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Local Legislation Act 1951

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by the Department of Internal Affairs.

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An Act to confer certain powers on certain public bodies and to validate certain transactions

1 Short Title

This Act may be cited as the Local Legislation Act 1951.

County councils

2 Provision with respect to expenditure of moneys by Cheviot County Council in connection with Canterbury centennial celebrations

The Cheviot County Council (in this section referred to as the **Council**) is hereby authorised and empowered to expend moneys out of its general account for the purpose of celebrating and commemorating the 100th anniversary of the settlement of Canterbury, and in connection with the establishment of a centennial memorial or centennial memorials, and, for any such purpose, to make grants to the body known as the Canterbury - New Zealand Centennial Association, Incorporated, and the expenditure of moneys by the Council prior to the passing of this Act for any such purpose is hereby validated and declared to have been lawfully made.

3 Authorising Matamata County Council to make *ex gratia* payment in respect of a contract

Whereas by an agreement dated 10 March 1947, made between McHarrie Brothers, of Hamilton, bridge builders (in this section referred to as the **contractors**), of the one part, and the Chairman, Councillors, and Inhabitants of the County of Matamata (in this section referred to as the **Council**), of the other part, the contractors agreed with the Council to execute and complete the construction of 2 reinforced bridges on the Matamata to Kaimai Main Highway over the Omahine and Waiomou Streams at Te Poi:

And whereas, owing to circumstances beyond their control causing delay in completion of the works, increased costs were

incurred by the contractors and the contractors suffered considerable loss:

And whereas the Council, in the circumstances, is desirous of making a payment of 634 pounds 10 shillings and 5 pence to the contractors:

Be it therefore enacted as follows:

The Council is hereby empowered to pay the sum of 634 pounds 10 shillings and 5 pence to the contractors by way of compensation in respect of the loss incurred by the contractors.

4 Validating raising of certain loan moneys by Tauranga County Council

Whereas by Order in Council made on 30 July 1947 consent was given to the raising by the Tauranga County Council (in this section referred to as the **Council**) of a loan of 10,000 pounds, to be known as the Te Puke No 2 Road Water Supply Loan 1946 (in this section referred to as the **loan**), subject to certain terms and conditions:

And whereas one of the said terms and conditions was that no moneys should be borrowed after the expiration of 2 years from the date of the said Order in Council:

And whereas, at a date subsequent to the expiration of the said period of 2 years, the Council raised the sum of 4,000 pounds as portion of the loan:

And whereas it is expedient that the action of the Council in raising the said portion of the loan should be validated:

Be it therefore enacted as follows:

The action of the Council in raising the said portion of the loan after the expiration of the period specified by the said Order in Council is hereby validated, the moneys received by the Council in respect thereof shall be deemed to have been lawfully borrowed, and the debentures issued in respect thereof shall be deemed to have been lawfully executed and issued by the Council and shall have full force and effect according to their tenor.

5 Authorising raising of special loan by Murchison County Council

Whereas, by Orders in Council made on 2 February 1949 and 6 September 1950 pursuant to the Local Government Loans Board Act 1926, consent was given to the raising by the Murchison County Council (in this section referred to as the **Council**), of loans of 15,600 and 1,560 pounds, to be known respectively as the Maruia Hydro Development Loan 1948, and the Maruia Hydro Development Supplementary Loan 1950:

And whereas, after expending the amount of the said loans, the Council expended, out of its County Fund Account, moneys amounting in the aggregate to the sum of 2,463 pounds 10 shillings and 5 pence in completion of the works for which the aforesaid loans were raised:

And whereas it is desirable to authorise the Council to raise a loan of 2,450 pounds for the purpose of recouping its County Fund Account in respect of portion of the moneys advanced thereout as aforesaid:

Be it therefore enacted as follows:

The Council is hereby authorised and empowered to borrow by way of special loan under the Local Bodies' Loans Act 1926, by special order and without taking the steps prescribed by sections 9 to 13 of that Act, a sum not exceeding 2,450 pounds, and to refund that sum to its County Fund Account.

6 Provision with respect to certain contract of Whangaroa County Council

Notwithstanding anything to the contrary in any Act or rule of law, nothing in the Local Authorities (Members' Contracts) Act 1934, shall be deemed to apply or to have applied to a contract made on 23 October 1951 between the Whangaroa County Council and Lane and Sons, Limited, for the supply of bridge timber for use by the said Council not exceeding in total value the sum of 1,500 pounds.

7 Authorising Westland County Council to raise a special loan for housing purposes

Whereas the Westland County Council (in this section referred to as the **Council**), prior to the sanction of the Local Government Loans Board being given to the raising of a loan for the purpose of purchasing a dwellinghouse for the engineer employed by the Council, expended out of its County Fund Account moneys amounting in the aggregate to the sum of 2,500 pounds in the purchase of the dwellinghouse:

And whereas the Local Government Loans Board has no authority to sanction the raising of a loan for the purpose of enabling the Council to refund the said sum to its County Fund Account:

And whereas it is desirable that authority be given for that purpose:

Be it therefore enacted as follows:

The Council is hereby authorised and empowered to borrow by way of special loan under the Local Bodies' Loans Act 1926, by special order and without taking the steps prescribed by sections 9 to 13 of that Act, an amount not exceeding the sum of 2,500 pounds for the purpose of refunding to its County Fund Account all moneys applied by the Council as aforesaid in the purchase of the said dwellinghouse.

8 Provision with respect to overdraft of Coromandel County Council

Whereas the Coromandel County Council (in this section referred to as the **Council**) has from time to time borrowed and owed moneys and incurred liabilities in excess of the limits prescribed by the Local Bodies' Finance Act 1921–22:

And whereas the liabilities of the Council in excess of the limits prescribed by the said Act, as at 31 March 1951, amounted to the sum of 7,145 pounds 3 shillings and 4 pence:

And whereas it is desirable to make provision in manner hereinafter appearing:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Local Bodies' Finance Act 1921–22 or in any other Act, all moneys hereto-

fore borrowed and owed by the Council, and all other liabilities heretofore incurred by the Council, in excess of the limits prescribed by the said Act shall for all purposes be deemed to have been at all times lawfully borrowed and owed and incurred by the Council.

- (2) For the purpose of partially repaying the said excess liabilities the Council is hereby authorised and empowered to borrow from its bankers by way of overdraft, in the manner prescribed by section 3 of the said Act, the sum of 7,000 pounds.
- (3) The Council shall repay the said sum of 7,000 pounds by 7 equal payments out of moneys credited to its General Account, 1 such payment to be made in each year during the period of 7 years commencing on 1 April 1952:
provided that the Council may in any year repay out of the said General Account an amount greater than a seventh part.
- (4) The said sum of 7,000 pounds shall be carried to a separate account at the bank, and all payments made in reduction of the said sum shall be credited to that account.
- (5) The said sum of 7,000 pounds shall not at any time heretofore be deemed to have been taken into account, nor shall any amount at any time lawfully owing under this section hereafter be taken into account, in determining the amount that may be borrowed or that may be owed by the Council pursuant to section 3 of the said Act.

**9 Provision with respect to expenditure of moneys by
Manawatu County Council in connection with jubilee
celebrations**

The Manawatu County Council (in this section referred to as the **Council**) is hereby authorised and empowered to expend out of its General Account a sum not exceeding 300 pounds for the purpose of celebrating and commemorating the 75th anniversary of the County of Manawatu, and any expenditure heretofore incurred or made by the Council for that purpose is hereby validated and declared to have been lawfully incurred and made.

10 Authorising Waikohu County Council to raise a special loan for housing purposes

Whereas the Waikohu County Council (in this section referred to as the **Council**) has made application to the Local Government Loans Board for authority to raise a loan of 10,000 pounds to be known as the Staff Housing Loan 1951 (in this section referred to as the **proposed loan**), for the purpose of acquiring land, erecting staff houses thereon, and purchasing a house for removal and re-erection on the said land:

And whereas, prior to sanction being given to the raising of the proposed loan, the Council had expended out of its General Account the sum of 1,300 pounds in the purchase of the land described in subsection (3):

And whereas the Local Government Loans Board has no authority to sanction that part of the proposed loan which relates to the purposes upon which the said sum has been expended:

And whereas it is desirable to authorise the Council to raise a special loan not exceeding 1,300 pounds for the purpose of recouping its General Account in respect of the moneys advanced thereout as aforesaid:

Be it therefore enacted as follows:

- (1) The Council is hereby authorised and empowered to borrow by way of special loan under the Local Bodies' Loans Act 1926, by special order, and without taking the steps prescribed by sections 9 to 13 of that Act, an amount not exceeding the sum of 1,300 pounds for the purpose of refunding to its General Account moneys advanced thereout in the purchase of the said land.
- (2) The Council is hereby authorised, out of the proceeds of the said loan, when raised, to refund to its General Account such moneys as may have been advanced thereout for the purposes for which the said loan is to be raised.
- (3) The land to which this section relates is more particularly described as follows:

All that parcel of land containing by admeasurement 6 acres 3 roods and 23 perches, more or less, being part of Karaka 1 Block and being also Lot 2 on a plan deposited in the Deeds Registry Office at Gisborne as Number 3085, and being the

whole of the land comprised and described in certificate of title, Volume 103, folio 138, Gisborne Registry.

City and borough councils

11 Authorising Wellington City Council to effect a changeover from direct current system to alternating current system

Whereas the Wellington City Council (in this section referred to as the **Council**) proposes to cease supplying electrical energy to some consumers on the direct current system and instead to supply electrical energy on the alternating current system:

And whereas it is expedient to authorise the change and prescribe the conditions subject to which the Council may cease supplying electrical energy on the direct current system:

Be it therefore enacted as follows:

- (1) Subject to the provisions of this section and of any Order in Council made pursuant to this section, the Council is hereby authorised to discontinue the supply to any consumer of electrical energy on the direct current system and to supply instead electrical energy on the alternating current system.
- (2) The Council shall not discontinue the supply to any consumer of electrical energy on the direct current system until the consumer has had reasonable notice of the date when any such supply will be discontinued so as to enable him to adapt his installation to utilise alternating current or to install other power.
- (3) The Governor-General may from time to time, by Order in Council, make provision as to the methods of apportioning the cost and expenses in connection with the change in the method of supply of electrical energy referred to in subsection (1) and as to the payment thereof and may prescribe any further conditions he thinks fit, and all such provisions and conditions shall be valid and binding on the Council and on every consumer affected.
- (4) The Council is hereby authorised to pay its proportion of the costs and expenses incurred pursuant to this section.

12 Authorising Opotiki Borough Council to raise a special loan for housing purposes

Whereas the Opotiki Borough Council (in this section referred to as the **Council**) on 19 December 1949 agreed to purchase the land described in subsection (3):

And whereas the Council purchased the said land and the buildings erected thereon for the purpose of providing a dwelling for an employee of the Council:

And whereas the amount paid by the Council for the said land and buildings and for incidental costs amounted to the sum of 1,936 pounds, and the amount subsequently spent by the Council in repairs and renovations to the house erected on the said land amounted to the sum of 374 pounds, both of which amounts were paid by the Council out of its District Fund Account:

And whereas, in order to refund to its District Fund Account the amounts expended as aforesaid, it is desirable that the Council should be authorised to raise a special loan of 2,300 pounds:

Be it therefore enacted as follows:

- (1) The Council is hereby authorised and empowered, by special order, to raise the sum of 2,300 pounds by way of special loan pursuant to the provisions of the Local Bodies' Loans Act 1926 without taking the steps prescribed by sections 9 to 13 of that Act.
- (2) The Council shall, out of the proceeds of the said loan when raised, refund to its District Fund Account the moneys advanced thereout for the purpose of meeting the cost of the purchase of the said land and buildings and of repairs and renovations to the buildings and of incidental expenses.
- (3) The land to which this section relates is more particularly described as follows:

All that parcel of land, situated in the Borough of Opotiki containing by admeasurement 1 rood 11 perches and ninety-two hundredths of a perch, more or less, being Lot 2 on Deposited Plan Number 3690, Gisborne Registry, and being the whole of the land comprised in certificate of title, Volume 95, folio 238, Gisborne Registry.

13 Authorising Dannevirke Borough Council to expend moneys in connection with jubilee celebrations

The Dannevirke Borough Council is hereby authorised and empowered to expend moneys, not exceeding the sum of 510 pounds, out of its general revenues in connection with the celebration and commemoration of the Borough Jubilee in 1952, and to make payments and grants to any person or persons for those purposes.

14 Authorising Putaruru Borough Council to levy separate rate

Whereas, by an agreement (in this section referred to as the **first agreement**) dated 12 December 1927, made between the Putaruru Town Board (in this section referred to as the **Board**), of the one part, and the Chairman, Councillors, and Inhabitants of the County of Matamata (in this section referred to as the **County Council**), of the other part, the Board agreed to pay to the County Council the sum of 314 pounds 4 shillings annually:

And whereas, by a further agreement (in this section referred to as the **second agreement**) dated 22 May 1935, made between the Board and the County Council it was provided that the payment due on 1 April 1935 in terms of the first agreement, and all subsequent payments specified by the first agreement should be cancelled, and instead thereof the Board should pay to the County Council 64 half-yearly payments, each of the sum of 124 pounds 18 shillings, on 1 June and 1 December in every year until the 1 December 1966:

And whereas the County Council made an offer to the Putaruru Borough Council (in this section referred to as the **Borough Council**), as successor to the Board, to vary the second agreement by accepting, instead of the remaining 32 payments due, 12 half-yearly payments, each of the sum of 262 pounds 15 shillings and 7 pence, and the Borough Council accepted the offer:

And whereas the Borough Council is desirous of making and levying a separate rate, based on the unimproved value, on all lands in the Borough of Putaruru to provide for the said payments:

Be it therefore enacted as follows:

The Borough Council is hereby authorised and empowered to make and levy a separate rate, based on the unimproved value, on all rateable property in the Borough of Putaruru for a period of 5 years commencing on 1 April 1952 to provide for payments due to the County Council in terms of the second agreement.

15 Validating raising of certain loan moneys by Dannevirke Borough Council

Whereas by Order in Council made on 10 November 1948 consent was given to the raising by the Dannevirke Borough Council (in this section referred to as the **Council**) of a loan of 2,000 pounds, to be known as the Rest Room Loan 1947 (in this section referred to as the **loan**), subject to certain terms and conditions:

And whereas one of the said terms and conditions was that no moneys should be borrowed after the expiration of 2 years from the date of the said Order in Council:

And whereas at a date subsequent to the expiration of the said period of 2 years the Council raised the sum of 1,900 pounds as portion of the loan:

And whereas it is expedient that the action of the Council in raising the said portion of the loan should be validated:

Be it therefore enacted as follows:

The action of the Council in raising the said portion of the loan after the expiration of the period specified by the said Order in Council is hereby validated, the moneys received by the Council in respect thereof shall be deemed to have been lawfully borrowed, and the debentures issued in respect thereof shall be deemed to have been lawfully executed and issued by the Council and shall have full force and effect according to their tenor.

16 Validating raising of certain loan moneys by Christchurch City Council

Whereas by Order in Council made on 23 July 1947 consent was given to the raising by the Christchurch City Council (in

this section referred to as the **Council**) of a loan of 120,730 pounds, to be known as the Water Supply Extension Loan 1947 (in this section referred to as the **loan**), subject to certain terms and conditions:

And whereas one of the said terms and conditions was that no moneys should be borrowed after the expiration of 2 years from the date of the said Order in Council:

And whereas, by Order in Council made on 20 July 1949, the time within which the loan was authorised to be raised was extended for a further period of 1 year:

And whereas, subsequent to the expiration of the period specified by the said Orders in Council, the Council raised sums amounting in all to 1,200 pounds as portion of the loan:

And whereas it is expedient that the action of the Council in raising the said portion of the loan should be validated:

Be it therefore enacted as follows:

The action of the Council in raising the said portion of the loan after the expiration of the period specified by the said Orders in Council is hereby validated, the moneys received by the Council in respect thereof shall be deemed to have been lawfully borrowed, and the debentures issued in respect thereof shall be deemed to have been lawfully executed and issued by the Council and shall have full force and effect according to their tenor.

17 Validating certain agreement made between New Plymouth City Council and the Crown

Whereas by an agreement dated 30 July 1951, of which a certified copy is deposited in the Department of Internal Affairs at Wellington, under Number IA 105/629, made between the Mayor, Councillors, and Citizens of the City of New Plymouth (in this section referred to as the **Corporation**), of the one part, and His Majesty the King, acting by and through the Postmaster-General (in this section referred to as the **Crown**), of the other part, the Corporation agreed to lease to the Crown for the purposes of a telephone exchange certain premises in a building owned by the Corporation and certain other premises in a

new building which the Corporation agreed to erect on land owned by the Corporation:

And whereas, to assist the Corporation to meet the cost of erecting the said new building, the Crown agreed in the said agreement to make the following payments to the Corporation by way of rent paid in advance, that is to say:

- (a) a payment of 6,000 pounds immediately the erection of the said new building shall have begun; and
- (b) a payment of 6,000 pounds immediately the said erection shall have been half completed; and
- (c) a payment of 6,000 pounds immediately the said erection shall have been three-quarters completed; and
- (d) a final payment when the said erection shall have been completed of an amount which, when added to the amount of 18,000 pounds already paid, will equal 85% of the cost of the erection of the new building:

And whereas by the said agreement it was further agreed that the payments made by the Crown as aforesaid should represent the present value of the rent so paid in advance actuarially calculated as at the date of payment on the basis of 3 pounds per cent per annum with yearly rests:

And whereas doubts have arisen as to the validity of the said agreement and it is desirable that it should be validated:

Be it therefore enacted as follows:

Notwithstanding anything contained in the Municipal Corporations Act 1933, or in any other Act, the Corporation shall be deemed to have been at all times authorised and empowered to enter into and execute the said agreement which shall be binding on the parties thereto and shall for all purposes, without further authority than this section, be effective according to its tenor.

18 Provision with respect to application of proceeds derived from sale of certain land by Lower Hutt City Council

Whereas the Mayor, Councillors, and Citizens of the City of Lower Hutt (in this section referred to as the **Corporation**) is registered as the proprietor of an estate in fee simple in the

land described in subsection (2), and the said land is held in trust by the Corporation for sanitary purposes:

And whereas the Lower Hutt City Council (in this section referred to as the **Council**) has agreed to sell portion of the said land, and is required under section 156 of the Municipal Corporations Act 1933 to apply the proceeds of the sale of any portion of the said land for the same purposes as affected the land so disposed of:

And whereas the Council has adequate sanitary reserves for the purposes of the city, and it is expedient to authorise the Council to hold and apply the proceeds of the sale of any portion of the said land for the purposes of the erection of a public library:

Be it therefore enacted as follows:

- (1) Notwithstanding anything contained in the Municipal Corporations Act 1933 or in any other Act, the Council is hereby authorised and empowered to hold and apply the proceeds of the sale of any portion of the land described in subsection (2) for or towards the purposes of the erection of a public library in the City of Lower Hutt.
- (2) The land to which this section relates is more particularly described as follows:

All that area in the Wellington Land District, City of Lower Hutt, situated in Block XIV, Belmont Survey District, containing by admeasurement 3 acres 2 perches and eighty-four hundredths of a perch, more or less, being part of Lot 2 on a plan deposited in the Land Registry Office at Wellington under Number 985, being part of Section 77, Hutt District, and being the balance of the land comprised and described in certificate of title, Volume 394, folio 154, Wellington Registry.

19 Provision with respect to certain contract entered into by Dunedin City Council

Whereas, for the purpose of extending and augmenting its water supply system, the Dunedin City Council (in this section referred to as the **Council**), prior to the sanction of the Local Government Loans Board being obtained to the raising of a loan for that purpose, contracted with Spiral Welded Pipes

(N.Z.), Limited (in this section referred to as the **company**), for the supply and manufacture of a quantity of concrete-lined steel pipes:

And whereas the Council has been informed that the company is in a position to fulfil the said contract, and a progress payment has been made by the Council to the company on account:

And whereas it is desirable to authorise the Council to charge the whole of the moneys paid and payable to the company in respect of the said contract against any loan which may hereafter be raised pursuant to the Local Bodies' Loans Act 1926 for the purpose of the extension of the Council's water supply system:

Be it therefore enacted as follows:

The Council is hereby authorised to charge the whole of the moneys paid and payable to the company in respect of the said contract against any loan hereafter authorised and raised pursuant to the Local Bodies' Loans Act 1926 for the purpose of the extension of the Council's water supply system:

provided that the total amount that may be charged as aforesaid shall not exceed the sum of 30,000 pounds.

20 Provision with respect to refund to general account from loan moneys by Auckland City Council

Whereas, prior to authority being obtained to the raising of a loan of the sum of 400,000 pounds, known as the Freemans Bay Redevelopment (Acquisition of Land) Loan 1951, £400,000 (in this section referred to as the **loan**), the Auckland City Council (in this section referred to as the **Council**) expended out of its General Account for the purposes of the loan, moneys amounting in the aggregate to the sum of 7,636 pounds 3 shillings and 1 penny:

And whereas authority has since been obtained to the raising of the loan, and the Council is desirous of recouping its General Account out of the proceeds of the loan:

And whereas it is desirable to authorise the Council to recoup its General Account in respect of the moneys advanced thereout prior to authority being obtained for the raising of the loan:

Be it therefore enacted as follows:

The Council is hereby authorised and empowered to refund to its General Account out of the proceeds of the loan the sum of 7,636 pounds 3 shillings and 1 penny, and any payment by way of refund of that amount made by the Council to its General Account out of the proceeds of the loan before the passing of this Act is hereby validated and declared to have been lawfully made.

21 Provision with respect to closing of street in the Borough of Whangarei

Whereas an unnamed and unformed street adjoining Cameron Street is vested in the Corporation of the Mayor, Councillors, and Burgesses of the Borough of Whangarei:

And whereas the said street is along the bank of a tidal river known as the Waiarohia River:

And whereas it is desirable that the said street, shown coloured green on a plan deposited in the office of the Minister of Works, at Wellington, as Number 132954, should be stopped:

Be it therefore enacted as follows:

Notwithstanding anything contained in paragraph (h) of subsection (4) of section 175 of the Municipal Corporations Act 1933, the Whangarei Borough Council may, in the manner and upon the conditions set out in Schedule 5 of that Act, stop the said unnamed and unformed street adjoining Cameron Street shown coloured green on a plan deposited in the office of the Minister of Works, at Wellington, as Number 132954, and containing 33 perches and three-tenths of a perch, more or less.

22 Provision with respect to construction of bridge by Lower Hutt City Council

Whereas the Lower Hutt City Council (in this section referred to as the **Council**) desires to construct a bridge over the Hutt River in substitution for the Hutt Pipe Bridge in a position that will, in the opinion of the Council, be of advantage and benefit to a considerable portion of the inhabitants of adjacent districts—namely, the City of Wellington, the Borough of Petone,

the Borough of Eastbourne, and the County of Hutt, as well as to the inhabitants of the City of Lower Hutt:

And whereas the Council is of the opinion that it is reasonable that the Wellington City Council, the Petone Borough Council, the Eastbourne Borough Council, and the Hutt County Council (in this section referred to as the **adjacent local authorities**) should contribute to the cost of the construction of the said bridge:

And whereas the Council and the adjacent local authorities have agreed that the construction of the said bridge should proceed, but are at present unable to agree upon the amount of their respective contributions to the cost thereof:

And whereas the amounts of any such contributions may be determined in the manner set out in section 135 of the Public Works Act 1928, or otherwise by agreement:

And whereas the Council and the adjacent local authorities consider it advisable that certain plans should be prepared and investigations made, and that materials, plant, and land required in connection with the approaches to the said bridge should be acquired in anticipation of the construction of the said bridge and the settlement of the respective contributions towards its cost:

And whereas the adjacent local authorities have agreed with the Council that the Council should proceed to obtain the said plans and make investigations and to acquire materials, plant, and land in anticipation of the authorisation of a loan or loans to meet the cost or partial cost of the said bridge, but without prejudice to any liability of the adjacent local authorities to contribute towards the said cost:

And whereas it is expedient to authorise the Council to reimburse its District Fund Account in respect of any moneys expended by the Council as aforesaid out of loan moneys subsequently authorised and raised:

Be it therefore enacted as follows:

- (1) The Council is hereby authorised and empowered to reimburse its District Fund Account out of the proceeds of any loan or loans raised by the Council, or from contributions by the adjacent local authorities, for the purpose of the construction of

the said bridge and incidental thereto, in respect of all sums expended by the Council in the preparation of plans, or the making of investigations, or the acquisition of materials, plant, or land, or for any work done or professional services rendered in connection with the construction of the said bridge and necessary in the opinion of the Council and the adjacent local authorities.

- (2) Nothing in this section shall be deemed to impose upon the adjacent local authorities any liability to contribute any sum or any particular sum towards the cost of the construction of the said bridge.
- (3) The amount of the respective contributions to be made by the adjacent local authorities towards the cost of the construction of the said bridge may be fixed pursuant to the provisions of section 135 of the Public Works Act 1928, or by agreement, or by such other means as may be determined by the Council and the adjacent local authorities.

23 Validating borrowing of certain loan moneys by Gore Borough Council

Whereas, by Order in Council made on 30 July 1934, consent was given to the issue by the Gore Borough Council (in this section referred to as the **Council**) of new securities in conversion of existing securities as defined by and specified in Schedule 1 of the said Order in Council, and subject to compliance with the determinations as to borrowing and repayment therein provided:

And whereas, on 2 August 1948, the Council by special resolution resolved to apply for the consent of the Governor-General in Council to the borrowing of the sum of 14,500 pounds for the purpose of redeeming and converting securities issued under the said Order in Council, but, contrary to the provisions of the Local Government Loans Board Act 1926, neither the sanction of the Local Government Loans Board nor the consent of the Governor-General in Council to the raising of the proposed loan was first obtained:

And whereas the sum actually borrowed by the Council amounted to 13,500 pounds:

And whereas it is desirable that the action of the Council in borrowing this sum should be validated:

Be it therefore enacted as follows:

The action of the Council in borrowing the sum of 13,500 pounds without first obtaining the sanction of the Local Government Loans Board and the consent of the Governor-General in Council is hereby validated, and the said moneys shall be deemed to have been lawfully borrowed.

Harbour boards

24 Authorising Wellington Harbour Board to make *ex gratia* payment in respect of a contract

Whereas by an agreement dated 11 February 1947 made between the Wellington Harbour Board (in this section referred to as the **Board**), of the one part, and Wilkins and Davies Construction Company, Limited, of Wellington, contractors (in this section referred to as the **contractors**), of the other part, it was agreed that the contractors should execute and complete for the Board the construction of a new store on the Wellington Wharves known as shed No 39:

And whereas the contractors have carried out the said work, but in so doing have incurred heavy additional and unanticipated expense during the progress of the work owing to lengthy delays caused through shortage of materials and increases in costs:

And whereas the Board in the circumstances is desirous of making a payment of 3,739 pounds 11 shillings and 8 pence to the contractors as part compensation for the said additional and unanticipated expense incurred by the contractors:

Be it therefore enacted as follows:

The Board is hereby empowered to pay the sum of 3,739 pounds 11 shillings and 8 pence out of its Harbour Fund to the contractors.

25 Authorising raising of special loan by Lyttelton Harbour Board

Whereas the Lyttelton Harbour Board (in this section referred to as the **Board**), prior to the sanction of the Local Govern-

ment Loans Board being given to the raising by the Board of a loan for the purpose of erecting a Waterfront Industry Building pursuant to the powers vested in it in that behalf by the Lyttelton Harbour Board Loan Act 1949, expended out of its Harbour Fund Account the sum of 5,202 pounds 9 shillings and 3 pence in payment of fees and towards the cost of the preparation of a site for the said Waterfront Industry Building: And whereas the Local Government Loans Board has no authority to sanction the raising of that part of the proposed loan which relates to the purposes for which the said sum has been expended:

And whereas it is desirable to authorise the Board to raise a loan of 5,200 pounds for the purpose of recouping its Harbour Fund Account in respect of the moneys advanced thereout as aforesaid:

Be it therefore enacted as follows:

The Board is hereby authorised and empowered to borrow by way of special loan under the Local Bodies' Loans Act 1926, by special order and without taking the steps prescribed by sections 9 to 13 of that Act, a sum not exceeding 5,200 pounds for the purpose of refunding to its Harbour Fund Account the moneys advanced thereout as aforesaid in payment of fees and towards the cost of the preparation of a site for the said Waterfront Industry Building.

Town board

26 Validating incorrect application of loan moneys by Otorohanga Town Board

Whereas by Order in Council made on 11 June 1947 consent was given to the raising by the Otorohanga Town Board (in this section referred to as the **Board**) of a loan of 9,000 pounds, to be known as the Roads and Footpaths Improvement Loan 1946, subject to certain terms and conditions:

And whereas one of the said terms and conditions was that the sum of 5,000 pounds should be allocated to the forming, metalling, and sealing of roads and the sum of 4,000 pounds should be allocated to the construction of concrete footpaths:

And whereas the Board borrowed moneys amounting to the sum of 7,800 pounds, and of the said moneys applied the sum of 6,484 pounds 9 shillings and 9 pence to the forming, metalling, and sealing of roads, and the sum of 1,252 pounds 12 shillings and 3 pence to the construction of concrete footpaths:

And whereas, by the expenditure of the said sum of 6,484 pounds 9 shillings and 9 pence, the Board exceeded the amount authorised to be expended for the forming, metalling, and sealing of roads by the sum of 1,484 pounds 9 shillings and 9 pence:

And whereas it is expedient that the action of the Board should be validated:

Be it therefore enacted as follows:

The action of the Board in expending the sum of 1,484 pounds 9 shillings and 9 pence in the forming, metalling, and sealing of roads is hereby validated, the moneys borrowed by the Board in respect of the said works shall be deemed to have been lawfully borrowed, and the debentures issued in respect thereof shall be deemed to have been lawfully executed and issued by the Board and shall have full force and effect according to their tenor.

Road board

27 Authorising Orapiu Road Board to raise a special loan

Whereas the Orapiu Road Board (in this section referred to as the **Board**) intends to carry out certain urgent repairs to the wharf at Orapiu:

And whereas the Board desires to raise a loan for the purpose of carrying out the repairs, but has no power so to do:

Be it therefore enacted as follows:

The Board is hereby authorised to borrow by way of special loan under the Local Bodies' Loans Act 1926 an amount not exceeding the sum of 600 pounds for the purpose of carrying out repairs to the wharf at Orapiu.

*River board***28 Authorising Hutt River Board to expend certain moneys in publication of booklet**

Whereas the Hutt River Board (in this section referred to as the **Board**) is desirous of recording in permanent form the work of the Board since it was established, of collecting other data of importance and interest to the Hutt Valley, and of publishing a booklet in the form of a survey of the history of the Hutt Valley and of the Board:

And whereas it is expedient to authorise the expenditure of certain moneys in the publication of the said booklet:

Be it therefore enacted as follows:

The Board is hereby authorised to expend a sum not exceeding 500 pounds in collecting information, preparing for publication, and publishing a booklet comprising a history of the Hutt Valley and of the activities of the Board in relation to its development.

*Catchment board***29 Authorising Nelson Catchment Board to make *ex gratia* payment in respect of contracts**

Whereas, by an agreement dated 4 December 1950, made between Lewis William Krammer, of Motueka, contractor (in this section referred to as the **contractor**), of the one part, and the Nelson Catchment Board (in this section referred to as the **Board**), of the other part, the contractor agreed to construct certain stopbanks for the Board on the right bank of the Motueka River for the sum of 6,932 pounds 3 shillings and 11 pence, and by a further agreement bearing the same date and made between the same parties the contractor agreed to construct certain stop-banks for the Board on the left bank of the Motueka River for the sum of 10,636 pounds and 11 pence, the said contract prices being based on the rates of wages and costs and expenses generally operating at that date, and the works in respect of which the agreements were made were duly commenced:

And whereas, as a result of an increase of wages payable by the contractor, there has been an increase in costs and expenses

generally payable by him, and there is no provision in either of the said agreements for a variation of contract price to cover any increase in wages, costs, or expenses:

And whereas, in respect of payments by the Board for work done under the said agreements, the Board is in receipt of contributions by way of subsidy from the Soil Conservation and Rivers Control Council (in this section referred to as the **Council**):

And whereas the Board is desirous, with the approval of the Council, of compensating the contractor in respect of loss incurred through increases in costs and expenses:

Be it therefore enacted as follows:

The Board is hereby authorised and empowered, on the contractor producing proof to the satisfaction of the Board and the Council of additional costs and expenses incurred by him, to pay to the contractor an amount in addition to the said contract prices to compensate the contractor for any such increased costs and expenses in respect of work done by him pursuant to the said agreements subsequent to 15 February 1951:

provided that any payment under this section shall not exceed a sum equivalent to 10% of the contract prices for the work pursuant to the terms of the said agreements.

Affecting 2 or more classes of public bodies

30 Section 56 of Reserves and Other Lands Disposal and Public Bodies Empowering Act 1919 further amended
[Repealed]

Section 30: repealed, on 25 October 1960, by section 28(2) of the Local Legislation Act 1960 (1960 No 107).

31 Authorising St Kilda Borough Council to make certain payment to Dunedin Drainage and Sewerage Board
Whereas the Dunedin Drainage and Sewerage Board (in this section referred to as the **Board**) is empowered under sections 53 and 54 of the Dunedin District Drainage and Sewerage Act 1900 to direct the St Kilda Borough Council (in this section referred to as the **Council**) to make, levy, and collect certain rates:

And whereas the Council, in purported performance of such a direction, made, levied, and collected rates on behalf of the Board for the rating year ended on 31 March 1951, amounting to the sum of 6,639 pounds 15 shillings:

And whereas the Board has claimed that the Council should have collected the sum of 10,722 pounds 10 shillings instead of the aforementioned sum collected, and has claimed to recover a sum amounting to 4,082 pounds 15 shillings from the Council:

And whereas the Council has agreed to pay to the Board, and the Board has agreed to accept, the sum of 2,857 pounds 18 shillings and 6 pence in settlement of the said claim:

Be it therefore enacted as follows:

The Council is hereby authorised and empowered to pay to the Board out of its General Account, and without levying any further rate, the sum of 2,857 pounds 18 shillings and 6 pence in settlement of the said claim by the Board.

32 Validating agreement between Rotorua County Council and Rotorua Borough Council

Whereas the Local Government Commission, on 11 May 1949, promulgated a final scheme providing for the exclusion of the land described in subsection (2) from the Borough of Rotorua and the inclusion thereof in the County of Rotorua:

And whereas a condition of the said final scheme was that the Rotorua Borough Council (in this section referred to as the **Borough Council**) should enter into an agreement indemnifying the Rotorua County Council (in this section referred to as the **County Council**) against any damage that might accrue as a result of the operation by the Borough Council of a water supply installation situated on the said land:

And whereas in pursuance of that condition, the County Council and the Borough Council entered into a written agreement dated 20 September 1949, containing the said indemnity, a copy of which is deposited in the Department of Internal Affairs at Wellington, under Number IA 105/564:

And whereas it is desirable that the said agreement should be validated:

Be it therefore enacted as follows:

- (1) The action of the County Council and of the Borough Council in entering into the said agreement is hereby validated, and the agreement is hereby declared to have been lawfully made and shall for all purposes have effect according to its tenor.
- (2) The land to which this section relates is more particularly described as follows:

All that area in the Auckland Land District, situated in the Borough of Rotorua, containing 127 acres, more or less, bounded by a line commencing at a point being the northernmost corner of Tihi O Tonga C No 1 Block, and running northerly generally along the eastern boundary of Section 65, Suburbs of Rotorua, and along the eastern boundaries of Lots 2 and 1 as shown on the plan numbered 26991 deposited in the office of the District Land Registrar at Auckland, being parts of Section 64, Suburbs of Rotorua, to the easternmost corner of the last mentioned lot; thence south-easterly generally along the southern boundary of part Section 63, Suburbs of Rotorua, as shown on the plan numbered 24263, deposited as aforesaid, to and along the generally southern boundary of part Lot 2 as shown on the plan numbered 23567, deposited as aforesaid, being part of Section 32, Suburbs of Rotorua, and part Section 10, Block 1, Tarawera Survey District, and being that part of the Rotorua Domain as described in the *Gazette*, Number 74 of 18 December 1947, page 1920, to and along the western side of the Old Tauranga–Taupo Road, and along the western side of the Rotorua–Taupo State Highway to a point due west of the northernmost corner of Whakarewarewa No 2B Block; thence due east along a right line across the said State Highway and Lot 3 as shown on the plan numbered 23567 aforesaid, being part of Section 10 aforesaid, to the left bank of the Puarenga Stream; thence southerly generally up the said left bank to the Rotorua Borough Boundary as described in the *Gazette*, Number 37 of 24 June 1948, page 791; thence north-westerly generally along that boundary to the point of commencement.

33 Provision with respect to stopping of street in Opunake Borough and vesting land in Opunake Electric Power Board

Whereas the Opunake Town Board (in this section referred to as the **Town Board**) was authorised by Order in Council made on 27 May 1919 to establish a hydroelectric scheme for Opunake and surrounding districts:

And whereas the Opunake Electric Power Board (in this section referred to as the **Power Board**) was authorised by Order in Council made on 24 October 1922 to purchase the hydroelectric works belonging to the Town Board:

And whereas, in the original hydroelectric scheme, provision was made for a site for the erection of a generating station, but the said site was not transferred by the Town Board to the Power Board at the time of the sale of the hydroelectric works:

And whereas the Power Board has since built a generating station and other buildings on the said site which comprises portion of the street in the Borough of Opunake known as Bowen Crescent:

And whereas the said site is not required for the formation of a street and the stopping of the said portion of the street will not deny access to the land of any person:

And whereas it is desirable that the said site should be vested in the Power Board:

Be it therefore enacted as follows:

- (1) That portion of the street in the Borough of Opunake known as Bowen Crescent, upon which are situated the Power Board's generating station and other buildings, together with the land surrounding the same, containing in all by admeasurement 1 rood 22 perches and nine-tenths of a perch, more or less, is hereby stopped.
- (2) The land comprising the said portion of the street is hereby vested in the Power Board.
- (3) The Power Board shall forthwith pay to the Opunake Borough Council, as successor to the Town Board, the sum of 50 pounds as consideration for the said land.
- (4) The District Land Registrar for the Land Registration District of Taranaki is hereby authorised and directed, at the request

of the Power Board, to issue a certificate of title for the said land in the name of the Power Board upon completion by that Board of all surveys which may be required, and to make such entries in the register books and to do all such things as may be necessary to give effect to the provisions of this section.

34 Provision with respect to certain contract entered into by Southbridge Town Board as Southbridge Secondary Urban Fire Authority

Notwithstanding anything to the contrary in any Act or rule of law, nothing in the Local Authorities (Members' Contracts) Act 1934 shall apply or be deemed to have applied to a contract made between the Southbridge Town Board or the Southbridge Secondary Urban Fire Authority and Douglas Haig Goulden, of Southbridge, Engineer, prior to the passing of this Act.

35 Validating certain Deed made between Lower Clutha River Trust and Otago Catchment Board

Whereas by a deed of arrangement dated 25 June 1951 (in this section referred to as the **deed**), of which a copy is deposited in the Department of Internal Affairs at Wellington, under Number IA 103/274/4, made between the Lower Clutha River Trust (in this section referred to as the **Trust**) of the one part, and the Otago Catchment Board (in this section referred to as the **Board**) of the other part, the Board agreed to prepare and submit forthwith to the Soil Conservation and Rivers Control Council a report in accordance with the provisions of the Soil Conservation and Rivers Control Act 1941, and to request therein that the Board be required to present a petition to the Governor-General containing a prayer that the Trust be dissolved and that the powers and functions thereof be transferred to the Board subject to the provisions of the deed:

And whereas the Board duly prepared and submitted the said report and was required to present the said petition to the Governor-General and duly performed that requirement:

And whereas the Trust has given notice of objection to its dissolution and to the transfer of its powers and functions to the Board unless full effect is given to the provisions of the deed:

And whereas the Board is desirous of giving full effect to the provisions of the deed, but doubts have arisen as to the validity thereof and of the authority of the Board to give effect to its provisions:

Be it therefore enacted as follows:

Notwithstanding anything contained in the Soil Conservation and Rivers Control Act 1941, or in any other Act, the Board shall be deemed to have been at all times authorised and empowered to enter into the deed and the deed is hereby validated and shall for all purposes have effect according to its tenor.

Miscellaneous

36 Section 3 of Petone and Lower Hutt Gas Amendment Act 1927 (as to contracting with Wellington Gas Company, Limited) amended

Whereas the Petone and Lower Hutt Gas Board (in this section referred to as the **Board**) is empowered under section 3 of the Petone and Lower Hutt Gas Amendment Act 1927 to enter into a contract for the supply of gas in bulk to the Board by the Wellington Gas Company, Limited, a company duly incorporated under the provisions of the Companies Act 1933 (in this section referred to as the **Company**) subject to the requirements of the said section 3 as to the taking of a poll of the persons eligible to vote on a loan proposal by the Board upon the proposal to obtain gas in bulk from the Company:

And whereas it is expedient to authorise the Board to enter into such a contract with the Company without the necessity of taking such a poll:

Be it therefore enacted as follows:

The Petone and Lower Hutt Gas Amendment Act 1927 is hereby amended by repealing section 3, and substituting the following section:

“3 Board may contract with Wellington Gas Company, Limited

It shall be lawful for the Board to enter into a contract with the Company for the supply of gas in bulk by the Company to the Board upon such terms and subject to such conditions as the Board and the Company may determine, and at any time and

from time to time to vary, alter, amend, or rescind any such contract and to enter into a new contract in respect thereof.”

37 Authorising Wellington Acclimatisation Society to borrow moneys for certain purpose

[Repealed]

Section 37: repealed, on 1 April 1954, by section 73(1) of the Wildlife Act 1953 (1953 No 31).

38 Authorising Dunedin Drainage and Sewerage Board to make *ex gratia* payment in respect of a contract

Whereas by an agreement dated 29 June 1950 made between Julian Kenneth Wooldridge, of Dunedin, contractor (in this section referred to as the **contractor**), of the one part, and the Dunedin Drainage and Sewerage Board (in this section referred to as the **Board**), of the other part, the contractor agreed to construct a duplication of the Kaikorai Valley Foul Sewer for the Board for the sum of 9,434 pounds 16 shillings and 11 pence upon the terms and conditions contained in the said agreement:

And whereas, by reason of certain unexpected difficulties encountered by the contractor, including the nature of the ground to be worked, statutory increases in wages, and additional work required in consequence of the methods of operation necessitated for the said work, the contractor was unable to complete the contract:

And whereas the Board, being satisfied that the difficulties encountered were not and could not reasonably have been contemplated by the contractor at the time the said contract was entered into, is desirous of making a payment of 1,282 pounds 8 shillings and 9 pence to the contractor, the said sum representing the difference between the contract price and the estimated reasonable cost of the work:

Be it therefore enacted as follows:

The Board is hereby authorised and empowered to pay the sum of 1,282 pounds 8 shillings and 9 pence to the contractor by way of compensation for the loss incurred by him in endeavouring to carry out the said contract.

39 Authorising Waimahaka Rabbit Board to raise a special loan for housing purposes

Whereas the Waimahaka Rabbit Board (in this section referred to as the **Board**) expended the sum of 2,153 pounds out of its General Account in the purchase of land and dwellings erected thereon, and effecting improvements thereto (in this section referred to as the **said works**), for the use of employees of the Board:

And whereas, in order that the Board may reimburse its General Account in respect of the moneys expended thereout in carrying out the said works, it is expedient that the Board be empowered to raise by way of special loan a sum not exceeding 2,150 pounds:

Be it therefore enacted as follows:

- (1) The Board is hereby authorised and empowered to borrow by way of special loan under the Local Bodies' Loans Act 1926, by resolution, and without taking the steps prescribed by sections 9 to 13 of that Act, an amount not exceeding the sum of 2,150 pounds for the purpose of refunding to its General Account moneys advanced thereout for the purposes of the said works.
- (2) The Board is hereby authorised, out of the proceeds of the said loan when raised, to refund to its General Account such moneys as may have been advanced thereout for the purposes for which the said loan is to be raised.

40 Change of title of Christchurch Tramway Board

- (1) This section shall be read together with and deemed part of the Christchurch Tramway District Act 1920 (in this section referred to as the **principal Act**).
- (2) The name of the Board, constituted by section 6 of the principal Act, is hereby changed, and the said Board shall hereafter be called the Christchurch Transport Board.
- (3) The change of name shall not affect any rights or obligations of the Board, or render defective any legal proceedings by or against the Board, and any legal proceedings that might have been continued or commenced against it by its former name may be continued or commenced against it by its new name.

- (4) Notwithstanding its change of name the Board shall be and shall continue to be the same body corporate and the same local authority as was constituted by the principal Act.
 - (5) All references to the Christchurch Tramway Board in any Act, regulation, rule, bylaw, or other enactment, or in any contract, agreement, deed, application, notice, or other document whatsoever, shall, unless inconsistent with the context, be hereafter read as references to the Christchurch Transport Board.
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Notes**1 General**

This is a reprint of the Local Legislation Act 1951. The reprint incorporates all the amendments to the Act as at 25 October 1960, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, *see* <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 ***List of amendments incorporated in this reprint
(most recent first)***

Local Legislation Act 1960 (1960 No 107): section 28(2)

Wildlife Act 1953 (1953 No 31): section 73(1)
