

NEW PLYMOUTH AIRPORT BILL.

EXPLANATORY MEMORANDUM.

THE object of this Bill is to make better provision for the management of the New Plymouth aerodrome established under the New Plymouth Airport Act, 1933. Since that Act was enacted the New Plymouth Borough Council has acquired additional lands for the extension of the aerodrome, and it is desirable that legislation should be passed to bring such additional lands under the provisions of the Act.

The New Plymouth Airport Act, 1933, took the form of the validation of an agreement that had been made between the Corporation of the Borough of New Plymouth and the New Plymouth Aero Club, Incorporated.

The New Plymouth Airport Board constituted under the Act of 1933 is created, and its powers and functions governed by the provisions of the agreement validated by that Act. For this reason it is considered that the form of the New Plymouth Airport Act, 1933, is open to serious objection.

The necessity of passing further legislation to bring under the Act the additional lands previously referred to affords an opportunity of repealing the New Plymouth Airport Act, 1933, recasting all its provisions in a more desirable form, and adding certain further provisions which experience in operating the aerodrome has shown to be desirable.

The Bill now submitted contains, with slight variations, practically all the provisions of the original Act in so far as they relate to the constitution, powers, and duties of the New Plymouth Airport Board and to the powers and privileges of the Corporation of the Borough of New Plymouth and the New Plymouth Aero Club, Incorporated. It also contains some additional powers.

The principal additions to and variations of the original Act are as follows:—

Clause 2.—The definition of “aerodrome” has been extended to include any extension that may hereafter be made to the existing aerodrome, and any auxiliary or temporary aerodrome that may hereafter be established under the Act and any extension thereof respectively.

Clause 11.—The Board is declared to be a local authority for the purposes of the Local Authorities (Members' Contracts) Act, 1934.

Clause 32 (2).—If at the end of any financial year after the 31st March, 1947, the Board, after satisfying its requirements, shall have a surplus revenue the balance of such surplus revenue shall revert to the Council.

Clause 34.—Unauthorized expenditure by the Board, not exceeding £25 in any financial year, is permitted.

Clause 37.—The powers and duties of the Board are extended in certain ways, material extensions being as follows:—

The Board may provide and operate aerial ambulances (paragraph *(k)*).
It may grant the exclusive use and management of playing facilities at the aerodrome to the club (paragraph *(o)*).

It may conduct or assist in conducting aerial displays, sports, &c., at aerodrome (paragraph *(p)*).

It may conduct or assist in functions to encourage aviation or to popularize the aerodrome (paragraph *(q)*).

It may publish pamphlets, plans, and other publications relating to the aerodrome and subsidize or join with any person or body in effecting any purpose calculated to advertise the facilities of the aerodrome or the scenic attractions of the district served by the aerodrome (paragraph *(r)*).

It may let grazing-rights over the aerodrome or may carry on sheep-farming thereon (paragraphs *(s)* and *(t)*).

It may grant leases or licenses conferring on the lessee or licensee rights to use the landing-grounds on the aerodrome for the landing and taking-off of aircraft (paragraph *(x)*).

It may enter into arrangements with any Government, local authority, or person which seem conducive to the Board's interest (paragraph *(y)*).

It may, in carrying on any business at the aerodrome, act as agent for others (subsection (3) of section 37).

Clause 45.—The Board is authorized to insure against loss.

Clause 49.—The Board is empowered to establish funds for purchase, repair, and renewal of depreciable property and plant.

Clause 51.—The Board may become a contributor under the National Provident Fund Act, 1926, in respect of its employees.

Clause 54.—The Board may confer the freedom of the airport for outstanding services to aviation or to the New Plymouth Airport. The freedom of the airport is deemed to have been conferred on the late Air Commodore Sir Charles Kingsford-Smith and the late Flight-Lieutenant Charles T. P. Ulm.

Clauses 66 to 71.—In view of the extension of the aerodrome, the rights, powers, and privileges of the New Plymouth Aero Club have been amended by mutual consent, and provisions have been made to enable the New Plymouth Borough Council to determine such rights upon payment of certain fixed compensation.

Clause 72.—Powers are conferred upon the New Plymouth Borough Council to raise special loans for various purposes of the aerodrome and for the payment of moneys which may have become payable by it to the club. These include power to raise special loans, not exceeding in the aggregate £7,500, without taking the steps prescribed by sections 9 to 13 of the Local Bodies' Loans Act, 1926.

Clause 74.—The Council is empowered to acquire other lands for the purposes of the aerodrome, these lands upon being acquired becoming immediately subject to the provisions of the Act.

Clause 75.—The powers of the Council under other Acts are not restricted.

Clause 76.—The powers of the Council to make by-laws are considerably extended; the extensions relate generally to the administration of the aerodrome and do not call for special mention.

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE.]

House of Representatives, 20th October, 1937.

[AS REPORTED FROM THE LANDS COMMITTEE.]

House of Representatives, 4th November, 1937.

[Amendments made by Lands Committee are shown
with double bar or light rule underneath.]

Mr. Smith.

NEW PLYMOUTH AIRPORT.

[LOCAL BILL.]

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| <p>34. Limited unauthorized expenditure permitted.</p> <p>35. Board to keep proper accounts.</p> <p>36. Neither New Zealand Government nor the Corporation responsible for liabilities of the Board or of club.</p> <p style="text-align: center;"><i>Powers and Duties of Board.</i></p> <p>37. General powers.</p> <p>38. Board not to establish aerodrome in opposition to aerodrome established under this Act.</p> <p>39. Restrictions on exercise of powers of Board.</p> <p>40. Board, with consent of owner, may remove obstructions on land adjacent to aerodrome.</p> <p>41. Powers of Board under other Acts not restricted.</p> <p>42. Control of flying operations at aerodrome, and administration of by-laws and air regulations.</p> <p>43. Board may make rules for control of flying operations.</p> <p>44. Erections at aerodrome in positions likely to interfere with flying operations not permitted.</p> <p>45. Board authorized to insure against loss.</p> <p>46. Board to insure property.</p> <p>47. Board to take out employers' indemnity policy.</p> <p>48. On failure of Board so to do, Council may insure.</p> <p>49. Power to establish funds for the purchase, repair, and renewal of depreciable property, plant, and appliances.</p> <p>50. Board deemed to be owner and occupier of aerodrome lands for certain purposes.</p> <p>51. Board may become a contributor under the National Provident Fund Act, 1926.</p> <p style="text-align: center;"><i>Leases.</i></p> <p>52. Leasing-powers of Board.</p> <p>53. Powers as to surrender of lease and reduction of rent.</p> <p style="text-align: center;"><i>Freedom of the Airport.</i></p> <p>54. Board may confer freedom of Airport.</p> <p style="text-align: center;"><i>Legal Proceedings.</i></p> <p>55. Notice to be given to Board of proposed actions.</p> <p>56. Persons authorized to lay informations or complaints.</p> | <p>57. Authentication of documents by Board.</p> <p>58. Service on Board.</p> <p style="text-align: center;"><i>Miscellaneous Provisions.</i></p> <p>59. Penalties for causing damage to aerodrome.</p> <p>60. Penalties for obstructing officers and workmen of Board</p> <p>61. Wilful damage to lighting apparatus.</p> <p>62. Recovery of fines.</p> <p>63. Recovery of debts.</p> <p>64. Freedom of passage for officers of the Customs, Defence, and Police Departments.</p> <p style="text-align: center;"><i>Dissolution of Board.</i></p> <p>65. Governor-General may dissolve Board.</p> <p style="text-align: center;"><i>Rights and Privileges of the New Plymouth Aero Club.</i></p> <p>66. Rights and privileges of club.</p> <p>67. Board may grant privileges to guests of club.</p> <p>68. Rights of club suspended during gatherings held by Board.</p> <p>69. Provisions in case of default by club.</p> <p>70. Rights of club to determine if club is wound up or ceases to function.</p> <p>71. Council may determine rights of club.</p> <p style="text-align: center;"><i>Powers and Duties of Corporation.</i></p> <p>72. Powers to raise special loans.</p> <p>73. Council may make grants to Board.</p> <p>74. Council empowered to acquire other lands.</p> <p>75. Powers of Council under other Acts not restricted.</p> <p>76. Powers of Council to make by-laws.</p> <p>77. Power of Minister to disallow by-law.</p> <p>78. Corporation not responsible for any act or omission of Board or club.</p> <p style="text-align: center;"><i>Arbitration.</i></p> <p>79. Disputes to be settled by arbitration.</p> <p style="text-align: center;"><i>Repeal and Savings.</i></p> <p>80. Repeal. Savings. Schedules.</p> |
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A BILL INTITULED

AN ACT to repeal the New Plymouth Airport Act, Title.
1933, and to make Better Provision with respect
to the Management of the Aerodrome established
thereunder.

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

1. This Act may be cited as the New Plymouth Short Title.
10 Airport Act, 1937.

2. In this Act, if not inconsistent with the context,— Interpretation.

“Aerodrome” means the aerodrome established
on the land described in the *First* Schedule
hereto and includes the said land, and also
includes—

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(a) Any extension of such aerodrome;

(b) Any auxiliary or temporary aerodrome
established under this Act; and

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(c) Any other land that may hereafter be
acquired or otherwise provided in extension
of any such aerodrome:

“Aircraft” includes “airships”, “balloons”,
“flying-machines”, and “gliders” as re-
spectively defined by the Air Navigation Act,
1931, and also includes kites and aerial
conveyances of any description:

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“Aviation” includes the operation of model
aircraft:

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“Board” means the New Plymouth Airport
Board constituted under this Act:

“Club” means the New Plymouth Aero Club,
Incorporated:

Struck out.

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“Controller of Civil Aviation” means the person
appointed with that or any corresponding
designation to control civil aviation pursuant
to regulations under the Air Navigation
Act, 1931:

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“Corporation” means the Corporation of the
Mayor, Councillors, and Burgesses of the
Borough of New Plymouth:

“Council” means the New Plymouth Borough
Council:

“ Financial year ” means a period of twelve months ending on the thirty-first day of March in any year:

“ Fine ” means a fine recoverable summarily under the Justices of the Peace Act, 1927: 5

Struck out.

“ Functions of the club ” means the training of aviators and the teaching of flying, the development of public interest in aviation, and includes the provision of ground services, the operation of aircraft, but does not include the establishment or maintenance of regular air or ground services in competition with the Board, or with commercial aviation companies, or authorities: 10 15

New.

“ Minister ” means the Minister for the time being in charge of the Air Department:

“ Special resolution ” means a resolution passed at a meeting of the Board and confirmed at a subsequent meeting held not earlier than six clear days after the day on which the said resolution was passed. 20

The Board.

Board established.

3. (1) There shall be established in accordance with this Act a Board, to be called the New Plymouth Airport Board. 25

(2) The Board shall be a body corporate with perpetual succession and a common seal, capable of holding real and personal property, of suing and being sued, and of doing and suffering all such other acts and things as bodies corporate may lawfully do and suffer. 30

Alteration and user of common seal.

4. (1) The Board may from time to time, by special resolution, alter its common seal. 35

(2) The common seal of the Board shall not be affixed to any deed or instrument except in the presence of two of the members of the Board, and every deed or instrument for which such seal is required shall be signed by two of the members and by the Secretary of the Board. 40

Mode of contracting.

5. (1) Any contract which if made between private persons must be by deed, shall, if made by the Board, be in writing under the seal of the Board.

(2) Any contract which if made between private persons must be in writing signed by the parties to be charged therewith, shall, if made by the Board, be either under the seal of the Board or signed by two members of the Board acting on behalf of and by direction of the Board.

(3) Any contract which if made between private persons may be made verbally without writing may be similarly made by or on behalf of the Board by any two members acting by direction of the Board, but no verbal contract shall be made for any sum exceeding twenty pounds.

(4) Notwithstanding any of the foregoing provisions of this section, no contract made by or on behalf of the Board shall be invalid by reason only that it was not made in the manner provided by this section, if it were *was* made pursuant to a resolution of the Board or to give effect to a resolution of the Board.

6. The Board shall consist of seven members, who, except as hereinafter otherwise provided, shall be appointed in manner following:—

Constitution of Board.

(a) Three members shall be appointed by the Council:

(b) Three members shall be appointed by the club:

(c) One member, who shall be a *bona fide* resident of the Borough of New Plymouth, shall be appointed by the ~~Controller of Civil Aviation Minister.~~

7. (1) The Board established under this Act shall be deemed to be the same Board, with the same corporate identity, as the Board established under the New Plymouth Airport Act, 1933.

Board established under this Act to have the same corporate identity as the existing Board.

(2) The members of the Board in office at the commencement of this Act shall continue to hold office until ~~the appointment of their successors in accordance with the provisions of this Act~~ *their respective successors appointed under this Act come into office.*

8. (1) If from any cause the Council, being under a duty to appoint a member of the Board, shall fail, neglect, or refuse so to do within the time appointed in that behalf, and such failure, neglect, or refusal shall continue for fourteen days after notice in writing shall have been given by the club to the Council that the club intends to exercise its powers hereunder, the club may appoint any person whomsoever, being a *bona fide* resident of the Borough of New Plymouth, to be a member of the Board in lieu of the member who ought to have been so appointed by the Council.

Provisions to ensure appointment of members.

(2) If from any cause the club, being under a duty to appoint a member of the Board, shall fail, neglect, or refuse so to do within the time appointed in that behalf, and such failure, neglect, or refusal shall continue for fourteen days after notice in writing shall have been given by the Council to the club that the Council intends to exercise its powers hereunder, the Council may appoint any person whomsoever, being a *bona fide* resident of the Borough of New Plymouth, to be a member of the Board in lieu of the member who ought to have been so appointed by the club.

Struck out.

(3) If from any cause the Controller of Civil Aviation, being under a duty to appoint a member of the Board, shall fail, neglect, or refuse to do so within the time appointed in that behalf, or if at the time when an appointment should be made there is no person holding office as the Controller of Civil Aviation, the Governor-General may appoint any person whomsoever, being a *bona fide* resident of the Borough of New Plymouth, to be a member of the Board in lieu of the member who ought to have been so appointed by the Controller of Civil Aviation.

(4) If at any time the rights, powers, and privileges conferred on the club by this Act are determined or cancelled, or cease, the right conferred on the club to appoint any member or members of the Board shall be exercisable by the Council, and not by the club.

Term of office.

9. (1) Except in the case of appointments to fill extraordinary vacancies, every member of the Board shall come into office on the first Monday in July following the time fixed for his appointment, and shall, unless his office sooner becomes vacant, hold office until his successor comes into office.

(2) The appointment of members of the Board shall take place in the month of June in every third year, and the first of such triennial appointments after the coming into operation of this Act shall take place in the month of June, nineteen hundred and thirty-eight.

(3) Retiring members shall be eligible for reappointment either by the same or another appointing authority.

Board not concerned with validity of appointments.

10. (1) The Board shall not be concerned to see or inquire into the validity of any appointment of members, and shall be entitled to accept as conclusive evidence of the validity thereof a notification of any such

appointment in writing from the person or body authorized under the provisions of this Act to make such appointment.

(2) If any person knowingly inserts, or causes or allows to be inserted in any notification as aforesaid, any false statement as to the appointment of any member, he shall be liable to a fine not exceeding *fifty* pounds.

11. The Board is hereby declared to be a local authority for the purposes of the Local Authorities (Members' Contracts) Act, 1934.

Local Authorities (Members' Contracts) Act, 1934, to apply.

12. The following persons shall be incapable of being appointed to be or of being members of the Board, that is to say:—

Disqualification of members.

- (a) A minor:
- 15 (b) An alien:
- (c) A person of unsound mind:
- (d) A bankrupt who has not obtained his order of discharge, or whose order of discharge is suspended for a term not yet expired, or is subject to conditions not yet fulfilled:
- 20 (e) A person convicted of any offence punishable by imprisonment, unless he has received a free pardon, or has served his sentence, or otherwise suffered the penalty imposed on him:
- 25 (f) Any person holding any office or place of profit under or in the gift of the Board.

Extraordinary Vacancies.

13. (1) If any person, while holding office as a member of the Board, becomes incapable of continuing to hold office under the *last preceding* section, his office shall be thereby vacated, and such vacancy shall be deemed an extraordinary vacancy.

Extraordinary vacancies.

(2) Every person who does any act as a member of the Board, while incapacitated under the *last preceding* section, otherwise than under paragraph (c) thereof, shall be liable to a fine not exceeding *fifty* pounds.

14. (1) A member of the Board may resign his office by writing under his hand delivered to the Chairman or Secretary of the Board, and in such case, or in the case of his death, incapacity, or ouster from office, or his absence without the leave of the Board from four consecutive ordinary meetings thereof, his office shall become vacant, and such vacancy shall be deemed an extraordinary vacancy.

Vacation of office by members.

(2) If any member of the Council is appointed by it to be a member of the Board and thereafter ceases to be a member of the Council, he shall, on the expiration of two months after he has so ceased to be a member of the Council, vacate his office as a member of the Board, unless in the meantime he has been confirmed in his office by resolution of the Council. Any vacancy so created shall be deemed an extraordinary vacancy. 5

Appointments
to fill
extraordinary
vacancies.

15. (1) In the event of an extraordinary vacancy occurring in the office of a member of the Board,— 10

(a) Such vacancy shall be filled, subject to the provisions of this Act, by the person or body by whom or on whose behalf the member of the Board whose office has become vacated was appointed: 15

(b) It shall be the duty of the Board forthwith to report the fact to the person or body by whom the vacancy is to be filled.

(2) Subject to the provisions of section *eight* of this Act, the appointment of a member to fill an extraordinary vacancy shall be made not later than ~~one month~~ *two months* after the vacancy occurs. 20

(3) A person appointed to be a member of the Board to fill an extraordinary vacancy shall come into office on his appointment, and shall hold office so long only as his predecessor would have held it. 25

Ouster of Office.

Ouster of
office of
members.

16. (1) Upon proof in the first instance, by affidavit or otherwise, that any member of the Board is or has become incapable of holding his office, the Magistrate's Court in the Borough of New Plymouth may grant a summons calling upon the person holding such office to show cause why he should not be adjudged to be ousted of the same. 30

(2) If on the return of such summons it appears to the Court, on affidavit or oral evidence on oath, that such person is incapable of holding the said office, the Court may adjudge such person to be ousted of the same, and such person shall be ousted from such office accordingly. 35

(3) In any such proceeding the Magistrate's Court may exercise all the powers and authorities which it may exercise in its ordinary jurisdiction in civil cases; and the procedure of such Court shall, so far as applicable, apply generally to proceedings had under this section. 40 45

(4) No question which may be tried under this section shall be tried in the Supreme Court; and no proceedings in the Magistrate's Court hereunder shall be removable into the Supreme Court by certiorari or otherwise.

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Proceedings of Board.

17. (1) An annual meeting of the Board shall be held **Meetings.**
in the month of July in every year.

(2) Other meetings shall be held as the Board shall from time to time determine.

10 (3) At every annual meeting of the Board, and as often as the office of Chairman becomes vacant, the members shall elect one of their number to be Chairman, who shall hold office until the appointment of his successor.

15 (4) At every meeting for the election of Chairman the Secretary of the Board shall preside, and in any case of equality of votes shall determine the election by lot.

20 (5) The Chairman shall preside at each meeting of the Board at which he is present, but in his absence from any meeting the members present shall elect a member to act as the Chairman at such meeting.

(6) The Chairman at any meeting shall have a deliberative vote, and in case of an equality of votes
25 shall also have a casting vote.

(7) No business shall be transacted at any meeting of the Board unless at least a quorum of members is present thereat during the whole time at which the business is transacted.

30 (8) A quorum shall consist of four members of the Board.

(9) All acts of the Board and all questions before the Board may be done and decided by the majority of the valid votes cast by such members of the Board as
35 are present and vote at a meeting held in pursuance of this Act or any rule of the Board made thereunder.

(10) Meetings of the Board shall be open to the public, but the Board for sufficient cause, of which it shall be sole judge, may exclude strangers from any
40 meeting. The Chairman at any meeting may authorize any constable or officer of the Board to remove any stranger from the meeting for any cause which, as Chairman of the Board, he may deem sufficient.

Member not to vote on question in which he has pecuniary interest.

18. (1) A member of the Board shall not vote *on* or take part in the discussion of any matter before the Board in which he has, directly or indirectly, by himself or his partner, any pecuniary interest otherwise than as a member of an incorporated company in which there are more than twenty members, and of which he is not the general manager or manager. 5

(2) A member who knowingly offends against the provisions of this section shall be liable to a fine not exceeding *fifty* pounds for every such offence, and upon conviction his seat on the Board shall become vacant. 10

Validity of acts not affected by defects.

19. (1) No act or proceeding of the Board, or of any person acting as a member of the Board, shall be invalidated or be deemed illegal in consequence only of the number of the members of such Board not being complete at the time of such act or proceeding. 15

(2) All acts and proceedings of the Board shall, notwithstanding the fact that there was some defect in the appointment of any person as a member thereof, or that any member ~~is~~ is disqualified or has forfeited his office or is not entitled to act or vote, be as valid as if every such person had been duly appointed and was qualified to be and to act and vote as a member of the Board. 20

Board may pay travelling-expenses of members.

20. It shall be lawful for the Board, if it thinks fit, to pay to any member thereof the amount reasonably and actually expended by him by way of travelling-expenses in attending the meetings of the Board or in the performance of his duties as a member of the Board. 25

Members not personally responsible.

21. No member of the Board shall be personally responsible for any act or omission of the Board or of any member thereof, done or omitted in good faith in pursuance, or in intended pursuance, of any authority conferred by this Act. 30

Duty of Chairman to give information.

22. (1) It shall be the duty of the Chairman of the Board to give all information required of him by or on behalf of the Board on any matter requisite to enable the Board to carry into effect any of the provisions of this Act, and to produce all books, papers, and documents belonging to the Board which relate to any such matter, to any person authorized by the Board to apply for the same. 35 40

(2) If the Chairman refuses or neglects to give any such information when called upon to do so, or to produce all or any such books, papers, or documents as aforesaid, he shall be personally liable to a fine not exceeding five pounds for every such refusal or neglect.

(3) The term "Chairman" in this section includes the Acting-Chairman for the time being, and also any person having the control over the books, papers, and documents belonging to the Board.

10 **23.** (1) The Secretary shall keep the minutes of the proceedings of the Board in a book, in which he shall enter, subject to the directions of the Board, the names of the members attending each meeting, and the names of the members voting on each question on which there
15 is a division, and every resolution, order, or other proceeding of the Board, and any other matter directed by the Board to be entered upon the minutes.

Minutes of proceedings to be kept.

(2) The minutes of the proceedings of every meeting shall be read at the next ordinary meeting succeeding, and if approved by the Board, or when amended as directed by the Board, shall be signed by the Chairman of such succeeding meeting.

(3) The minutes of proceedings of any meeting of the Board kept as above provided, or an extract thereof
25 *therefrom* certified as correct by the Chairman or Secretary, shall, unless the contrary is proved, be received as evidence of such proceedings and of the due convening and holding of the meeting, and the validity of all such proceedings shall be presumed unless the
30 contrary is proved.

(4) The minute-book of the Board shall be kept in the office of the Board, and shall be open for inspection without fee during all office hours by any member of the Board, or of the Council, or by any committeeman
35 of the club.

24. The Board may, subject to the provisions of this Act, make rules or pass resolutions—

Board may make rules regulating procedure.

- (a) Regulating the proceedings of the Board and the conduct of meetings thereof:
- 40 (b) Regulating the adjournment of meetings of the Board:
- (c) Directing notices of meetings to be given, and prescribing the form, mode, and time of service thereof:
- 45 (d) Regulating debates:

- (e) Prescribing the manner and conditions of revoking or altering resolutions:
- (f) Providing for the custody of documents, and the custody and use of the common seal; but no rule or resolution made or passed under this paragraph shall affect any person, acting in good faith, taking or to take any estate, interest, or advantage under any document having or about to have the common seal affixed thereto: 5
- (g) Prescribing the duties of officers and servants: 10
- (h) Prescribing forms of, and in connection with, any proceedings of the Board:
- (i) Concerning anything incidental to any of the matters hereinbefore referred to. 15

Officers.

Board may
appoint officers.

25. (1) The Board may, by resolution, from time to time appoint fit persons to be Secretary, Treasurer, and Manager, and may in like manner from time to time appoint all such other officers, pilots, officials, clerks, and servants as it may deem necessary to assist in the execution of the powers, duties, and authorities of the Board, and may pay such persons such salaries and allowances out of the funds of the Board as it thinks fit. 20

(2) No member of the Board shall be capable of holding *any* such office, unless without remuneration. 25

(3) One person may hold two or more of such offices.

(4) Any person appointed under this section may at any time, subject to the provisions of subsections *five* and *six* hereof, be removed from office by the Board. 30

(5) Notwithstanding anything to the contrary in this Act or in any rule of law, the Board may enter into an agreement in writing with any person whom it proposes to appoint, or who has been appointed, an officer or servant of the Board setting out the terms and conditions attaching to such appointment and the remuneration payable to such person. Any such agreement may contain provisions to the effect that such person shall not be removed from office save as provided in the agreement or except for conduct justifying summary dismissal— 35

(a) During such period (not exceeding three years from the date of his appointment or the date of the agreement, as the case may be) as is specified in the agreement; or 40 45

(b) Except after such notice, not exceeding three months, as may be specified in the agreement in that behalf.

5 (6) Any agreement to which paragraph (a) of the last preceding subsection relates may from time to time be renewed for any period, not exceeding three years at any one time, from the date of such renewal.

10 **26.** During the absence from duty of any officer of the Board by reason of illness, leave of absence, or other cause, the duties and powers of such officer may be performed and exercised by an acting officer appointed by the Board, and such appointment may be either general or for some occasion only. Acting officers.

New.

15 **26A.** Before any officer entrusted by the Board with the custody or control of moneys by virtue of his office enters on the duties of his office, the Board shall take such sufficient security from him for the faithful execution of his duties as it thinks fit. Security from officers handling money.

20 *Finance.*

27. (1) The revenues of the Board shall consist of the following moneys, that is to say:— Revenues of Board.

25 (a) All moneys which the Board shall receive by way of rents of lands or buildings or from grazing-rights over any portion of the aerodrome:

(b) All moneys received by the Board as ground fees for the playing of games on the aerodrome lands:

30 (c) All moneys received for landing and housing fees:

(d) All moneys received by way of grant from the Government or from the Council, or any other local authority, or from public subscriptions or donations:

35 (e) All moneys received by the Board for the use of the aerodrome or appurtenances thereto:

(f) All moneys received by the Board in the carrying on of any business or undertaking as in this Act mentioned:

40 (g) All other moneys which may become the property of the Board.

45 (2) Any local authority within the meaning of the Local Authorities Empowering (Aviation Encouragement) Act, 1929, may, subject to the provisions of section four of that Act, contribute to the funds of the Board as if it were a recognized aviation authority.

Moneys of Board to be paid into bank.

28. (1) All moneys belonging to the Board shall *within seven days after they have come into the hands of the proper officer of the Board* be paid into such bank as the Board from time to time appoints.

(2) All moneys raised by way of loan shall be paid into a separate account at the bank for each loan, which account shall be named according to the description of the loan.

(3) All other moneys belonging to the Board shall be paid into an account at the bank to be called "the General Fund".

(4) Notwithstanding anything in the foregoing provisions of this section, the Board may, if it thinks fit, and shall if so directed by the Audit Office, pay into a separate account at the bank all moneys accruing from any business undertaken by the Board or moneys appropriated and held by it for any special purpose.

(5) The Board may, if it thinks fit, keep such separate accounts in its books as it deems necessary, and all such separate accounts shall be audited.

How moneys to be withdrawn from bank.

29. No moneys shall be drawn out of the bank except by authority of the Board; and all moneys shall be paid by the Board in cash, or by cheque signed by the Treasurer of the Board and countersigned by any two of such of its members as the Board from time to time authorizes to ~~sign~~ *countersign* cheques.

Moneys not to be paid by promissory note or bill.

30. All moneys paid or purporting to be paid by the Board by promissory note or bill shall be deemed to be moneys unlawfully expended or applied within the meaning of section one hundred and twenty-seven of the Public Revenues Act, 1926, and the provisions of that section shall apply with respect thereto accordingly.

Power of Board to make compositions.

31. The Board may compound, compromise, or submit to arbitration any claim, debt, sum of money, action, or demand made, owing, or brought either by or against the Board, and whether before or after any action or suit is brought for or in respect of the same.

How moneys of Board to be applied.

32. (1) All moneys received by the Board by way of revenue may be applied in exercising the powers granted to or vested in the Board by this Act, including the establishing, managing, administering, and improving of the aerodrome and generally in carrying into execution the purposes and objects of this Act in such manner as the Board, in its absolute discretion, may think fit.

(2) If at the end of any financial year ~~after the thirty first day of March, nineteen hundred and forty seven,~~ the Board shall have a surplus revenue after satisfying the requirements of the Board in the exercise

of its powers as aforesaid, and after setting aside so much thereof in anticipation of the future requirements of the Board as the Council, by resolution communicated to the Board, directs, the balance of such surplus
5 revenue shall be paid to the Council and belong to the Corporation.

(3) Each balance of surplus revenue as aforesaid shall be paid by the Board to the Council during the year following that in which such surplus is shown.

10 **33.** It shall not be lawful for the Board to borrow money except from the Corporation, nor shall it be lawful for the Board at the end of any year to owe, except to the Corporation, any sum or sums in the aggregate
15 greater than such part of the revenue of the Board for the year then ended as remains outstanding and unpaid and properly payable to the Board.

Board not to borrow except from the Corporation.

34. The Board may in every financial year, out of its revenues, expend for purposes not authorized by any Act or law for the time being in force any sum or sums not
20 amounting in the whole to more than twenty-five pounds.

Limited unauthorized expenditure permitted.

35. (1) The Board shall keep full and correct accounts of all moneys received and expended by it and of its assets and liabilities and shall, within twenty-eight days after the end of every financial year, cause to be
25 prepared a balance-sheet, together with a statement of income and expenditure, for that year.

Board to keep proper accounts.

(2) A copy of such balance-sheet and statement shall, within two calendar months after the end of every financial year, be sent to the Council, to the club, and
30 to the Controller of Civil Aviation.

(3) All accounts of the Board shall be audited by the Audit Office, which for that purpose shall have and may exercise all such powers as it has under the Public Revenues Act, 1926, in respect of public moneys and the
35 audit of local authorities' accounts.

36. No claim of any creditor of the Board or of the club shall attach to or be paid out of the public revenues of New Zealand, or out of the revenues of the Corporation, or shall attach to or be paid by the Government
40 or by the Council.

Neither New Zealand Government nor the Corporation responsible for liabilities of the Board or of club.

*Powers and Duties of Board.*General
powers.

37. (1) Subject to the provisions of this Act, the Board may provide, operate, and maintain an airport for the Borough of New Plymouth, and for or in connection with such purpose may do all or any of the following things:— 5

- (a) Provide, establish, maintain, operate, improve, enlarge, and develop an aerodrome or aerodromes within the meaning of this Act: 10
- (b) Provide, construct, and maintain landing and taking-off places for aircraft, apparatus to assist the taking-off of aircraft, approaches, buildings, and other accommodation, and apparatus and equipment of every description for the aerodrome: 15
- (c) Purchase, take on lease, or otherwise acquire or provide land for the extension of the aerodrome, or for an auxiliary or temporary aerodrome: 15
- (d) Carry on in connection with the aerodrome any subsidiary business which in the opinion of the Governor-General in Council is ancillary to the carrying-on of the aerodrome: 20
- (e) Purchase, charter, hire, or otherwise acquire from time to time as the Board may consider desirable, aircraft and all necessary, requisite, or usual fittings, gear, plant, spare parts, or accessories belongings and things appurtenant to such aircraft, or for the repair of the same or other aircraft: 25 30
- (f) As a business ancillary to the carrying-on of the aerodrome, carry on the business of aircraft-proprietors, carriers of passengers, general carriers, mail contractors, and manufacturers, repairers, cleaners, warehousemen, and storsers of, and buyers, sellers, and dealers in, aircraft of all descriptions and of engines, chassis, and bodies, and other articles and things of whatsoever description used for or in connection with aircraft: 35 40

- 5 (g) At the aerodrome carry on the business of garage-proprietors, fitters, founders, jobbers, and suppliers of and dealers in petrol, oils, and lubricants, electrical goods, tires, and all
10 requisites, accessories, articles, and things used generally in connection with aircraft, or which are commonly supplied or dealt in by persons engaged in any such businesses, or which may seem to the Board capable of being profitably dealt with in connection with any of the said businesses:
- 15 (h) At the aerodrome provide, erect, purchase, or otherwise acquire and maintain hangars, garages, and buildings for the housing of aircraft, or for the repair, construction, and erection of aircraft, petrol stations, stores, workshops, and other buildings necessary or desirable in the opinion of the Board for the purposes of the aerodrome, and to furnish and equip all or any of such buildings or erections, and to install therein all needful machinery, plant, appliances, appurtenances, and things:
- 20 (i) At the aerodrome erect, or build, hostels for the accommodation of guests, and clubhouses, and from time to time equip, furnish, and conduct the same, and from time to time fix schedules of charges and make rules and regulations, conditions of tenure, and other terms for the control and management of any such hostel or clubhouse:
- 25 (j) At or adjacent to the aerodrome provide, erect, construct, and maintain, or contribute towards the cost of the provision, erection, construction, and maintenance, of searchlights, floodlighting, or other lighting-apparatus or equipment, or beam-wireless apparatus, wireless directional plant, and equipment or apparatus for blind flying or the overcoming of mist or other impediments to flying operations, or any other apparatus or equipment, of whatsoever description, necessary or desirable, in the opinion of the Board, for the operation of the aerodrome, communication with aircraft, and the navigation, guiding, landing, and taking-off
30 of aircraft thereon, or therefrom, by day or by night:
- 35
40
45

-
- (k) Provide and operate, or contribute towards the cost of providing and operating, any system or business of aerial ambulance:
- (l) In connection with the aerodrome carry on, or contract for the carrying-on of, any business necessary or desirable, in the opinion of the Board, to provide transport to and from the aerodrome for passengers arriving at or departing from the aerodrome by air, and for other persons from time to time using or frequenting the aerodrome:
- (m) At or adjacent to the aerodrome provide, erect, construct, maintain, and operate, or contribute towards the cost of providing, erecting, constructing, maintaining, and operating, air-marking apparatus of any description:
- (n) At the aerodrome lay out, enclose, and plant, or provide gardens, lawns, grounds, plantations, gymnasia, pavilions, buildings, equipment, furnishings, and other things for the playing of tennis, golf, cricket, football, or any other games of whatsoever description, or for any other purpose of public enjoyment or recreation, and from time to time fix a schedule of charges, and make rules and regulations, conditions of tenure, and other terms for the control and management of such games, and with respect to such other purposes of public enjoyment and recreation as aforesaid:
- (o) From time to time, on such terms and conditions and for such period or periods as the Board may deem fit, grant to the club the exclusive use and management of all or any of the playing facilities provided by the Board at the aerodrome for the playing of tennis, golf, cricket, football, or other games of whatsoever description:
- (p) From time to time conduct, hold, and promote, or join with any person or body, in conducting, holding, and promoting, at the aerodrome exhibitions, pageants, aerial displays, athletic sports, games, gatherings, and contests of any description whatsoever, and give and contribute towards prizes, medals, and other rewards for any such purpose:

- (g) From time to time conduct, hold, and promote, or join with any person or body in conducting, holding, and promoting, any function or gathering having for its object the encouragement of aviation, or the popularizing of the aerodrome, and generally effect, subsidize, or otherwise assist any purpose or object which in the opinion of the Board is calculated directly or indirectly to encourage aviation, or to advance the ~~interest~~ *interests* of the Board and the aerodrome:
- (r) From time to time prepare and publish pamphlets, plans, and other publications containing information and matters of interest relative to the aerodrome and from time to time to effect, subsidize, or join with any person or body in effecting any purpose or object which in the opinion of the Board is calculated directly or indirectly to advertise the amenities or facilities of the aerodrome or the scenic and other attractions of the district or districts served by the aerodrome:
- (s) Let from time to time, either by public tender or private contract, grazing-rights over the aerodrome or any part thereof, subject to such terms and conditions as the Board deems fit and as will, in the opinion of the Board, ensure that the user of the aerodrome as a flying-field will not be obstructed or restricted:
- Provided that the term of any such lease shall not, without the consent in writing of the Council, exceed three years:
- (t) Carry on at the aerodrome, or join with any person or body in carrying-on at the aerodrome, the business of sheep-farming, with power to buy and sell sheep, either by public auction or private contract, and generally to do all such other things as in the opinion of the Board are necessary or incidental to the carrying-on of such business:
- (u) On or near the sea-coast in the Borough of New Plymouth or ~~adjacent~~ *near* thereto, provide or otherwise acquire land, landing or taking-off basins or areas, equipment, buildings, work-

shops, materials, plant, machinery, appliances, and other things for the operation, landing, taking-off, housing, overhauling, repairing, and reconstruction of seaplanes:

Provided that no such buildings, workshops, or conveniences shall be erected below ~~mean~~ high-water mark of ordinary spring tides, except with the consent of the New Plymouth Harbour Board and ~~in pursuance of an Order in Council under~~ subject to the provisions of the Harbours Act, 1923: 5 10

(v) From time to time provide offices within the Borough of New Plymouth and at the aerodrome with furniture, fittings, and appliances for the same for holding its meetings and transacting its business, and for the use of its officers and for any other purposes, and purchase or take on lease land or buildings for any such purposes or cause buildings to be erected on any land belonging to or leased to the Board, or cause any such building to be added to or improved: 15 20

(w) For the purposes of and subject to the provisions of this Act purchase, take on lease, or otherwise acquire, manage, hold, dispose of, and alienate real and personal property: 25

(x) From time to time, with the prior written consent of the Council ~~and subject to the terms and conditions hereinafter mentioned, and upon such additional terms and conditions not inconsistent with the provisions of this Act as it deems fit,~~ grant a lease or license conferring on the lessee or licensee the right, in common with all other persons authorized by the Board, the Council, or ~~by law by statute in that behalf~~ to use the landing-ground or grounds on the aerodrome for the landing and taking-off of aircraft. *Every license granted for the purposes of this paragraph shall be subject to the following terms and conditions, namely:—* 30 35 40

(i) No such ~~lease-or~~ license shall be for a period exceeding five years;

5 (ii) No such ~~lease-or~~ license shall permit the lessee-~~or~~ licensee to impede or interfere with the full use of the aerodrome for the purposes for which it is established;

10 (iii) Any such ~~lease-or~~ license may provide that the lessee-~~or~~ licensee shall during the term thereof pay to the Board such rental or fees as shall be provided therein in lieu of paying the landing, mooring, and other fees prescribed by any rule of the Board or by-law of the Council;

15 (iv) Any such ~~lease-or~~ license may at any time be modified, cancelled, or revoked by the Board on conditions to be specified therein:

New.

20 (v) Any such license may contain such additional terms and conditions, not inconsistent with the provisions of this Act, as the Board thinks fit:

(y) From time to time to enter into arrangements with ~~any~~ *the* Government or any local authority, Corporation, or person that may seem conducive to the Board's interest and to obtain from ~~any such~~ *the* Government, *or any* local authority, Corporation, or person, for such consideration and on such terms and conditions as the Board shall deem fair and reasonable, any contracts, rights, privileges, and concessions which the Board may deem desirable, and to carry out, exercise, and comply with any such arrangements, contracts, rights, privileges, and concessions:

35 (z) Generally do all acts and things necessary for establishing the aerodrome, the business or businesses herein mentioned, the constructing, improving, enlarging, maintaining, altering, repairing, operating, and using the aerodrome and carrying on the said businesses, and in exercising and giving effect to all or any of the powers and authorities granted to or vested in the Board by this Act or incidental thereto respectively.

40

(2) The powers specified in each paragraph of this section shall, except where otherwise expressed in such paragraph, be deemed to be independent powers and shall be in no way modified or restricted by reference to or inference from the powers indicated in any other paragraph in this section. 5

(3) Any power conferred upon the Board by this Act to establish or carry on at the aerodrome any business or to buy or sell any plant, appliances, or commodities of any kind shall include the power to act as agent for any person, firm, or company in respect thereof respectively and the power to grant on such terms and conditions as the Board may deem desirable to any person, firm, or company the right to carry on any such business at the aerodrome. 10 15

Board not to establish aerodrome in opposition to aerodrome established under this Act.

38. Notwithstanding any of the provisions hereof, the Board shall not have power to establish, or to apply any of its funds to the establishment of, any aerodrome or airport (or to purchase or otherwise acquire lands for an aerodrome or airport) to be conducted in opposition to the aerodrome or airport established upon the lands described in the *First* Schedule hereto: 20

Provided that nothing herein shall preclude the Board from exercising its powers under paragraphs (c) and (u) of the *last preceding* section. 25

Restrictions on exercise of powers of Board.

39. (1) In exercising its powers and authorities under this Act the Board shall comply in all respects with the provisions of any by-laws of the Council applying to the aerodrome, and of the Air Navigation Act, 1931, and any regulations made thereunder, and of any other Act or regulation, and shall comply with all lawful requisitions made by the Controller of Civil Aviation, or by the Minister of Defence, or by any other authority having the control of military or civil aviation in New Zealand. 30 35

(2) The powers and duties of the Board under this Act shall be exercised by it subject to the powers, privileges, and duties reserved to or conferred upon the Council and the club respectively by this Act.

Board with consent of owner may remove obstructions on land adjacent to aerodrome.

40. Where in the opinion of the Board any electric line, telegraph-line, building, fence, or other erection or obstruction (all hereinafter included in the term obstruction), or any tree situate on any land adjacent to the aerodrome, interferes with, or is likely to interfere with, the operation of the aerodrome, or the landing or taking-off of aircraft thereon or therefrom 40

by day or night, the Board may, with the consent in writing of the owner of any such obstruction, *but without the consent of the owner in the case of a tree*, remove such obstruction or tree and re-erect such obstruction in some other position where it will not so interfere, or the Board may pay to the owner the cost of so doing, together with such further sum (if any) as may be agreed upon for compensation.

41. Subject to the provisions of section *thirty-nine* hereof, nothing in this Act shall take away, restrict, or modify any power conferred upon the Board by the Local Authorities Empowering (Aviation Encouragement) Act, 1929, the Public Works Act, 1928, or by any other Act.

Powers of Board under other Acts not restricted.

42. Subject to the condition that nothing herein shall limit or restrict any powers or duties vested in the Controller of Civil Aviation, or in any officer of the Government charged with the administration of the regulations under the Air Navigation Act, 1931, the control and supervision of flying operations on or about the aerodrome, the use of the aerodrome by aircraft, and the administration and enforcing of the said regulations and of any by-laws of the Council relating to the aerodrome shall be vested in the Board.

Control of flying operations at aerodrome and administration of by-laws and air regulations.

43. (1) The Board may, by special resolution, make rules providing for the control and supervision of flying operations on or about the aerodrome or the manœuvring of aircraft on or over the aerodrome:

Board may make rules for control of flying operations.

Provided that such rules shall not be inconsistent with any rights, licenses, or privileges of the club conferred by this Act, or with any by-law of the Council applying to the aerodrome, or with any regulations under the Air Navigation Act, 1931, or with any other Act or regulations.

(2) Every person who commits a breach of any rule of the Board hereunder shall be liable to a fine not exceeding *twenty* pounds.

(3) A copy of every rule made by the Board hereunder shall, within seven days after the making thereof, be sent by the Board to the Minister ~~for the time being in charge of civil aviation~~, who may, at any time within three months after the making of such rule, disallow the same or any part thereof, and upon such disallowance being gazetted such rule or part thereof shall ~~cease to have any force, but such disallowance shall not affect the validity of anything theretofore done under the rule or part thereof so disallowed~~ *be deemed to have been revoked.*

(4) A copy of every rule made by the Board hereunder shall, within seven days after the making thereof, be sent by the Board to the Council and to the club.

Erections at aerodrome in positions likely to interfere with flying operations not permitted.

44. In the exercise of its powers and duties under this Act the Board shall not erect, construct, or make, or permit or suffer to be erected, constructed, or made, any building, erection, obstruction, or excavation *in any part of the aerodrome, or and shall not plant, or permit or suffer to be planted, any tree or shrub in any part of the aerodrome* therein without first—

(a) Passing a special resolution that the land whereon such building, erection, obstruction, or excavation is proposed to be erected, constructed, or made, or whereon such tree or shrub is proposed to be planted, is not required or likely to be required for the landing or taking-off of aircraft, and is not in such a position that any such building, erection, obstruction, excavation, or tree, or shrub thereon is likely to restrict flying operations or the free manœuvring of aircraft on or over the aerodrome; *and*

Board authorized to insure against loss.

New.

(b) Obtaining the approval in writing of the Controller of Civil Aviation to the proposed work.

45. (1) The Board may from time to time take out and maintain policies of assurance indemnifying it against

Struck out.

(a) Loss or damage to property or loss of money capable of being caused by fire, earthquake, tempest, weather, accident, burglary, theft, or by any other means or thing whatsoever:

(b) Claims by any person, whether in the service of the Board or not, for compensation for personal bodily injury or damage to property caused by the operations of the Board, the user of its property, or by negligence on the part of its officers or servants:

(c) Claims under the Workers' Compensation Act, 1922, or at common law:

(d) Any loss to the Board for which indemnity is obtainable.

New.

any loss, damage, or claim that may be suffered by or made against the Board.

(2) The Board may from time to time pay out of its general fund any premium payable in respect of any policy of assurance referred to in the *last preceding* subsection.

5 **46.** It shall be the duty of the Board to keep all buildings and other property of the Board insured against fire in their full insurable value in some reputable company carrying on business in New Plymouth. Board to insure property.

10 **47.** It shall be the duty of the Board to take out and maintain in some reputable company carrying on business in New Plymouth a policy indemnifying the Board against all claims which might be made against it under the Workers' Compensation Act, 1922, or at common law in respect of compensation or damages payable to
15 any workman or servant of the Board, or his dependants, or which might be or become a charge upon the Board's interest in the said lands. Board to take out employers' indemnity policy.

20 **48.** In the event of the Board failing, neglecting, or refusing to take out and maintain policies as required by sections *forty-six* and *forty-seven* hereof the Council may *as the agent of the Board* take out any such policy or policies, or pay premiums, and may recover the cost incurred in so doing from the Board as a debt due to the Corporation. On failure of Board so to do Council may insure.

25 **49.** (1) The Board may from time to time set aside out of its revenue any moneys to form a fund or funds for the repair, renewal, replacement, or improvement of any depreciable property, buildings, plant, fixtures, or appliances of the Board, or for the purpose of pur-
30 chasing additional property, buildings, plant, fixtures, or appliances of the class for which the fund or fund is or are so established. Power to establish funds for the purchase, repair, and renewal of depreciable property, plant, and appliances.

35 (2) The Board may from time to time apply the moneys so set aside only to the purposes aforesaid, or any of them, and may invest any moneys so set aside and pay the proceeds of such investment into the said fund or funds.

New.

40 (3) Any investment under this section shall be made in the manner following, that is to say:—

- (a) In New Zealand Government securities; or
- (b) On deposit in any bank lawfully carrying on the business of banking in New Zealand, or in the Post Office Savings-bank; or
- 45 (c) In the Common Fund of the Public Trust Office; or

New.

(d) In any other securities that may from time to time be authorized by the Governor-General in Council.

(4) The Board may from time to time, with the consent of the Minister of Finance, transfer to its general account any moneys for the time being in any fund formed under this section. 5

Board deemed to be owner and occupier of aerodrome lands for certain purposes.

50. For the purposes of the Rating Act, 1925, the Noxious Weeds Act, 1928, and the Health Act, 1920, the Board shall be deemed to be the owner and occupier of the aerodrome. 10

Board may become a contributor under the National Provident Fund Act, 1926.

51. The Board shall be deemed to be a local authority for the purposes of the National Provident Fund Act, 1926. 15

Leases.

Leasing powers of Board.

52. (1) With the prior written consent of the Council, the Board may, subject to the terms and conditions hereinafter mentioned, and upon such additional terms and conditions not inconsistent with the provisions hereof as it deems fit, let by way of lease any land, being part of the aerodrome, upon terms permitting the lessee to erect thereon buildings for the housing, repair, and construction of aircraft, or for accommodation houses, hotels, general stores, petrol-stations, or any other buildings, equipment, or appurtenances necessary or desirable in the opinion of the Board for the purposes of the aerodrome. 20 25

(2) No such lease shall be for a term exceeding ten years: 30

New.

Provided that, with the precedent consent of the Minister, a lease may be granted for any term not exceeding twenty-one years, and may contain such rights of renewal, for not more than twenty-one years at any one time, as the Minister approves. 35

(3) No building shall be erected by the lessee except in accordance with plans and specifications approved by the Board and complying with the provisions of any by-laws of the Council applying thereto. 40

(4) If at any time during the term of any such lease the land demised thereby or any part thereof is required by the Board for the purposes of the aerodrome, the Board may terminate such lease as to the whole of the demised land, or as to so much thereof as is required 45

as aforesaid, without liability for the payment of compensation (unless the same be expressly authorized as hereinafter mentioned by the provisions of the lease) or liability to any action, or claim for damages in respect of such termination.

5 (5) Any such lease may contain a provision that upon the termination thereof as to the whole of the demised land, or as to so much thereof as is required as aforesaid, the Board shall pay to the lessee compensation for the 10 then value of the buildings then upon the demised land, or the part thereof resumed, as the case may be, such value to be determined at the time of such termination of lease, and if not mutually agreed upon such value shall be determined by two arbitrators and 15 their umpire pursuant to the provisions of the Arbitration Act, 1908:

Provided that no such provision as aforesaid shall be contained in any such lease, or if contained therein shall have any effect, unless a further provision be 20 inserted therein fixing the maximum value of any buildings to be erected by the lessee upon the demised land, and under no circumstances whatsoever shall the compensation payable to the lessee under such lease exceed the maximum value so fixed.

25 (6) If at any time during the term of any such lease the Board is of opinion that any building, erection, tree, or thing on any part of the demised land restricts, or may restrict, or in any way interfere with the manœuvring of aircraft on or over the aerodrome, or in 30 any way whatsoever interferes with the full and efficient use of the aerodrome, the Board may require the lessee to remove any such building, erection, tree, or thing without the payment of compensation or liability to any action or claim for damages in respect thereof, 35 *except as provided in the next succeeding subsection.* In such event the Board shall give written notice to the lessee requiring him, within a period stated in such notice, to remove such building, erection, tree, or thing, and if the lessee fails, neglects, or refuses to comply 40 with the provisions of any such notice within the period therein mentioned the Board may effect such removal, and the lessee shall upon demand by the Board pay to it the expenses incurred in and about such removal, or at its option the Board may terminate the lease and 45 all the rights or privileges of the lessee thereunder.

New.

(6A) If under the *last preceding* subsection the Board requires or effects the removal of any building or erection erected by the lessee under and in accordance with the provisions of the lease, the Board shall pay to the lessee reasonable compensation therefor to be determined by reference to the lessee's interest therein as at the time of the removal, and if not mutually agreed upon such compensation shall be determined by two arbitrators and their umpire pursuant to the provisions of the Arbitration Act, 1908. 5 10

(7) The provisions of the Land Act, 1924, the Public Works Act, 1928, or of any other Act relating to the subdivision of land for sale or lease or other disposition, or to the construction of roads, shall not apply to the subdivision of any land being part of the aerodrome for all or any of the purposes set out in subsection *one* of this section, or to the laying-out *on the aerodrome* of access roads to the land so subdivided. 15

Powers as to
surrender of
lease and
reduction of
rent.

53. The Board may, by special resolution,— 20

- (a) Accept, on such terms and conditions as it thinks fit, a surrender of any lease, whether with respect to the whole or any part of the land comprised in the lease:
- (b) At any time or times during the currency of a lease reduce the rent to be paid thereunder during the remainder or any part of the remainder of the term: 25
- (c) At any time or times during the currency or after the determination of a lease compromise with the lessee for any rent due by him or waive breaches of any term or condition of any lease. 30

Freedom of the Airport.

Board may
confer freedom
of airport.

54. (1) If at any time the Board is of the opinion that any outstanding services rendered by any person to the advancement of aviation in New Zealand, or to the advancement of the New Plymouth airport, is *are* worthy of such recognition it may confer upon such person the honour of the freedom of the airport. 35 40

(2) In conferring any such honour the Board shall observe the provisions set out in the *Second* Schedule hereto, and every such honour conferred by the Board shall be subject to the conditions, stipulations, and
5 reservations set out in the said Schedule.

New.

(2A) The powers conferred upon the Board by this section shall include the power to grant posthumous
10 recognition of outstanding services as aforesaid.

(3) In recognition of the distinguished services rendered by them respectively to the advancement of aviation in New Zealand and to the advancement of the New Plymouth airport, the freedom of the airport shall be deemed to have been conferred upon the late
15 Air Commodore Sir Charles Kingsford-Smith and the late Flight-Lieutenant Charles T. P. Ulm, and the Board shall inscribe in the register required to be kept by it under the provisions hereof their names and particulars of the services rendered by them respectively.

Legal Proceedings.

20 **55.** (1) No action or proceeding shall lie against the Board or any member or officer of the Board, or of any committee appointed by the Board, or other person acting under the authority or in the execution or intended
25 execution or in pursuance of this Act, for any alleged irregularity or trespass, or nuisance, or negligence, or any act or omission ~~whatever~~ *whatsoever* unless notice in writing specifying the cause of the action or proceeding, and the name and residence of the intending
30 plaintiff or prosecutor, and of his solicitor or agent in the matter, is given by the intending plaintiff or prosecutor to the intended defendant one month at least before the commencement of the action or proceeding.

Notice to be given to Board of proposed actions.

(2) Every such action or proceeding shall be
35 commenced within six months next after the act or thing complained of is done or omitted or, in case of a continuation of damage, within three months next after the doing of such damage has ceased, and not afterwards.

(3) Every such action or proceeding shall be laid
40 and tried in the place where the cause of action or a material part thereof arose, and not elsewhere.

(4) In any such action or proceeding the defendant may plead generally that the act or thing complained of was done or omitted under the authority or in the execution or intended execution or in pursuance of this Act, and may give all special matter in evidence. 5

(5) On the trial or hearing of any such action or proceeding the plaintiff or prosecutor shall not be permitted to go into evidence of any cause or ground thereof not stated in the notice given by him under this section. 10

(6) The plaintiff in any such action shall not succeed if tender of sufficient amends is made by the defendant within one month after the giving of the notice of action, and in case no tender has been made the defendant may, in accordance with the practice of the Court in which the action is brought, or by leave of the Court, at any time pay into the Court such sum of money as he thinks fit, whereupon such proceeding and order shall be had and made in and by the Court as may be had and made on the payment of money into Court in an ordinary action. 15 20

(7) In cases of injury to the person the person injured shall permit himself to be examined by any medical practitioner appointed by the Board, and in every case the property injured, and all accounts and vouchers in respect of the injury (whether to person or property), may be examined by any person appointed by the Board or the Chairman of the Board. 25

(8) In cases of injury to the person (whether resulting in death or not) the Court may, before or at the trial, waive the non-compliance or insufficient compliance with subsections *one* and *two* hereof if satisfied that there was reasonable excuse, and on such terms as the Court thinks fit. 30

Persons
authorized
to lay
informations
or complaints.

56. Where under the provisions hereof, or of any regulation under the Air Navigation Act, 1931, any by-law of the Council, or any rule of the Board respectively relating to the aerodrome, proceedings may be taken against any person for a breach thereof respectively, such proceedings may (without in any way restricting the powers vested in any other person in that behalf) be commenced upon information or complaint laid by the Controller of Civil Aviation, by any officer of the Board or of the Council, or by any person authorized by the Controller of Civil Aviation, the Board, or the Council. 35 40 45

57. Every order, notice, or other document requiring authentication by the Board may, unless otherwise provided, be signed by any two members of the Board or by the Secretary, and need not be under seal.

Authentication of documents by Board.

5 58. Any summons, writ, or other legal proceedings requiring to be served on the Board may be served by being left at the office of the Board or given personally to the Secretary thereof.

Service on Board.

Miscellaneous Provisions.

10 59. Every person who damages any of the buildings, works, plant, machines, machinery, appliances, or conveniences erected, or constructed, or used under the provisions of this Act shall be liable for the amount of such damage, to be recovered by the Board in any Court of competent jurisdiction; and if such damage be done wilfully, every person causing such damage shall be liable, in addition, to a fine not exceeding *fifty* pounds.

Penalties for causing damage to aerodrome.

20 60. Every person who wilfully obstructs, molests, or makes use of any threatening language to any officer of the Government, Council, Board, or club, or any workman or other person who may be performing any duty or executing any work which he has lawful authority to do under or by virtue of the provisions of this Act, shall be liable to a fine not exceeding *twenty* pounds.

Penalties for obstructing officers and workmen of Board.

25 61. Every person who wilfully or negligently breaks, throws down, damages, or takes away any lamp, lighting apparatus, or other work set up for the purpose of lighting the aerodrome or approaches thereto, or wilfully extinguishes any light within such lamp, shall be liable for the amount of injury or damage done and also, in addition, to a fine not exceeding *fifty* pounds.

Wilful damage to lighting apparatus.

35 62. (1) All fines recoverable under the provisions of this Act or any rules made by the Board thereunder may be recovered in a summary way before two or more Justices, and when recovered shall,

Recovery of fines.

40 *Struck out.* if not otherwise expressly provided for, be the property of the Board.

New.

45 be paid into the Public Account to the credit of the Consolidated Fund and be subject to section thirteen of the Finance Act, 1927 (No. 2).

(2) Where under the provisions of this Act the Board recovers from any person any sum in respect of damage to the property of any person, Corporation, or body other than the Board it may at any time after receiving such sum pay the same *after deducting the costs incurred by the Board* to the owner of such property. 5

Recovery of debts.

63. All moneys payable or owing by any person to the Board, whether in respect of revenue or otherwise howsoever, may be recovered by the Board in any Court of competent jurisdiction. 10

Freedom of passage for officers of the
Struck out.

Customs,
Defence,
and Police
Departments
Government.

64. ~~Officers of Customs, officers of the Defence Department, and officers of the Police Department~~
All persons in the service of the Government acting in the execution of their duty shall at all times have free ingress, passage, and egress in, through, and out of the aerodrome and any buildings thereon. 15

Dissolution of Board.

Governor-General may dissolve Board.

65. (1) The Governor-General may at any time dissolve the Board in the manner following:— 20

- (a) A petition praying the Governor-General to dissolve the Board signed on behalf of the Corporation or the club, or both, shall first be presented to the Governor-General:
- (b) Upon receipt of such a petition signed on behalf of both the Corporation and the club the Board shall be dissolved by the Governor-General by Order in Council: 25
- (c) Upon receipt of such a petition signed on behalf of the Corporation or the club a Commission, consisting of a Stipendiary Magistrate (who shall be Chairman of the Commission) and two other persons, shall be appointed by the Governor-General to inquire and report to him upon the advisability of complying with the prayer of the petition: 30
- (d) If the Commission reports that the prayer of the petition should be given effect to, the Board shall be dissolved by the Governor-General by Order in Council: 40
- (e) The cost of all proceedings under this subsection shall be borne by the petitioners.

(2) Upon the dissolution of the Board by the Governor-General—

5 (a) All the property of the Board shall vest in the Corporation, and all the rights, privileges, and powers of the club under this Act shall be deemed to have been cancelled:

10 (b) The Council shall thereafter be the Airport Board for New Plymouth, with all the powers of an aviation authority under the Local Authorities Empowering (Aviation Encouragement) Act, 1929, and all the powers conferred upon the Board, the Corporation, and the Council by this Act:

15 (c) The Council shall, out of its general funds or out of any other moneys available for the purpose, pay to the club the sum of three thousand five hundred pounds, and the club shall accept such payment in full satisfaction of all claims and demands whatsoever of the club in respect of the dissolution of the Board and the cancellation of the rights, privileges, and powers of the club under this Act, or in any way arising thereout, or being in any way whatsoever connected therewith or with the aerodrome.

25 *Rights, Powers, and Privileges of the New Plymouth Aero Club.*

New.

30 65A. For the purposes of the *next six succeeding* sections and the *Third* Schedule to this Act, the expression "functions of the club" means the training of aviators, the teaching of flying, and the development of public interest in aviation; and includes the provision of ground services and the provision and operation of aircraft; but does not include the establishment or maintenance of regular air or ground services in competition with the Board or with commercial aviation companies or with persons engaged in commercial aviation.

"Functions of the club" defined.

40 66. (1) There ~~is~~ *are* reserved to and conferred upon the club by this Act *the* rights, powers, and privileges set out in the *Third* Schedule hereto.

Rights and privileges of club.

(2) In no case shall any of the rights, powers, and privileges reserved to or conferred upon the club by this Act be, or be capable of being, assigned, sublet, or charged, ~~neither~~ *nor* shall the same pass to any other person by operation of law or be vested in any branch of the club: 5

Provided that the prohibition against assignment herein contained shall not apply—

(a) In the case of the club, with the consent in writing of the Board and the Council, being wound up voluntarily for the purpose of being immediately reconstructed into, or incorporated as, an incorporated society under the Incorporated Societies Act, 1908, with the same name as the club with headquarters at New Plymouth and carrying out the functions of the club: 10 15

(b) In the case of the club being wound up involuntarily under the provisions of the said Act if the majority of the persons who were members of the club immediately prior to such winding up, with the consent in writing of the Board and the Council, within a period of three months after the date of the granting by the Court of the petition for winding up, form an incorporated society under the said Act, with the same name as the club with headquarters at New Plymouth, and immediately thereafter proceed to carry out the functions of the club. 20 25 30

(3) Upon being incorporated as aforesaid under either of the ~~subclauses~~ *paragraphs* of subsection *two* of this section such new club shall have and enjoy all the rights, powers, and privileges reserved to or conferred upon the club by this Act, subject, however, to the compliance by such new club with the provisions of this Act. 35

Board may grant privileges to guests of club.

67. At the request of the club the Board may from time to time, on such conditions and for such period as it deems fit, and without charge, grant to guests of the club, ~~flying machines~~ *flying aircraft* owned or operated by any aero club affiliated with the New Zealand Aero Club and being used for purposes other than commercial aviation, all or any of the privileges vested in financial members of the New Plymouth Aero Club by the provisions of this Act. 40 45

68. Subject to fourteen days' prior notice in writing thereof being given by the Board to the club, the rights, powers, and privileges of the club under this Act may be suspended by the Board, so far as the Board deems
5 necessary, on any day on which the Board is holding at the aerodrome any pageant, aerial display, or gathering of any kind whatsoever for admission to which a charge is made to the public.

Rights of club suspended during gatherings held by Board.

69. (1) If at any time default is made by the club in
10 complying with any obligation imposed upon it by this Act, or by any rule, regulation, or by-law made thereunder, the Board may, by notice in writing in that behalf, require the club to comply with such obligation within a time to be specified in such notice:

Provisions in case of default by club.

15 Provided that if the obligation as aforesaid is such that, in the opinion of the Board, non-compliance therewith by the club restricts, or is likely to restrict, flying operations or the free manœuvring of aircraft on or over the aerodrome, or endangers, or is likely to
20 endanger, the safety of any person or persons on or near the aerodrome, the time for compliance to be specified in such notice shall be any period the Board deems fit, but in all other cases the time for compliance by the club to be specified in such notice shall not be less than
25 one month.

(2) If the requisition contained in any such notice given by the Board to the club hereunder is not obeyed to the satisfaction of the Board within the time specified in such notice, the club shall be liable to pay to the
30 Board on demand such sum as shall be determined by the Board, not exceeding the sum of one hundred pounds. Any such sum so determined by the Board and not paid on demand shall constitute a debt due and payable by the club to the Board, and shall be recoverable in any
35 Court of competent jurisdiction.

(3) If in the opinion of the Board compliance by the club with any such obligation is a matter of urgency and the obligation is such that it is possible for the Board to comply therewith, the Board, or any responsible officer
40 of the Board present on the aerodrome, may, without releasing the club from its liability under the provisions

of subsection *two* hereof, and either before or after the Board shall have given notice to the club as aforesaid, comply with such obligation or cause such measures to be taken *as may be necessary* in its or his judgment to secure the safety of the public or of any aircraft on or over the arodrome. In any such case the Board may recover from the club any cost or expense incurred by it in so doing. 5

(4) Nothing in this section shall relieve the club from liability to any penalty under the provisions of the Air Navigation Act, 1931, or of any other Act or regulations or of any by-law of the Council. 10

(5) If the club considers that any action or proceeding of the Board under the provisions of this section is unreasonable, or taken without sufficient reason, or in error, or that the effect of the Board's action or proceeding is to cause the club to be penalized twice for the same default, the club may, at any time within two months from the service upon it by the Board of the notice hereinbefore mentioned, appeal against the Board's action or proceeding by requiring the same to be referred to arbitration under the provisions of section *seventy-nine* hereof: 15 20

Provided that the pendency of such reference to arbitration shall not in any manner, except with the consent in writing of the Board, take away the obligation of the club to obey the requisition contained in such notice, but if the appeal of the club be allowed by the arbitrators the moneys paid to it by the club shall be refunded by the Board to the club. 25 30

Rights of club to determine if club is wound up or ceases to function.

70. If the club is wound up or dissolved voluntarily or involuntarily under any of the provisions of the Incorporated Societies Act, 1908, or otherwise howsoever, or if the club ceases to discharge the functions of the club, the rights, powers, and privileges conferred on the club by this Act shall, subject to the provisions of section *sixty-six* of this Act, cease and determine, and the club, its successors, or assigns shall not be entitled to or have any claim for compensation for the loss of any such rights, powers, and privileges or in any way arising thereout. 35 40

Council may determine rights of club.

71. (1) At any time after giving at least three months' notice in writing to the club and to the Board of its intention so to do, the Council may, subject to the

provisions of subsection *two* hereof, by resolution, determine and cancel all the rights, powers, and privileges conferred upon the club by this Act.

5 (2) No resolution passed by the Council under subsection *one* hereof shall have any effect unless and until the same be approved by the Board by special resolution.

10 (3) Upon all the rights, powers, and privileges conferred upon the club by this Act being determined and cancelled by the Council under the provisions of this section, the Council shall, subject to the proviso hereinafter mentioned, pay to the club compensation as hereinafter mentioned. Such compensation shall
15 comprise the sum of seven thousand five hundred pounds, together with a further sum representing the value as at the date of the passing by the Council of any such resolution of any buildings erected or acquired by the club with the consent in writing of the Board and being then upon the aerodrome. In the event of any
20 dispute arising between the Council and the club as to the value of any such buildings the same shall be determined in the manner provided by section *seventy-nine* of this Act:

25 Provided that under no circumstances shall the aggregate sum for compensation payable by the Council to the club under this subsection exceed the sum of twelve thousand five hundred pounds.

30 (4) The club shall accept the payment of the compensation provided by subsection *three* hereof in full satisfaction of all claims and demands whatsoever of the club in respect of such determination and cancellation of the rights, powers, and privileges of the club under this Act or in any way arising thereout, or being in any way whatsoever connected therewith, or with the aerodrome.

35 *New.*

40 (4A) All such compensation shall be expended by the club only in providing, establishing, developing, improving, or extending an aerodrome, or in providing or constructing landing and taking-off places for aircraft, approaches, buildings, and other accommodation, and apparatus and equipment of every description for such aerodrome, or in purchasing, taking on lease, acquiring, or otherwise providing land for any such purpose.

(5) The Council may pay out of its general funds, or out of any other moneys available to it for the purpose, the compensation payable to the club under the provisions of this section.

Powers and Duties of Corporation.

5

Powers to
raise special
loans.

72. (1) The Council may from time to time, under and subject to the provisions of the Local Bodies' Loans Act, 1926, and the Local Government Loans Board Act, 1926, raise a special loan or special loans for all or any of the following purposes, namely:— 10

(a) The establishment, development, improvement, or extension of the aerodrome or any auxiliary or temporary aerodrome: 10

(b) The construction of works, approaches, buildings, and other accommodation, and the provision 15
of plant, apparatus, materials, equipment, and other things necessary or expedient in connection with such establishment, development, improvement, or extension:

(c) The establishment, purchase, construction, 20
development, improvement, or extension (but not the maintenance) of any undertaking, business, work, or thing which the Board under the provisions of this Act has power to establish, undertake, provide, carry on, or 25
expend money upon:

(d) The payment of any moneys which may hereafter under the provisions of this Act become payable by the Council to the club, or which under the provisions of this Act the Council 30
is empowered to pay to the club.

(2) For the purposes of the *last preceding* sub-section the establishment, development, improvement, or extension of the aerodrome or any auxiliary or temporary aerodrome includes the cost of any land acquired or 35
otherwise provided, or to be acquired or otherwise provided, for the purposes thereof respectively, and also includes any expenditure incidental to such acquisition, and the construction and provision of works and 40
other things as hereinbefore mentioned includes the reconstruction or replacement of the same respectively in whole or in part.

(3) The Council may pay any moneys out of its general fund for any such purpose or purposes and may reimburse the General Fund out of the proceeds of any such special loan or loans when raised.

5 (4) Upon any such special loan being raised the Council may either itself expend the proceeds thereof for the purposes for which such special loan was raised or it may, with or without any condition requiring the repayment thereof as hereinafter mentioned, pay the
10 proceeds thereof or any part of such proceeds to the Board without being liable to see to the proper expenditure thereof.

(5) Upon any such special loan being raised and the proceeds or any part thereof being paid to the Board
15 as aforesaid the Board shall apply the moneys so paid to it for the purpose for which such special loan was raised, and for no other purpose.

(6) Before the proceeds of any such special loan or any part thereof as aforesaid are paid by the Council
20 to the Board the Council and the Board may, by any instrument in writing executed on behalf of both parties, agree that the whole or any part of any such moneys as aforesaid shall be repaid to the Council at such times, in such instalments, and upon such terms and
25 conditions as shall be set out in such instrument. If no such instrument in writing is executed as aforesaid the Board shall not be liable to repay such moneys to the Council.

(7) Without limiting the power to borrow set forth
30 in subsection *one* of this section, the Council may, by special order or orders, raise any special loan or special loans for all or any of the purposes set forth in the said subsection, not exceeding in the aggregate the sum of seven thousand five hundred pounds, under the
35 provisions of the Local Bodies' Loans Act, 1926, without taking the steps prescribed in sections nine to thirteen of that Act.

73. (1) *Notwithstanding anything to the contrary in the Local Authorities Empowering (Aviation Encourage-*
40 *ment) Act, 1929, or in any other Act, the Council may from time to time, out of its General Fund, provide such sums as it thinks fit for the development, improvement, maintenance, and upkeep of the aerodrome or for any work, purpose, plant, material, or thing the Board has*

Council may
make grants
to Board.

power to undertake, purchase, or expend money upon, or for the payment of any liability incurred by the Board under the provisions of this Act, and the Council may either expend such sums itself or pay such sums to the Board without being liable to see to the proper expenditure thereof. 5

(2) Before paying to the Board any such sum or sums, the Council may at its discretion attach such special conditions or directions as to the expenditure and application thereof as the Council may by the resolution making such grant or grants or by any other resolution determine, and the Board shall comply with such special conditions or directions accordingly. 10

Council empowered to acquire other lands.

74. (1) The Council is hereby empowered from time to time to take, purchase, take on lease, or otherwise acquire, set aside, or provide land for the extension of the aerodrome, or for an auxiliary or temporary aerodrome for the Borough of New Plymouth, and to establish thereon an aerodrome and develop, improve, and extend the same. 15 20

(2) Upon any such land being vested in, acquired, or set aside by the Council, for any of the purposes aforesaid, the same shall immediately become subject to the provisions of this Act, and the Council and the Board may in respect thereof exercise all the powers and authorities conferred upon them respectively by this Act. 25

Powers of Council under other Acts not restricted.

75. Nothing in this Act shall take away, restrict, or modify any power conferred upon the Council as a local authority to take or acquire land for aerodrome purposes under the provisions of the Public Works Act, 1928, or the Local Authorities Empowering (Aviation Encouragement) Act, 1929, or under the provisions of any other Act. 30

Powers of Council to make by-laws.

76. (1) The Council may exercise all the powers set out in section six of the Local Authorities Empowering (Aviation Encouragement) Act, 1929, as fully and effectually as if it had established the aerodrome and retained the control of the same, and of any business ancillary thereto, and of everything thereon: 35 40

Provided that such by-laws shall not be inconsistent with any rights, powers, and privileges conferred upon or reserved to the club or the Board by this Act.

(2) The Council, in addition to its powers to make by-laws under the provisions of section six of the said Act, may, in respect of the aerodrome and any building or buildings, erection or erections, or enclosures thereon, whether privately owned or not, from time to time make such by-laws, not inconsistent with any rights, powers, and privileges conferred upon or reserved to the club or the Board by this Act, as it thinks fit for all or any of the purposes specified in the *Fourth* Schedule hereto.

10 **77.** (1) A copy of every by-law made by the Council under the *last preceding* section shall, within seven days after the making thereof, be sent by the Council to the ~~Minister for the time being in charge of civil aviation,~~ who may, at any time within three months after the making thereof, disallow the same or any part thereof, and upon such disallowance being gazetted such by-law or part thereof shall

Power of Minister to disallow by-law.

Struck out.

20 cease to have any force, but such disallowance shall not affect the validity of anything theretofore done under the by-law or part thereof so disallowed.

be deemed to have been revoked.

25 (2) A copy of every such by-law shall, within seven days after the making thereof, be sent by the Council to the Board and to the club.

30 **78.** Notwithstanding that the lands upon which the aerodrome is established or is to be established are or will be the property of the Corporation, or is *are* held under lease by the Corporation, and the club is granted certain rights thereover, the Corporation shall not be deemed to be or be liable for any act or omission of the Board or of the club, nor shall any liability of the Board or of the club in any way whatsoever attach to

35 the Corporation's interest in the said lands.

Corporation not responsible for any act or omission of Board or club.

Arbitration.

40 **79.** All questions or differences whatsoever which may at any time hereafter arise between the Council, the club, and the Board, or any two or more of them, touching the provisions of this Act, or the subject-matter thereof, or arising out of or in relation thereto

Disputes to be settled by arbitration.

respectively, and whether as to construction or otherwise shall be referred to a single arbitrator in case the parties can agree upon one, otherwise to arbitrators, one to be appointed by each party to the difference, and in any case in accordance with and subject to the provisions of the Arbitration Act, 1908. 5

Repeal and Savings.

Repeal.

80. The New Plymouth Airport Act, 1933, is hereby repealed and with respect to that enactment the following provisions shall apply, but without limiting or affecting any specific saving provision herein contained:— 10

Struck out.

<p>(a) The members of the Board in office at the commencement of this Act shall remain in office until their respective successors are appointed under this Act and come into office: 15</p>
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Savings.

(b) All Proclamations, Orders in Council, notices, orders, regulations, by-laws, Boards, offices, appointments, resolutions, agreements, licenses, maps, records, documents, and generally all acts of authority which originated under such enactment, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated: 20 25

(c) All matters and proceedings commenced under such enactment, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act. 30

SCHEDULES.

Schedules.

FIRST SCHEDULE.

Struck out.

ALL those pieces of land situate in the Land Registration District of Taranaki, containing together by admeasurement two hundred and eighty-nine acres and twenty perches (289 acres 0 roods 20 perches), be the same a little more or less, being, firstly, Lots one (1), two (2), three (3), four (4), five (5), and six (6) on Deposited Plan Number 5331, and being Section seventy-five (75) and parts of Sections seventy-four (74) and seventy-six (76) on the public map of Waitara West District, Block three (III), Paritutu Survey District, and being the whole of the land comprised in certificates of title, Volume 138, folio 19, and Volume 137, folio 18, Taranaki Registry; and, secondly, Section one hundred and forty-five (145) and parts of Sections seventy-three (73), seventy-seven (77), and seventy-eight B (78B), and seventy-nine (79) on the public maps of the Waitara West District, part of the Kaipakopako No. 1 Block, and part of the bed of the Mangateranoho Stream (Blocks II and III, Paritutu Survey District), parts of the said land being more particularly shown as part of the land on plans deposited in the Lands Registry Office at New Plymouth as Numbers 153, 343, and 1468, and being the whole of the land comprised in certificate of title, Volume 140, folio 278, Taranaki Registry.

*Struck out.**New.*

ALL those pieces of land in the Land Registration District of Taranaki, containing together by admeasurement two hundred and eighty-nine acres and twenty perches, be the same a little more or less, being Lots 1, 2, 3, 4, 5, and 6 on Plan Number 5331 deposited in the Lands Registry Office at New Plymouth, and all the land on Roads Plan Number 961 deposited in the office of the Chief Surveyor at New Plymouth, all of the said land being the whole of the land comprised in certificates of title, Volume 137, folio 18, Volume 138, folio 19, and Volume 140, folio 278, Taranaki Registry.

New.

ALL those pieces of land in the Land Registration District of Taranaki, containing together by admeasurement 289 acres and 20 perches, be the same a little more or less, being Lots 1, 2, 3, 4, 5, and 6 on Plan Number 5331 deposited in the Lands Registry Office at New Plymouth, Section 145, Waitara West District, and all the land shown on Roads Plan 957 deposited in the office of the Chief Surveyor at New Plymouth, excluding the land taken for road shown coloured pink on Roads Plan 961 deposited in the office of the Chief Surveyor at New Plymouth. all of the said land being the whole of the land comprised in certificates of title, Volume 137, folio 18, Volume 138, folio 19, and Volume 140, folio 278, Taranaki Registry.

SECOND SCHEDULE.

CONDITIONS OF CONFERRING OF FREEDOM OF AIRPORT.

1. Such honour shall only be conferred in pursuance of a special resolution of the Board, confirmed by resolution of the Council passed at a special meeting of the Council held for the purpose.

2. The freedom of the airport shall confer upon each person upon whom the honour is conferred (hereinafter referred to as the recipient) the right to enter upon the aerodrome without payment at such times as the airport is open for business or to the public. Any plane piloted by the recipient and used by him for pleasure and not for gain shall be permitted, subject to compliance in all other respects with the Acts, regulations, by-laws, and rules relating to the aerodrome, to land upon the aerodrome without the payment of landing-fees. The recipient shall also have the right, subject to compliance in all respects with the rules and by-laws relating to the playing of such games on the aerodrome, to make use of for his own personal pleasure and not for gain, and without the payment of any fee, all playing facilities provided on the aerodrome by the Board or by the club.

3. The rights conferred upon the recipient as hereinbefore mentioned may be curtailed or restricted at any time by the Board by special resolution confirmed in writing by the Council.

4. The ~~grant~~ *conferring* of the freedom of the airport on any person shall not confer on or vest in the recipient any right, tenancy, or ownership of or in any of the land or property of the Council or of the Board, or the right to share in the benefit of any such land or property.

5. The Board may present to the recipient such token as it deems fit evidencing such honour, and shall inscribe the name of the recipient upon a Scroll of Honour to be exhibited in the administration buildings of the Board at the aerodrome.

6. The Board shall keep a register of all persons upon whom the freedom of the airport shall be conferred and shall set out therein full particulars of the services rendered to the advancement of aviation in New Zealand, or to the New Plymouth airport, by each such person. Each such person shall sign such register in the presence of the Chairman and Secretary for the time being of the Board, or in their absence in the presence of two members for the time being of the Board, each of whom shall also sign the register as witnesses.

7. The Board, by special resolution confirmed by resolution of the Council at a special meeting called for the purpose, may rescind the conferring of the freedom of the airport upon any person and remove his name from the Scroll of Honour and the register-book, and thereupon all the rights and privileges which such person may have by virtue of this Act shall be cancelled.

THIRD SCHEDULE.

RIGHTS, POWERS, AND PRIVILEGES OF THE NEW PLYMOUTH AERO CLUB.

1. For the purpose of exercising the functions of the club the club shall have and retain perpetual, free, but not exclusive, flying-rights over such portions of the land comprised in the *First* Schedule hereto as are now or may hereafter be used as landing or taking-off places for aircraft (hereinafter referred to as the said land) but, subject as hereinafter mentioned, nothing herein shall prevent the Board from granting similar or other rights to any other person or body.

2. The Board shall not grant to any other club, association, company, or body whose objects and functions are similar to the functions of the club flying-rights similar to those hereby granted to the New Plymouth Aero Club, the intention being that no aero club or similar body as aforesaid other than the New Plymouth Aero Club shall have the right to use the said land as its base of operations for the carrying-out of functions similar to the functions of the club.

3. The club shall not enter into competition with any regular air service or provide regular air or ground services in competition with the Board or with commercial aviation companies or authorities.

4. The club shall at all times be entitled to the free use of the hangar and clubhouse room forming part of the buildings on the said land as now occupied by the club, and of any buildings, additions, or appurtenances hereafter erected by the club with the approval of the Board, and, subject to the approval of the Board and compliance with any rules of the Board and by-laws of the Council applicable thereto, the club shall have the right to erect further buildings or appurtenances in enlargement or extension of the clubs existing buildings as aforesaid, and to remove such buildings or appurtenances to such other position on the said land as the Board shall from time to time approve or direct.

5. Should the Board at any time alter the layout of the said land, or should it at any time be of the opinion that any building or erection erected by the club on the said land restricts or interferes with, or may restrict or interfere with, the free manœuvring of aircraft on or over the said land, or in any way whatsoever interferes with the full and efficient use of the said land as an aerodrome, the Board, notwithstanding any of the provisions hereof, may, after passing a special resolution to that effect, require the club, at the expense of the Board, to remove any such building or erection to a new position indicated by the Board. In any such event the Board shall give written notice to the club requiring it, within a reasonable period to be stated in such notice, to remove such building or erection as aforesaid, and the club, upon the Board making the necessary provision for the cost of such removal, shall comply with the provisions of any such notice.

6. Subject as hereinafter mentioned, the club shall have the exclusive right on twenty days in each year, and on such other days as may be approved by the Board, to conduct such demonstrations, club days, or pageants, on the said land, and to charge for admission thereto, and to retain for club purposes the whole of the admission fees and other moneys arising therefrom. The actual day or days upon which such exclusive right shall operate shall be subject to the approval from time to time of the Board. In the allocation of days for such purposes as aforesaid the Board shall as far as possible, except in regard to gatherings being held by the Board, give preference to the club.

7. In exercising the rights and privileges conferred upon the club by the provisions of this Act the club and its members shall comply at all times and in all respects with the provisions of all regulations under the Air Navigation Act, 1931, with the provisions of any other Acts, or regulations, and of any by-laws of the Council for the time being applying to the said land or the aerodrome thereon, and with the rules of the Board.

8. If and whenever the club is carrying out its operations and functions on the said land in accordance with and subject to the provisions of the said Acts, regulations, by-laws, and rules it shall not be subject to any interference by the Board or any agent or servant of the Board.

FOURTH SCHEDULE.

PURPOSES FOR WHICH COUNCIL MAY MAKE BY-LAWS.

1. The good rule and government of the aerodrome.
2. The more effectual carrying-out of any of the objects of the establishment and maintenance of the aerodrome.
3. Regulating, controlling, or prohibiting any act, matter, or thing usually the subject of regulation, control, or prohibition by the controlling authorities of aerodromes.
4. Protecting any property of the Corporation, the Board, or the club from damage or injury.
5. Conserving public health, safety, and convenience and preventing and abating nuisances.
6. Regulating the construction and repairs of buildings and fences, the design, height, and situation of buildings and fences, space between buildings, the materials to be used, and the area and layout of the curtilage of buildings.
7. Regulating the keeping and storage of benzine, explosives, empty crates, cases, shavings, straw, and inflammable substances of any kind whatsoever.
8. Prescribing precautions to be taken for the protection of aircraft hangars, workshops, and other buildings and the aerodrome from fire.
9. Prohibiting the use of flares, lights, or other signals by unauthorized persons.

10. Requiring the establishment, maintenance, use, and protection of fire-alarm circuits.

11. Regulating electrical installations and providing for inspection thereof.

12. Requiring the provision of fire-escapes.

13. Requiring the provision of adequate lighting, air space, and ventilation in workshops.

14. Regulating any of the subject-matters of ~~the~~ *this* Act.

15. Regulating drainage and sanitation and requiring buildings and yards to be kept free of unsightly obstructions or accumulations.

16. Regulating traffic, *whether* pedestrian ~~and~~ *or* vehicular, and the provision and use of parking-places for vehicles.

17. Regulating the taking of intoxicating liquor on to the aerodrome or prohibiting the taking of liquor on to the aerodrome except in cases for the purpose of being carried as freight on aircraft.

18. Prescribing the times, terms, and conditions upon which the public may enter or be in or upon the aerodrome or be excluded therefrom or any part thereof, and granting power to the Board to refuse admission to or expel persons whom it considers objectionable or undesirable.

19. Licensing persons to carry on in any part of the aerodrome any trade, calling, game, or amusement or to afford any transport or other public service thereon.

20. The exclusion of dogs or other animals therefrom and their destruction if intruding therein.