

Hon. Mr. Barnard.

NAPIER HARBOUR BOARD AND NAPIER
BOROUGH ENABLING.

[LOCAL BILL.]

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A BILL INTITULED

AN ACT to enable the Napier Harbour Board to sell to
the Mayor, Councillors, and Burgesses of the
Borough of Napier a Piece of Land forming Part
of a Harbour Board Reserve, and to enable the
Corporation of the said Borough to construct
Works upon and otherwise deal with the said Land.

WHEREAS the land described in the Schedule hereto
forms part of the lands reserved and set aside for the
use, benefit, and endowment of the Napier Harbour
Board (hereinafter referred to as the Board), and is
vested in the Board under and by virtue of the Napier
Harbour Board Act, 1874, and the Napier Harbour
Board Act, 1876: And whereas the said land will be

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suitable after filling-in, reclamation, and levelling for the purposes of a recreation-ground for the Borough of Napier: And whereas the Mayor, Councillors, and Burgesses of the Borough of Napier (hereinafter referred to as the Corporation) are desirous of acquiring the said land for the purposes aforesaid, and the Board is desirous of selling the same to the Corporation for the considerations and in manner by this Act provided: 5

BE IT THEREFORE ENACTED by the General Assembly 10 of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. This Act may be cited as the Napier Harbour Board and Napier Borough Enabling Act, 1936.

Special Act.

2. This Act shall be deemed to be a special Act 15 within the meaning of the Harbours Act, 1923.

Board to sell and Borough to purchase.

3. The Board may sell and the Corporation may purchase the land described in the Schedule hereto as and for the purposes of a recreation-ground or for the purposes of public amusement or entertainment. 20

Purchase price: how ascertained.

4. The purchase price on the sale and purchase aforesaid shall, as soon as possible after the passing of this Act, be ascertained by arbitration in manner prescribed by the Arbitration Act, 1908. The costs of the reference and award shall be borne and paid by the parties to the reference in equal proportions. 25

Payment of purchase price, title, &c.

5. (1) The Corporation shall pay to the Board the purchase price ascertained as aforesaid on or before the expiration of sixty days after the making and publishing of the said award; and upon payment of the said purchase price the Board shall execute a valid transfer of the said land to the Corporation for an estate in fee-simple free from encumbrances. 30

(2) The purchase price for the said land, after payment thereof of the Board's costs of and incidental to the said sale, shall be paid by the Board as and when the same shall be received to two trustees (to be then appointed by the Board) of a special trust fund; and such trustees shall be a body corporate under the name of the Napier Harbour Board Endowment Improvement Fund Trustees, with perpetual succession and a common seal; and such trustees shall invest the moneys so received by them in manner prescribed by section eleven 35 40

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of the Harbours Amendment Act, 1933, and shall pay the income thereafter to arise from such investments into the Harbour Fund of the Napier Harbour Board, and shall, when so directed by a special resolution of the
5 Napier Harbour Board, pay and apply the capital moneys of such special trust fund, or such part thereof as such resolution may direct, in and towards the reclamation, subdivision, or improvement of any other part of the Board's endowments or in or towards
10 repayment of any debt or debts upon any of such lands incurred for the purpose of reclaiming, subdividing, and developing such lands.

6. It shall be lawful for the Corporation properly to fill up, reclaim, and level the said land, and to make,
15 construct, and maintain in, along, or upon such land all such banks, pathways, roadways, buildings, playing-grounds, drains, sewers, conveniences, and works as the Corporation shall think fit for the purposes mentioned in section *three* hereof.

Corporation may construct works on the said land.

20 7. It shall be lawful for the Corporation to enclose or barricade off, or to give authority to any person to enclose or barricade off, the whole or any portion or portions of the said lands so as to prevent free access to the same, and to charge for admission to or to grant
25 permission to any person from time to time and at various times to charge for admission to the said land or any part thereof, and to exclude persons from the said land, and to make and enforce by-laws with respect to the said land and the use, admission to, and conduct
30 of persons entering or upon the said land.

Corporation may enclose such land and charge for admission, or may delegate authority to others.

8. It shall be lawful for the Corporation from time to time, and at various times, to grant the exclusive use of the said land or any portion thereof to any person, and also permission to erect buildings, tents, or other
35 structures on the said land, either gratuitously or at such rental and generally upon such terms and conditions as the Corporation may think fit.

Corporation may grant exclusive use of such land to any person.

9. It shall be lawful for the Corporation to make such charges as the Corporation may think fit for the
40 use of or admission to any playing-grounds or place of entertainment constructed upon the said land.

Corporation may charge for admission to any playing-grounds constructed thereon.

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Power to
execute
instruments
and
registration
of same.

10. The Board and the Corporation are hereby authorized and empowered to make and execute according to due form of law all transfers and other deeds and instruments necessary or proper for carrying out the purposes of this Act, and the District Land Registrar is authorized and empowered to register all such instruments. 5

Schedule.

SCHEDULE.

ALL that parcel of land situate in the Hawke's Bay Land District, containing 9 acres 2 roods 18·3 perches, more or less, parts of Ahuriri Lagoon Reserve and of a road to be closed and vested in the Board, being the Lots numbered 2 and 4 on a plan deposited in the Lands Registry Office at Napier, under No. , and being part of the land comprised and described in certificates of title registered at Hawke's Bay, Volume 59, folio 252, and Volume , folio .