

Wellington City Empowering Act 1908

Local Act 1908 No 39
Date of assent 10 October 1908

Contents

		Page
	Title	2
1	Short Title	2
2	Interpretation	2
Part 1		
Widening and extending streets		
3	Power to improve streets and acquire lands, and sell or lease surplus lands <i>[Repealed]</i>	2
4	Application of rents and sale-moneys <i>[Repealed]</i>	3
5	Power to settle claims for compensation <i>[Repealed]</i>	3
Part 2		
Extension of Melrose district drainage system to other parts of the city		
6	Parts of Boroughs of Karori and Onslow subject to special rate	3
7	Moneys of special loan for drainage in Melrose District to be used for additional areas	4
8	Lands over which rate shall be leviable to be deemed parts of loan district	4
Part 3		
General		
9	All powers conferred by Act to be additional	4
10	Loans to be special loans	5
11	Repeals	5
12	Wellington City Corporation authorised to acquire the Athletic Park	5
Schedule		6

An Act to confer Additional Powers on the Corporation of the City of Wellington, and to extend the System of Drainage to be provided in Parts of the late Borough of Melrose to other Districts lately included, or hereafter to be included, in the City of Wellington.

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

1 Short Title

This Act may be cited as the Wellington City Empowering Act 1908.

2 Interpretation

In this Act, if not inconsistent with the context,—

City means the City of Wellington

Corporation means the Mayor, Councillors, and Citizens of the City of Wellington

Council means the Wellington City Council

District Fund means District Fund as defined by the Municipal Corporations Act 1908

Melrose District means that part of the City of Wellington formerly comprised in the Borough of Melrose, exclusive of the portions of that borough described in Schedule 1 to the Wellington (City) Suburbs Sanitation Act 1893.

Part 1

Widening and extending streets

3 Power to improve streets and acquire lands, and sell or lease surplus lands

[Repealed]

Sections 3 to 5 were repealed, as from 6 November 1924, by section 10 Wellington City Empowering and Amendment Act 1924 (1924 No 19 (L)).

4 Application of rents and sale-moneys

[Repealed]

Sections 3 to 5 were repealed, as from 6 November 1924, by section 10 Wellington City Empowering and Amendment Act 1924 (1924 No 19 (L)).

5 Power to settle claims for compensation

[Repealed]

Sections 3 to 5 were repealed, as from 6 November 1924, by section 10 Wellington City Empowering and Amendment Act 1924 (1924 No 19 (L)).

Part 2

**Extension of Melrose district drainage
system to other parts of the city**

6 Parts of Boroughs of Karori and Onslow subject to special rate

- (1) The lands described in the Orders in Council published in the *Gazette* on the twenty-first day of March, nineteen hundred and seven, the third day of October, nineteen hundred and seven, the ninth day of April, nineteen hundred and eight (being the parts of the Boroughs of Karori and Onslow included by the said Orders in the City of Wellington with the exception of the portions of the lands defined in Schedule 1 to the Wellington (City) Suburbs Sanitation Act, 1893, and being formerly portion of the Borough of Karori) shall be subject to the special rate of five-twelfths of a cent in the dollar made by the Wellington City Council on the sixteenth day of January, nineteen hundred and eight, and notified in the *Gazette* on the thirtieth day of January, nineteen hundred and eight, for the purpose of providing interest, sinking fund, and other charges on a special loan of two hundred thousand dollars authorised by a poll held on the sixteenth day of October, nineteen hundred and seven, of the ratepayers of the Melrose District.
- (2) Any lands being part of the Borough of Onslow, and lying south of the Karori Stream, which at any time hereafter are included in the City of Wellington shall, as from the date of the gazetting of the Order in Council making such inclusion, be subject to the said special rate.

Subsection (1) was amended by section 4 Wellington City Empowering and Amendment Act 1911 (1911 No 42 (L)) by inserting the words “with the ex-

ception of the portions of the lands defined in Schedule 1 to the Wellington (City) Suburbs Sanitation Act, 1893, and being formerly portion of the Borough of Karori". This section shall be read and construed for all purposes as if these words had formed part of and been inserted in this section at the time of the passing of this Act (10 October 1908).

The references to "five-twelfths of a cent in the dollar" and "two hundred thousand dollars" were substituted, as from 10 July 1967, for references to "one penny in the pound" and "one hundred thousand pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

7 Moneys of special loan for drainage in Melrose District to be used for additional areas

The moneys produced by the said special loan shall be applied to provide a system of drainage and for constructing private drains and house-connections on the deferred-payment system under the Municipal Corporations Act 1908, not only for the Melrose District, but also for the lands mentioned in subsection one of the last preceding section, and also for the lands mentioned in subsection two of the last preceding section if and when the said last-mentioned lands are included in the City of Wellington.

8 Lands over which rate shall be leviable to be deemed parts of loan district

All lands over which the said special rate is hereafter leviable shall be deemed to be included in and to form part of the district for the benefit of which the said special loan was raised under the provisions of the Local Bodies Loans Act 1908.

**Part 3
General**

9 All powers conferred by Act to be additional

All powers conferred by this Act are additional to the powers conferred or to be conferred upon any Corporation or Council by any other Act, and nothing in any Act shall be construed so as to limit the application of the provisions of this Act.

10 Loans to be special loans

All loans raised under this Act shall be deemed to be special loans, and the provisions of the Local Bodies Loans Acts 1901–8, shall accordingly apply to such loans.

11 Repeals

Subsections two, three, four, and five of section seven, and section eight of the Wellington City Empowering Act 1897, and sections three and four, and subsection two of section seven of the Wellington City Empowering Act 1899, are hereby repealed.

12 Wellington City Corporation authorised to acquire the Athletic Park

Whereas by a deed of lease bearing date the twenty-sixth day of July, eighteen hundred and ninety-five, made between the Public Trustee of the one part and the Athletic Park Company (Limited) of the other part, the lands described in the Schedule hereto were demised to the Athletic Park Company (Limited), its successors and assigns, for the term of sixty-three years from the third day of October, eighteen hundred and ninety-three: And whereas the said lands have been heretofore used as a sports-ground: And whereas, for the purpose of insuring that the said piece of land shall continue to be used as a sports-ground, it is desirable that the Mayor, Councillors, and Citizens of the City of Wellington (hereinafter termed the Corporation) should be empowered to acquire the estate of the lessee for the time being under the said deed of lease, and also, if it shall acquire such estate, to acquire the estate of the Public Trustee in the said land: Be it therefore enacted as follows:—

- (a) The Corporation may purchase, acquire, or take under the provisions of the Public Works Act 1908, for the purposes of a sports-ground, the estate of the lessee for the time being under the said deed of lease, and if and when the Corporation shall so take, purchase, or acquire such estate, may purchase, acquire, or take the estate of the Public Trustee in the said land; and the Public Trustee is in such case authorised and empowered to sell to the Corporation his estate in the said lands.

- (b) If and when the Corporation shall acquire the estate of the lessee for the time being of the said lands, the said lands shall be used only for the purpose of a sports-ground; and subject to this restriction the Corporation may, notwithstanding anything to the contrary in any statute contained, lease the said land to any club, association, or body formed for the purposes of field sports, and may make or authorise to be made any charges for the use of the same for field sports or for admission to the said lands.
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Schedule

ALL that piece of land, situate in the Wellington Land District, containing by admeasurement 8 acres and 3 roods, be the same a little more or less, on which is situate the Athletic Park, being Lot 11 of Section 977, part Lot 12 of Section 976, part Lots 14 and 16 of Section 978, Lots 13 and 15 of Section 979, part Lot 18 and Lot 20 of Section 980, Lots 17 and 19 of Section 981, Lot 22 and part Lot 24 of Section 982, Lots 21 and 23 of Section 983, part Lots 26 and 28 of Section 984, Lots 25 and 27 of Section 985, part Lots 30 and 32 of Section 986, and Lots 29 and 31 of Section 987: bounded on the north partly by Section 980, 165 ft, and partly by other parts of Sections 976 and 977, 495 ft 6 in; towards the east by the South Road, 726 ft; towards the south partly by Sections 989 and 988, 494 ft 2 in, and partly by Section 982, 165 ft; and towards the west partly by other parts of Sections 986, 984, and 982, 330 ft, partly by Adelaide Road, 132 ft, and partly by other parts of Sections 980, 978, and 976, 264 ft: be all the said several measurements a little more or less: the said sections all being sections on the plan of the City of Wellington.