

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
9th June, 1936.*

Hon. Mr. Barnard.

NAPIER HARBOUR BOARD AND NAPIER
BOROUGH ENABLING.

[LOCAL BILL.]

ANALYSIS.

<p>Title. Preamble. 1. Short Title. 2. Special Act. 3. Board to sell and Borough to purchase lands. 4. Purchase price: how ascertained. 5. Payment of purchase price, title, &c. 6. Corporation may construct works on the said lands.</p>	<p>7. Corporation may enclose such lands and charge for admission, or may delegate authority to others. 8. Corporation may grant exclusive use of such lands to any person. 9. Corporation may charge for admission to any playing-grounds constructed thereon. 10. Power to execute instruments and registration of same. Schedule.</p>
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A BILL INTITULED

AN ACT to enable the Napier Harbour Board to sell certain Lands to the Mayor, Councillors, and Burgesses of the Borough of Napier, and to enable the Corporation of the said Borough to construct Works upon and otherwise deal with the said Lands.

WHEREAS the land firstly 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

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Enabling*

Harbour Board Act, 1876: And whereas the land secondly described in the said Schedule is portion of Battery Road in the Borough of Napier, and is proposed to be closed and vested in the Board: And whereas the said lands will be 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 lands 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 10

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:— 15

- 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 within the meaning of the Harbours Act, 1923. 20
- Board to sell and Borough to purchase lands. 3. Subject to the vesting in the Board of the said portion of Battery Road proposed to be closed as hereinbefore recited, the Board may sell and the Corporation may purchase the lands described in the Schedule hereto to be held by the Corporation as and for the purposes of a recreation-ground or for the purposes of public amusement or entertainment. 25
- 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. 30
- 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 lands to the Corporation for an estate in fee-simple free from encumbrances. 35 40
- (2) The purchase price for the said lands, 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
5 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 of the Harbours Amendment Act, 1933, and shall pay
10 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 Napier Harbour Board, pay and apply the capital moneys of such special trust fund, or such part thereof
15 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 repayment of any debt or debts upon any of such lands incurred for the purpose of reclaiming, subdividing, and developing such lands.

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

Corporation may construct works on the said lands.

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
30 portions of the said lands so as to prevent free access to the same, and to charge for admission to or to grant permission to any person from time to time and at various times to charge for admission to the said lands or any part thereof, and to exclude persons from the
35 said lands, and to make and enforce by-laws with respect to the said lands and the use of, admission to, and conduct of persons entering or upon the said lands.

Corporation may enclose such lands 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
40 of the said lands or any portion thereof to any person, and also permission to erect buildings, tents, or other structures on the said lands, 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 lands to any person.

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

Power to
execute
instruments
and
registration
of same.

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

10. The Board and the Corporation are hereby 5 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 10 such instruments.

Schedule.

SCHEDULE.

ALL that parcel of land situate in the Hawke's Bay Land District and Borough of Napier, containing 9 acres 2 roods 14 perches, more or less, part of Ahuriri Lagoon Reserve, being the Lot numbered 4 on a plan deposited in the Lands Registry Office at Napier, under No. 6422, and being part of the land comprised and described in certificate of title, Volume 59, folio 252, Hawke's Bay Registry.

Also all that area in the Borough of Napier, containing 4·3 perches, being Lot 2 on aforesaid Plan No. 6422, and being part of Battery Road proposed to be closed and vested in the Board.