurred by Roxburgh Borough Council in connection with anniversary celebrations—The expenditure by the Roxburgh Borough Council during the financial year ended on the thirty-first day of March, nineteen hundred and fifty-nine, of the sum of one hundred and forty-three pounds fourteen shillings and ninepence in celebration of the eightieth anniversary of the Borough of Roxburgh, is hereby validated and declared to have been lawfully incurred.

22. Authorising expenditure of certain money by Cromwell Borough Council for development work on certain endowment land—Section twenty-one of the Local Legislation Act 1957 is hereby amended—

- (a) By omitting from subsection one the words “one thousand five hundred pounds”, and substituting the words “two thousand pounds”:
- (b) By omitting from subsection two the words “and before the commencement of this section”.

23. Amending Waimakariri Harbour Act 1946—(1) Section ten of the Waimakariri Harbour Act 1946, is hereby amended by repealing subsection two and substituting the following subsection:

“(2) One-third of the rent received from the buildings known as Hansens Buildings which have become vested in the Corporation under section six hereof, shall, for a period of nine years commencing on the first day of April, nineteen hundred and fifty-eight, be utilised exclusively as a fund for the rebuilding and replacement of the said Hansens Buildings.”

(2) This section shall be deemed to have come into force on the first day of April, nineteen hundred and fifty-eight.

24. Authorising Motueka Borough Council to expend certain money upon the Motueka Borough War Memorial—Whereas the Motueka Borough Council (in this section referred to as the Council) has, under section three hundred and fifty-one of the Municipal Corporations Act 1954, accumulated money in a separate account called the Motueka Borough Reserves Fund Account (in this section referred to as the Reserves Fund Account) for the purchase of land to be held as public reserves and for the improvement and development of public reserves: And whereas the Council has established a war memorial upon land leased with a perpetual right of renewal from the Maori Trustee and that land cannot

be vested in the Council as a public reserve within the meaning of section two of the Reserves and Domains Act 1953: And whereas the Council desires to acquire a leasehold interest in other Maori land as an addition to the said war memorial, and desires to develop the whole of the land in accordance with the original plans therefor, but has no funds normally available for that purpose: And whereas the Council desires to use part of the Reserves Fund Account for the acquisition of the leasehold interest in the additional land and for the development of all the land comprising the said war memorial: Be it therefore enacted as follows:

Notwithstanding anything to the contrary in the Municipal Corporations Act 1954, the Reserves and Domains Act 1953, or in any other Act, the Council is hereby authorised and empowered to expend so much of the money in the Reserves Fund Account as it may deem desirable and necessary to purchase and acquire a leasehold interest in Maori land to be held by it as part of the Motueka Borough War Memorial, and further, to expend so much of the said Reserves Fund Account as it may likewise deem desirable and necessary on the improvement and development of all the land comprising the said war memorial.

25. Authorising Warkworth Town Council to expend certain money in connection with hundredth anniversary of Warkworth Town Library—The Warkworth Town Council is hereby authorised and empowered to expend out of its General Account, during the financial year ending on the thirty-first day of March, nineteen hundred and sixty, a sum not exceeding seventy pounds for the purpose of celebrating the hundredth anniversary of the Warkworth Town Library and the expenditure by the Council for that purpose of any part of that sum before the passing of this Act is hereby validated and declared to have been lawfully incurred.

26. Authorising Greytown Borough Council to apply certain trust money towards cost of additions to Greytown War Memorial Swimming Baths—Whereas the Greytown Borough Council (in this section referred to as the Council) holds certain money amounting to the sum of one hundred and ninety pounds seven shillings and eightpence, with interest thereon from the thirty-first day of March, nineteen hundred and fifty-nine, in trust for the purposes of a brass band: And whereas the said money cannot now be applied to the purpose for which it is held in trust: And whereas it is desirable that

the Council should be authorised to expend the said money for the purpose of providing additions to the Greytown War Memorial Swimming Baths: Be it therefore enacted as follows:

The existing trust for which the said money is held by the Council is hereby discharged and the Council is hereby authorised to expend the said money for the purpose of providing additions to the Greytown War Memorial Swimming Baths.

27. Provision with respect to certain land vested in Corporation of the Borough of Tauranga—Whereas the land described in subsection four of this section was taken under the Public Works Act 1928: And whereas the said land is vested in the Mayor, Councillors, and Citizens of the Borough of Tauranga (in this section referred to as the Corporation) for an estate in fee simple for a plant and machinery depot: And whereas the said land is no longer required for that purpose and the Corporation wishes to lease the said land or any part or parts thereof for a term or terms not exceeding twenty-one years but with a perpetual right or rights of renewal: Be it therefore enacted as follows:

(1) Notwithstanding anything to the contrary in any Act or rule of law, the vesting in the Corporation as and for a plant and machinery depot of the land described in subsection four of this section is hereby cancelled and the land is hereby declared to be vested in the Corporation for an estate in fee simple subject to the provisions of the Municipal Corporations Act 1954 but otherwise freed and discharged from all trusts, reservations, and restrictions heretofore affecting the said land.

(2) It shall be lawful for the Corporation to lease the said land or any part or parts thereof pursuant to the provisions of that Act.

(3) The District Land Registrar for the Land Registration District of Auckland is hereby authorised and directed to deposit such plans to accept such documents for registration to make such entries in the register books, and to do all such other things as may be necessary to give effect to this section.

(4) The land to which this section relates is more particularly described as follows:

All that area of land in the South Auckland Land District containing one rood fourteen perches and nine-tenths of a perch, more or less, comprising Lots 1, 2, and 3, Deposited

Plan S. 1236, being parts Allotment 352, Section 1, Town of Tauranga, situated in Block X, Tauranga Survey District, and being part of the land comprised and described in certificate of title, Volume 783, folio 52, Auckland Registry.

28. Authorising Eketahuna Borough Council to make *ex gratia* payments from loan money to certain ratepayers towards cost of installing septic tanks on their properties—Whereas by Order in Council made on the sixth day of August, nineteen hundred and fifty-eight, consent was given to the raising by the Eketahuna Borough Council (in this section referred to as the Council) of the sum of thirteen thousand pounds, to be known as the Sewer Extension Loan 1957 (in this section referred to as the loan), for the extension of the sewerage system of the Borough of Eketahuna: And whereas at the time authority was obtained to the raising of the loan a number of ratepayers in the borough were serviced by a nightsoil collection, or used some chemical process for disposing of nightsoil, as they were unable to connect their premises to the sewerage system existing in the borough: And whereas certain of those ratepayers will still not be able to connect their properties to the sewerage system of the said borough after the completion of the works undertaken from the proceeds of the loan: And whereas these ratepayers are nevertheless liable for special rates made by the Council as security for the loan: And whereas the Council is desirous of ceasing the nightsoil collection service and of utilising a sum not exceeding five hundred pounds out of the proceeds of the loan in making *ex gratia* payments not exceeding twenty-five pounds to each of these ratepayers towards the cost of installing septic tanks on their properties: Be it therefore enacted as follows:

Notwithstanding anything to the contrary in the Local Authorities Loans Act 1956, or in any other Act, the Council is hereby authorised to divert and apply not more than five hundred pounds out of the proceeds of the loan for the purpose of making *ex gratia* payments, of an amount not exceeding twenty-five pounds, to any of these ratepayers for the purpose aforementioned.

29. Provision with respect to special overdraft of Wellington City Council—Whereas the Wellington City Council (in this section referred to as the Council) has from time to time borrowed or owed money on its Tramway Department Account in excess of the limits prescribed by section twenty of the

Local Authorities Loans Act 1956: And whereas it has been necessary for the Council to obtain extended approvals in terms of section twenty-two of the said Act: And whereas the liability of the Council to its bankers on its Tramway Department Account as at the thirty-first day of March, nineteen hundred and fifty-nine, amounted to the sum of two hundred and fifty thousand pounds approximately: And whereas it is desirable to make provision in manner hereinafter appearing: Be it therefore enacted as follows:

(1) The Council is hereby authorised and empowered to borrow from its bankers, by way of special overdraft, the sum of two hundred and fifty thousand pounds to be applied in reduction of that liability.

(2) The Council shall repay that sum by ten equal payments out of money credited to its General Account, one such payment to be made in each year during the period of ten years commencing on the first day of April, nineteen hundred and sixty:

Provided that the Council may in any year repay out of its General Account an amount greater than a tenth part.

(3) The sum of two hundred and fifty thousand pounds shall be carried to a separate account at the bank and all payments in reduction of the said sum shall be credited to that account.

(4) No part of that sum shall hereafter be taken into account, in determining the amount that may be borrowed or that may be owed by the Council on its Tramway Department Account pursuant to section twenty of the Local Authorities Loans Act 1956.

30. Authorising Upper Hutt Borough Council to refund to District Fund Account from loan money—Whereas, before authority was obtained to the raising of a loan of fourteen thousand pounds to be known as the Pensioners' Cottages Loan 1957 (in this section referred to as the loan), the Upper Hutt Borough Council (in this section referred to as the Council) expended out of its District Fund Account the sum of three thousand pounds in the purchase of all that piece of land situated in the Borough of Upper Hutt containing two roods, more or less, being part of Section 95 of the Hutt District, and being also Lot 75 on Deposited Plan Number 3605, and being the whole of the land comprised and described in certificate of title, Volume 571, folio 190, Wellington Registry, for the purposes for which the loan was to be raised: And whereas authority has since been obtained to the raising of the loan:

And whereas the Council is desirous of refunding to its District Fund Account out of the proceeds of the loan the sum of three thousand pounds but has no authority to do so: Be it therefore enacted as follows:

The Council is hereby authorised and empowered to refund to its District Fund Account out of the proceeds of the loan the sum of three thousand pounds.

31. Authorising Te Puke Borough Council to apply certain trust money towards cost of constructing memorial swimming baths—Whereas the Te Puke Borough Council (in this section referred to as the Council) holds certain money amounting to the sum of one thousand five hundred pounds, in trust for the purposes of extending and improving the Council's swimming baths: And whereas the said sum is inadequate for that purpose: And whereas it is desirable that the Council be authorised to pay the said money to the Board of Governors of the Te Puke High School to be applied towards the cost of the completion of the memorial swimming baths being constructed at that school: Be it therefore enacted as follows:

The existing trust for which the said money is held by the Council is hereby discharged and the Council is hereby authorised to pay the said money to the Board of Governors of the Te Puke High School for the purpose of being applied towards the cost of completing the memorial swimming baths being constructed at that school.

32. Provision with respect to reclamation of certain land vested in Invercargill City Council—Whereas the Corporation of the City of Invercargill (in this section referred to as the Corporation) is registered as the proprietor of an estate in fee simple in the land described in subsection ten of this section, upon trust as an endowment for municipal purposes: And whereas the said land has never been fully reclaimed from the sea and portions thereof are at present covered by the sea at high tides: And whereas the Corporation has reclaimed portions of the said land over a period of years by the dumping of rubbish and desires now to proceed, by that and other means, with the reclamation of the said land: And whereas it is desirable that, for the purpose of financing the reclamation and the development of the said land, power and authority be given to the Corporation to deal with the said land in the manner hereinafter appearing: And whereas for the purpose of expediting the completion of the reclamation of such portion of the said land as lies between Otepunui Creek on the north

and Stead Street on the south the Corporation desires to enter into an agreement with the South Island Dredging Company Limited (in this section referred to as the Company) for the completion of the reclamation of that portion of the said land, upon terms whereby the Corporation will pay the cost of the works undertaken by the Company by the transfer to the Company of the fee simple of the land described in subsection four of this section: And whereas it is desirable that authority be given to the Corporation to enter into such an agreement with the Company: Be it therefore enacted as follows:

(1) Notwithstanding anything in section one hundred and seventy-five of the Harbours Act 1950, but subject to the provisions of section one hundred and seventy-eight to one hundred and eighty-two of that Act, the Corporation is hereby empowered to reclaim from the sea such parts of the said land as have not yet been fully reclaimed from the sea.

(2) Notwithstanding anything in section one hundred and seventy-five of the Harbours Act 1950, but subject to the provisions of sections one hundred and seventy-eight to one hundred and eighty-two of that Act, the Corporation is hereby authorised to enter into a contract with the Company for the reclamation by the Company, upon such terms and conditions as may be mutually agreed upon between the Corporation and the Company, of such portion of the said land as lies between the Otepunui Creek on the north and Stead Street on the south by the dredging by the Company from the channel of the Waihopai River Estuary of spoil to be deposited by the Company on that portion of the said land to be reclaimed under that contract.

(3) Notwithstanding anything in section one hundred and seventy-five of the Harbours Act 1950, but subject to the provisions of sections one hundred and seventy-eight to one hundred and eighty-two of that Act, the Corporation is hereby authorised to enter into a further contract or contracts with the Company or with any other person for the carrying out of the reclamation of such other portions of the said land as may be agreed upon between the Corporation and the Marine Department.

(4) The Corporation is hereby authorised to pay for the works undertaken by the Company under the contract authorised by subsection two of this section by the transfer to the Company at such times as may be mutually agreed upon between the Corporation and the Company of an estate in fee simple in—

- (a) All those pieces of land situated in the City of Invercargill, containing together one acre three roods thirty-nine perches and eight-tenths of a perch, more or less, being Lots 28 to 35 inclusive on Deposited Plan Number 4971, and being parts of Section 13, Block I, of the Invercargill Hundred, and being also part of the land comprised and described in certificate of title, Volume 178, folio 181, Southland Registry:
- (b) All that piece of land containing nine acres, more or less, being part of Section 10, Block III, of the Invercargill Hundred and being part of the land comprised and described in certificate of title, Volume 151, folio 46, Southland Registry, and being such part of the land to be reclaimed under the contract authorised by subsection two of this section as may be agreed upon between the Corporation and the Company and defined by survey,

and in the event of the Corporation entering into any further contract or contracts with the Company or with any other person for additional reclamation, the Corporation is hereby authorised to enter into a like arrangement or like arrangements for payment of the cost of such additional reclamation by the transfer to the Company or other person of part of the land so reclaimed.

(5) Subject to subsections six and seven of this section the Corporation may, without further authority than this section, sell or lease any part or parts of the land described in subsection ten of this section by public auction, public tender, private treaty, or otherwise on such terms and subject to such conditions as it thinks fit, and on the sale of any part thereof any trusts and reservations theretofore affecting such part shall be deemed to be cancelled.

(6) The power of sale conferred on the Corporation in respect of the said land by subsection five of this section shall not apply to an area of approximately two acres of the said land which when defined by survey shall be declared by the Corporation an endowment in aid of the funds of the Southland Museum Trust Board.

(7) No part of the land to be reclaimed shall be sold or leased or otherwise transferred to the Company or any other person until the Minister of Marine has first certified that the reclamation of the part of the land to be sold, leased, or otherwise transferred has been completed to his satisfaction.

(8) The proceeds from any sale or leasing of any part of the said land, except those from the area referred to in subsection six of this section, shall be applied by the Corporation in or towards the reclamation, improvement, or development of other parts of the said land.

(9) The District Land Registrar for the Land Registration District of Southland is hereby authorised and directed to accept such documents for registration and to do all such other things as may be necessary to give effect to this section.

(10) The land to which this section relates is more particularly described as follows:

All that area in the Southland Land District, Invercargill City, containing by estimation one hundred and thirty acres, more or less, bounded by a line commencing at the intersection of the northern side of Tweed Street and the western side of Ayr Street, and proceeding northerly along the western sides of Ayr Street and Mersey Street to a point in line with the southern boundary of Lot 1 on Deposited Plan Number 4284; thence easterly to and along the southern boundary of Lot 1 on Deposited Plan Number 4284 and that boundary produced to the western side of the Railway Reserve described in a Proclamation published in the *Gazette* of the twenty-fourth day of April, eighteen hundred and eighty-four, at page 693; thence northerly along the western boundary of the said Railway Reserve to the southern side of Spey Street; thence westerly along the southern side of Spey Street to a point in line with the western boundary of Gasworks Reserve, Block LXXVII, Town of Invercargill; thence northerly and easterly along the western and northern boundaries of the said Gasworks Reserve, to the western side of the Kingston Branch Railway Reserve; thence northerly along the western side of the Kingston Branch Railway Reserve, to the southern boundary of the Railway Reserve described in a Proclamation published in the *Gazette* of the fifth day of April, nineteen hundred and twenty-eight, at page 921; thence westerly and northerly along the southern and western boundaries of the said Railway Reserve to the southern boundary of the land taken for Public Works Depot and described in a Proclamation published in the *Gazette* of the twenty-second day of July, nineteen hundred and fifty, at page 900; thence westerly along the last-mentioned boundary and that boundary produced to the western side of Mersey Street; thence northerly along the western side of Mersey Street to the southern side of Victoria Avenue; thence westerly along the southern side of Victoria Avenue to the eastern boundary of Section 10, Block III,

Invercargill Hundred; thence northerly along the eastern boundary of the said Section 10 to its intersection with the western boundary thereof; thence southerly along the western boundary of the said Section 10 to the northern side of Stead Street; thence easterly along the northern side of Stead Street and Tweed Street to the point of commencement. Excluding from the above-described land all public streets.

Harbour Boards

33. Provision with respect to overdraft of Havelock Harbour Board—Whereas the Havelock Harbour Board (in this section referred to as the Board) has from time to time borrowed and owed money to its bankers in excess of the limits prescribed by the Local Authorities Loans Act 1956: And whereas the aforesaid excess borrowing and owing of money has occurred through exceptional expenditure on harbour improvements: And whereas it is desirable to make provision in the manner hereinafter appearing: Be it therefore enacted as follows:

(1) Notwithstanding anything to the contrary in the Local Authorities Loans Act 1956, or in any other Act, all money heretofore borrowed and owed by the Board to its bankers in excess of the limits prescribed by that Act, shall for all purposes be deemed to have been at all times lawfully borrowed and owed by the Board.

(2) For the purpose of repaying its outstanding liabilities, the Board is hereby authorised and empowered to borrow from its bankers, by way of special overdraft, the sum of one thousand eight hundred pounds.

(3) The Board shall repay the said sum of one thousand eight hundred pounds by five equal payments out of money credited to its General Account, one such payment to be made in each year during the period of five years that commenced with the first day of October, nineteen hundred and fifty-nine:

Provided that the Board may in each year repay out of its General Account an amount greater than a fifth part.

(4) The said sum of one thousand eight hundred pounds shall be carried to a separate account at the bank and all payments made in reduction of the said sum shall be credited to that account.

(5) The said sum of one thousand eight hundred pounds shall not at any time heretofore be deemed to have been taken into account, nor shall any amount at any time lawfully owing under this section hereafter be taken into account, in determining the amount that may be borrowed or that may

be owed by the Board pursuant to section twenty of the Local Authorities Loans Act 1956.

(6) This section shall be deemed to be a special Act within the meaning of the Harbours Act 1950.

34. Validating variation of terms of raising certain loan money by Bay of Islands Harbour Board—Whereas by Order in Council made on the seventeenth day of December, nineteen hundred and fifty-six, consent was given to the raising by the Bay of Islands Harbour Board (in this section referred to as the Board) of a sum of forty thousand pounds to be known as the Bay of Islands Harbour Board Loan 1956 (in this section referred to as the loan): And whereas two of the conditions determined by the Local Government Loans Board in respect of the loan were that the loan should extend over a term of thirty years and that no part of the loan should bear interest at a rate exceeding four and seven-eighths per cent per annum: And whereas the Board borrowed a sum of seven thousand eight hundred pounds as part of the loan on terms providing for the payment of interest at five per cent per annum extending over a term of twenty-five years: And whereas it is desirable that the action of the Board be validated: Be it therefore enacted as follows:

The action of the Board in raising the sum of seven thousand eight hundred pounds as part of the loan, otherwise than in accordance with the conditions determined by the Local Government Loans Board, is hereby validated and the sum of seven thousand eight hundred pounds shall be deemed to have been lawfully borrowed and all debentures and stock issued in respect thereof shall be deemed to have been lawfully executed and issued by the Board and shall have full force and effect according to their tenor.

Electric Power Boards

35. Validating purchase by Westland Electric Power Board of the whole of the shares in Kanieri Electric Limited—Whereas by an agreement made on the fifteenth day of January, nineteen hundred and fifty-nine, between the Westland Electric Power Board (in this section referred to as the Board), of the one part, and Plymouth Holdings Limited, of the other part, a copy of which has been deposited in the office of the New Zealand Electricity Department at Wellington, the Board agreed to purchase and Plymouth Holdings Limited agreed to sell the whole of the shares in Kanieri Electric Limited for the sum of one hundred and twelve thousand

pounds: And whereas by Order in Council made on the eighteenth day of February, nineteen hundred and fifty-nine, the Board was authorised to purchase the whole of the shares in Kanieri Electric Limited: And whereas doubts have arisen as to the authority of the Board to enter into the said agreement and as to the validity of the said Order in Council: And whereas it is desirable that the said agreement and the said Order in Council be validated: Be it therefore enacted as follows:

(1) The said agreement is hereby validated and declared to have been lawfully made.

(2) The said Order in Council, authorising the purchase by the Board of the whole of the shares in Kanieri Electric Limited, is hereby validated and shall have and be deemed to have had full force and effect according to its tenor as from the date of the making thereof.

36. Validating borrowing of and variation of terms of raising certain loan money by Otago Central Electric Power Board—Whereas by Order in Council made on the eleventh day of November, nineteen hundred and fifty-seven, consent was given to the raising by the Otago Central Electric Power Board (in this section referred to as the Board) of a loan of twenty thousand pounds to be known as the Extensions Loan 1957 (in this section referred to as the loan): And whereas one of the conditions determined by the Local Government Loans Board in respect of the loan was that no part of the loan should bear interest at a rate exceeding four and seven-eighths per cent per annum: And whereas, before the issue of the said Order in Council, the Board raised the sum of five thousand pounds as part of the loan, on terms providing for the payment of interest thereon at the rate of five per cent per annum: And whereas it is desirable that the actions of the Board be validated: Be it therefore enacted as follows:

The actions of the Board in raising the sum of five thousand pounds, as part of the loan, without the precedent consent of the Governor-General in Council and otherwise than in accordance with the conditions determined by the Local Government Loans Board relating to the raising thereof, are hereby validated and the sum of five thousand pounds shall be deemed to have been lawfully borrowed and all debentures issued in respect thereof shall be deemed to have been lawfully executed and issued by the Board and shall have full force and effect according to their tenor.

37. Validating variation of terms of raising certain loan money by Central Waikato Electric Power Board—Whereas by Order in Council made on the twenty-seventh day of April, nineteen hundred and fifty-nine, consent was given to the raising by the Central Waikato Electric Power Board (in this section referred to as the Board) of a loan of one hundred and sixty-eight thousand two hundred and fifty pounds to be known as the General Development Loan 1958 (in this section referred to as the loan): And whereas two of the conditions determined by the Local Authorities Loans Board in respect of the loan were that the loan should extend over a term of twenty years and that the loan, together with interest thereon, should be repaid by equal aggregate annual or half-yearly instalments extending over that period: And whereas the Board has raised the sum of seventy-seven thousand five hundred pounds as part of the loan on terms that it should be repaid by payments of six thousand pounds on the fifteenth day of May, nineteen hundred and sixty, the fifteenth day of May, nineteen hundred and sixty-one, and the fifteenth day of May, nineteen hundred and sixty-two, five thousand pounds on the fifteenth day of May, nineteen hundred and sixty-three, three thousand nine hundred pounds on the fifteenth day of May, nineteen hundred and sixty-four, ten thousand pounds on the fifteenth day of May, nineteen hundred and sixty-five, eight thousand six hundred pounds on the fifteenth day of May, nineteen hundred and sixty-six, ten thousand pounds on the fifteenth day of May, nineteen hundred and sixty-seven, fourteen thousand five hundred pounds on the fifteenth day of May, nineteen hundred and sixty-eight, seven thousand pounds on the fifteenth day of May, nineteen hundred and sixty-nine, and five hundred pounds on the fifteenth day of May, nineteen hundred and seventy-one: And whereas it is desirable that the action of the Board be validated: Be it therefore enacted as follows:

The action of the Board in raising the sum of seventy-seven thousand five hundred pounds as part of the loan, otherwise than in accordance with the conditions determined by the Local Authorities Loans Board, is hereby validated and the sum of seventy-seven thousand five hundred pounds shall be deemed to have been lawfully borrowed and all debentures and stock issued in respect thereof shall be deemed to have been lawfully executed and issued by the Board and shall have full force and effect according to their tenor.

Affecting Two or More Classes of Public Bodies

38. Special provision with respect to reorganisation scheme of Local Government Commission—(1) Notwithstanding anything contained in the Municipal Corporations Act 1954 or the Local Government Commission Act 1953 or in any other Act, any reorganisation scheme approved by the Local Government Commission (in this section referred to as the Commission) providing for the constitution of a new borough comprising the present boroughs of Devonport, Birkenhead, Northcote, Takapuna and East Coast Bays and any area or areas of the County of Waitemata adjoining any of those boroughs, may provide for the division of the new borough into such number of wards not exceeding seven as the Commission considers desirable and may, if the Commission thinks fit, include a condition that the Council of that borough shall not be entitled for a specified period not exceeding ten years, to abolish or alter the boundaries of any of those wards or wholly redivide the borough into wards or declare that the division into wards is to be for the purposes of representation only.

(2) Any Order in Council made pursuant to section thirty-five of the Local Government Commission Act 1953 constituting a new borough in accordance with the provisions of any such reorganisation scheme may make such provision with respect to the division of that borough into wards as may be necessary to give full effect to that scheme.

39. Authorising Auckland Harbour Board to lease Onepoto Basin to Northcote Borough Council—(1) Notwithstanding the provisions of the Harbours Act 1950 the Auckland Harbour Board (in this section referred to as the Board) is hereby empowered to lease for a term of fifty years from the date of the passing of this Act to the Northcote Borough Council (in this section referred to as the Council) for recreation purposes, at such rental and upon such terms and conditions as the Board and the Council may determine, the portion of Shoal Bay, in the Auckland Harbour, known as Onepoto Basin, and being portion of the land in certificate of title, Volume 355, folio 147, Auckland Registry, and comprising approximately forty-seven acres and one rood, a plan of which area has been deposited at the office of the Chief Surveyor at Auckland under Number S.O. 40967.

(2) Notwithstanding anything in section one hundred and seventy-five of the Harbours Act 1950, but subject to the provisions of sections one hundred and seventy-eight to one hundred and eighty-two of that Act, the Council is hereby

empowered to reclaim the said Onepoto Basin and develop it for recreation purposes pursuant to the provisions of the Reserves and Domains Act 1953.

(3) All payments heretofore made by the Council in connection with the reclamation and development of the said Onepoto Basin are hereby validated and declared to have been lawfully incurred.

(4) The Board is hereby empowered to transfer and the Council is hereby empowered to acquire the fee simple of the land described in subsection one of this section on such terms and conditions as may be specified in the lease.

(5) Section seven of the Auckland Harbour Board and other Local Bodies Empowering Act 1931 is hereby repealed.

40. Authorising Auckland City Council to enter into agreement with certain local authorities with respect to Mangere Airport—Whereas the Auckland City Council (in this section referred to as the Council) pursuant to section thirty-one of the Finance Act (No. 3) 1944, proposes to enter into an agreement (in this section referred to as the principal agreement) with the Minister of Works (in this section referred to as the Minister) for the establishment, maintenance, control, and management of an airport at Mangere near Auckland (in this section referred to as the works) and for the apportionment or allocation as between the Council and the Minister of the cost of establishing, maintaining, controlling, and managing the works: And whereas the Council also proposes to enter into a further agreement (in this section referred to as the subsidiary agreement) with certain other local authorities providing for contributions by the said local authorities towards the costs and expenses incurred and to be incurred by the Council in negotiating and performing its obligations under the principal agreement: And whereas doubts have arisen as to the powers of the Council and the said local authorities to enter into and be bound by the subsidiary agreement: And whereas it is expedient that such doubts be removed: Be it therefore enacted as follows:

(1) Notwithstanding anything to the contrary in any Act or rule of law, after the principal agreement has been entered into between the Council and the Minister, or contemporaneously therewith, the Council and any other local authority or local authorities are hereby authorised and empowered to enter into and perform their obligations under the subsidiary agreement which shall be binding on all the parties thereto.

(2) The subsidiary agreement may provide—

- (a) For the payment to the Council by any party to the agreement of any contribution payable by that party under that agreement, either in one sum, or by instalments spread over any period, or by yearly or other payments as and when the costs of the Council under the principal agreement are ascertained:
 - (b) For the payment to the Council by any party to the agreement in respect of money payable by that party of interest at such rate as the Minister of Finance approves:
 - (c) For the giving by any party to the agreement of security for the payment of any money payable by that party under the agreement:
 - (d) For the appointment by the parties to the agreement, pursuant to the provisions in that behalf contained in section sixty-eight of the Municipal Corporations Act 1954, of a joint standing or special committee to which may be delegated such of the Council's powers under the principal agreement in relation to the works as may be mutually agreed upon:
 - (e) For the variation of the agreement from time to time by the introduction of such additional local authorities as may agree to be bound by its terms, and for the alteration of the contributions to be made to the Council consequent thereon:
 - (f) For such other terms and conditions as may be mutually agreed upon which are in the opinion of the Minister of Works incidental to the general arrangement.
- (3) Where the money to be paid by any local authority under the subsidiary agreement is not all to be payable within the financial year in which the subsidiary agreement is entered into, that money or so much thereof as consists of principal or the capital value of any instalments shall be paid upon and subject to such terms and conditions as the Minister of Finance thinks fit, and nothing in Part I of the Local Authorities Loans Act 1956 or in the Local Authorities Empowering (Aviation Encouragement) Act 1929 shall apply to money to be paid by a local authority under the subsidiary agreement.
- (4) For the purpose of providing any of the money to be paid or expended by any local authority under the subsidiary agreement, the local authority may from time to time borrow money by way of special loan under the Local Authorities Loans Act 1956 by special order, and notwithstanding anything contained in section thirty-four of that Act, without the prior consent of the ratepayers.

(5) For the purpose of providing any of the money to be paid or expended by any local authority under the subsidiary agreement, the local authority shall, in addition to any other rating power have power to make levy and collect a rate over the whole of its district or over any defined part or parts thereof which, in its opinion, are particularly benefited by the works.

(6) If default is made by a local authority for more than fourteen days in payment of any amount due by it under the subsidiary agreement, the amount in respect of which default has been made together with interest at the rate of five per centum per annum or at such other rate as may be provided by the subsidiary agreement, shall be recoverable as a debt due by the local authority in default to the Council.

(7) A certificate under the hand of the City Treasurer of the Council shall, until the contrary is proved, be sufficient evidence of the amount in respect of which default has been made as aforesaid and of the date on which it was payable.

Miscellaneous

41. Validating variation of terms of raising certain loan money by Wairoa Hospital Board—Whereas by Order in Council made on the twenty-third day of March, nineteen hundred and fifty, consent was given to the raising by the Wairoa Hospital Board (in this section referred to as the Board) of a loan of one hundred and fifty-six thousand pounds, to be known as the Rebuilding (Second Stage) Loan 1949 (in this section referred to as the loan): And whereas the Board has raised a sum of eleven thousand six hundred and fifty pounds, as part of the loan, on terms that it should be repaid by payment of two thousand nine hundred pounds on the twenty-fourth day of February, nineteen hundred and sixty, two thousand pounds on the twenty-fourth day of February, nineteen hundred and sixty-one, one thousand pounds on the twenty-fourth day of February, nineteen hundred and sixty-two, two thousand seven hundred and fifty pounds on the twenty-fourth day of February, nineteen hundred and sixty-five, and three thousand pounds on the twenty-fourth day of February, nineteen hundred and sixty-six: And whereas one of the conditions determined by the Local Government Loans Board in respect of the raising of the said sum of eleven thousand six hundred and fifty pounds was that that sum should be repaid over a term of twenty-five years: And whereas it is desirable that the action of the Board in raising

the said sum otherwise than in accordance with the conditions determined by the Local Government Loans Board be validated: Be it therefore enacted as follows:

The action of the Board in raising the sum of eleven thousand six hundred and fifty pounds as part of the loan, otherwise than in accordance with the conditions determined by the Local Government Loans Board, is hereby validated and the said sum of eleven thousand six hundred and fifty pounds shall be deemed to have been lawfully borrowed and all debentures and stock issued in respect thereof shall be deemed to have been lawfully executed and issued by the Board and shall have full force and effect according to their tenor.

42. Authorising Auckland Metropolitan Drainage Board to make *ex gratia* payment in respect of contract—Whereas by an agreement dated the eighteenth day of November, nineteen hundred and fifty-seven, made between the Auckland Metropolitan Drainage Board (in this section referred to as the Board), of the one part, and Wilkins and Davies Construction Company Limited and Mason Brothers Limited, in association (in this section referred to as the contractors), of the other part, the contractors agreed to construct and install the sewerage purification plant forming part of the Board's Manukau scheme of main sewerage: And whereas the contractors are constructing and installing the said plant: And whereas in compiling the schedule of quantities in respect of the said works the contractors made certain errors and omissions in respect of a number of items aggregating in value the sum of seventy thousand four hundred and twenty-three pounds seventeen shillings and sevenpence: And whereas the Board, having regard to the special circumstances pertaining to this contract and to the hardship which the contractors would otherwise suffer, is desirous of making a payment of seventy thousand four hundred and twenty-three pounds seventeen shillings and sevenpence to the contractors: Be it therefore enacted as follows:

The Board is hereby authorised and empowered to pay the sum of seventy thousand four hundred and twenty-three pounds seventeen shillings and sevenpence to the contractors by way of compensation.

43. Authorising Otago Provincial Patriotic Council to transfer certain land to Port Chalmers Borough Council—Whereas the land described in subsection three of this section is vested

in the Otago Provincial Patriotic Council (in this section referred to as the Council) for the purposes of the Council: And whereas the Council does not require the said land and desires to transfer the said land to the Chairman, Councillors, and Citizens of the Borough of Port Chalmers (in this section referred to as the Corporation) for the general purposes of the Corporation: And whereas the Council has no authority to transfer the said land: Be it therefore enacted as follows:

(1) The Council may, without further authority than this section, transfer the land described in subsection three of this section to the Corporation without consideration for the general purposes of the Corporation, and on the transfer of the said land any trust heretofore affecting the same shall be deemed to be cancelled.

(2) The District Land Registrar for the Land Registration District of Otago is hereby authorised and directed to accept such documents for registration and to do all such things as may be necessary to give effect to this section.

(3) The land to which this section relates is more particularly described as follows:

All that parcel of land situated in the Borough of Port Chalmers containing twenty-seven perches, more or less, being part of Section 77 of the Town of Port Chalmers, and being all the land comprised and described in certificate of title, Volume 266, folio 160, Otago Registry, with the exceptions and subject to the encumbrances mentioned in the said certificate of title.

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No.

44. Further extending period during which classification for rating purposes of certain land in Wairarapa Catchment District shall continue in force—Subsection two of section twenty-eight of the Local Legislation Act 1955 is hereby amended as follows:

(a) By inserting, after the words “classified districts”, the words “except the Ahikouka River District”:

(b) By omitting the words “four years”, and substituting ^{AMD. 196} the words “seven years”. No. 8.