

Reprint
as at 1 November 2010

**Auckland Harbour Board and
Birkenhead Borough Empowering
Act 1907**

Local Act 1907 No 19
Date of assent 23 November 1907

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Note

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

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

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An Act to empower the Auckland Harbour Board to convey Little Shoal Bay of the Harbour of Auckland to the Birkenhead Borough for a Public Domain and Park and Recreation-ground.

Preamble

WHEREAS the Auckland Harbour Board is the owner in fee-simple of all that piece of land described in the Schedule hereto: And whereas the said Board, at a duly convened meeting thereof, by resolution resolved to consent to the vesting of the said land in the body corporate known as the Mayor, Councillors, and Burgesses of the Borough of Birkenhead, for the purposes of a public domain, park, and recreation-ground: And whereas a number of the owners of riparian rights and rights of access to the said land known as Little Shoal Bay have agreed to surrender and extinguish all their interest and claims to riparian rights and rights of access to affecting or relating to the said land:

BE IT THEREFORE 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 Auckland Harbour Board and Birkenhead Borough Empowering Act 1907.

- 2 Interpretation**
In this Act, if not inconsistent with the context,—
The Board means the Auckland Harbour Board

The Birkenhead Borough means the body corporate of the Mayor, Councillors, and Burgesses of the Borough of Birkenhead.

3 Board may convey to borough

[Repealed]

Section 3: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

4 Purposes for which borough to hold land

The Auckland Council shall hold such land for the purposes of a public park, domain, and recreation-ground within the meaning of the Reserves Act 1977, and subject to the laws for the time being in force relating to the management of public domains:

Provided that out of the said land the Auckland Council may use so much as is required for the purpose of public roads to give access to the said park, and also so much as may be required for the purposes mentioned in section 7.

Section 4: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 4 proviso: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

A reference to the Public Reserves and Domains Act 1908 was substituted, as from 4 August 1908, for a reference to the Public Domains Act 1881 pursuant to section 1(2) Public Reserves and Domains Act 1908 (1908 No 156). That reference was in turn substituted, as from 9 October 1928, by a reference to the Public Reserves, Domains, and National Parks Act 1928 pursuant to section 103 Public Reserves, Domains, and National Parks Act 1928 (1928 No 36). That reference was in turn substituted, as from 1 April 1954, by a reference to the Reserves and Domains Act 1953 pursuant to section 107(1) Reserves and Domains Act 1953 (1953 No 69). That reference was in turn substituted, as from 1 April 1978, by a reference to the Reserves Act 1977 pursuant to section 125(1) Reserves Act 1977 (1977 No 66).

5 Domain to be a public work

The acquiring of the said land and any rights appertaining thereto, or any part thereof, and the construction and formation of such park, domain, and recreation-ground, and the adjusting the boundaries thereof (if necessary) with adjoining owners or others having or claiming to have rights thereto, shall be public works with the meaning of the Public Works Act 1981.

A reference to the Public Works Compilation Act 1905 was substituted, as from 31 October 1905, for a reference to the Public Works Act 1894 pursuant to section 2 Public Works Compilation Act 1905 (1905 No 53). That reference was in turn substituted, as from 4 August 1908, by a reference to the Public Works Act 1908 pursuant to section 1(2) Public Works Act 1908 (1908 No 160). That reference Act was in turn substituted, as from 6 October 1928, by a reference to the Public Works Act 1928 pursuant to section 346 Public Works Act 1928 (1928 No 21). That reference was in turn substituted, as from 1 February 1982, by a reference to the Public Works Act 1981 pursuant to section 248(1) Public Works Act 1981 (1981 No 35).

6 Borough and adjoining borough may effect joint ownership

[Repealed]

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

7 Auckland Council may enter into contracts as regards water-frontage, & c

It shall be lawful for the Auckland Council to enter into contracts for the surrender of any rights of water-frontage which are appurtenant to lands adjoining the said land described in the Schedule hereto, and for that purpose such borough or boroughs may—

- (a) Agree with any owner for the payment of and pay such sum of money as may be agreed on with such owner:
- (b) Agree with any such owner as to the position of any boundary-line:
- (c) Transfer to any such owner, as the consideration for such surrender and for the purpose of straightening or adjusting boundaries, part of the said land described in the Schedule hereto:
- (d) Exchange with any such owner land on either side of any boundary-line.

Section 7 heading: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 7: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).