

**Reprint
as at 1 November 2010**



**Auckland City Council (Workers'
Homes) Vesting and Empowering
Act 1991**

Local Act 1991 No 6
Date of assent 7 November 1991
Commencement 7 November 1991

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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.

An Act to vest in the Auckland City Council certain residential properties forming part of a housing scheme initiated by the Council in 1923 with the assistance of grants in aid by the Government and which have been abandoned by their owners, and also to vest in the Council certain surpluses resulting from the letting of those properties by the Council as mortgagee in possession

Preamble

Whereas—

- (a) the properties described in Schedule 1 formed part of a housing scheme initiated by the Auckland City Council (hereinafter referred to as the Council) in 1923 with financial assistance from the Government:
- (b) on the dates set out in Schedule 1 the several owners named therein executed a first mortgage of their respective properties to the Council securing payment of the purchase price (those persons being hereinafter referred to as the owners):
- (c) the owners defaulted under their obligations to the Council as mortgagee, and as a consequence the Council became mortgagee in possession thereof and has continued in that capacity down to the present time:
- (d) in the intervening period the Council has let those properties on monthly tenancies and has applied the rents received towards repaying the mortgages and maintaining the properties:
- (e) rents received that are surplus to outgoings have always been kept by the Council in a separate trust account (hereinafter referred to as the surplus funds):
- (f) the names of the original mortgagors still appear on the relevant certificates of title:
- (g) despite enquiries spread over many years the Council has been unable to trace those persons although it has succeeded in identifying the owners of 16 other properties similarly placed, and has been able to return the properties to them or to their personal representatives:

- (h) it is expedient that the properties described in Schedule 1 and the surplus funds be held and administered by the Council for housing purposes in terms of Part 32 of the Local Government Act 1974.

1 Short Title

This Act may be cited as the Auckland City Council (Workers' Homes) Vesting and Empowering Act 1991.

2 Vesting of properties in Council

Notwithstanding any rule of law to the contrary, the properties described in Schedule 1 shall without further provision vest in the Council in fee simple to be held and administered by it for housing purposes under and in accordance with Part 32 of the Local Government Act 1974.

3 Vesting of surplus funds

The surplus funds shall be held and administered by the Council under and for the purposes of Part 32 of the Local Government Act 1974.

4 Existing tenancies not affected

Nothing in this Act shall affect any tenancy of a property to which it relates.

5 Powers of District Land Registrar

The District Land Registrar for the North Auckland Land Registration District is hereby authorised and directed to make such entries in his or her registers as may be necessary to give effect to the provisions of this Act.

6 Savings provisions relating to subsequent valid claim

- (1) Notwithstanding the provisions of this Act, the Council shall account to any person who may in the future come forward and establish a valid claim to the ownership of any of the properties to which this Act applies and to its proportion of the surplus funds.

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- (2) Any such claim shall be satisfied by the payment of the total amount specified in Schedule 2 in respect of the property to which the claim relates.
- (3) In this section, **Council** means the Auckland Council established by section 6(1) of the Local Government (Auckland Council) Act 2009.

Section 6(3): added, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).
