

Napier Alignment Regulations, 1932.

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 17th day of June, 1932.

Present:

THE RIGHT HON. G. W. FORBES, PRESIDING IN COUNCIL.

WHEREAS, owing to the moving and disturbance by earthquake of soil and landmarks, difficulties have arisen and may arise in determining the boundaries of streets and other parcels of land in the Borough of Napier:

Now, therefore, in exercise of the powers conferred by the Hawke's Bay Earthquake Act, 1931, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice of the Executive Council of the said Dominion, doth hereby make the following regulations.

REGULATIONS.

PART I.—PRELIMINARY.

1. THESE regulations may be cited as the Napier Alignment Regulations, 1932.

2. These regulations shall apply within the Borough of Napier, and shall come into force on the day following the publication hereof in the *Gazette*.

3. In these regulations, unless inconsistent with the context,—

(a) "Borough" means the Borough of Napier:

"Corporation" means the Corporation of the Mayor, Councillors, and Burgesses of the Borough of Napier:

"Council" means the Napier Borough Council; and includes the Committee of Management provided for in section 64 of the Hawke's Bay Earthquake Act, 1931, and, where necessary, includes the Corporation:

(b) "Alignment," in reference to a street, means any boundary thereof established as hereinafter provided:

"Standard line" means a right line which lies between the centre-marks of any two standard monuments and is surveyed as to length and direction:

"Standard monument" means a stone or concrete block or iron tube or similar object which is—

(i) Provided with fine centre-marks; and

(ii) Erected in a substantial manner so as to secure permanence both of site and of elevation; and

(iii) Situate in a public street or other land lying within the borough and vested in the Corporation and under the control of the Council:

"Street" means land which is the site of any public street or public road now or hereafter existing in the borough, and includes a portion of a street:

(c) "Alignment order" means an order of the Court made under these regulations establishing the alignment of a street:

"Chief Surveyor" means the Chief Surveyor for the Hawke's Bay Land District, for the purposes of the Land Act, 1924:

"Court" means the Hawke's Bay Adjustment Court established under the Hawke's Bay Earthquake Act, 1931:

"Redefinition order" means an order of the Court made under these regulations defining the boundaries of parcels of land within any area.

PART II.—SURVEYS.

4. For the purposes of these regulations the Council shall provide such a number of standard monuments as the Chief Surveyor may deem sufficient in such positions as the Chief Surveyor may approve.

5. The Council shall thereupon cause to be surveyed such standard lines as the Chief Surveyor may think necessary.

6. Any standard monument heretofore provided and any standard line heretofore surveyed may, with the approval of the Chief Surveyor, be used for the purposes of these regulations.

7. All angular and linear measurements involved in surveys under these regulations shall be based on standard lines surveyed between such standard monuments as aforesaid.

8. Any person who, in the course of making, repairing, or maintaining streets, or of any other work which may be lawfully done in a street or any other place where there is a standard monument, desires to, or does inadvertently move or disturb any standard monument, shall report to the Chief Surveyor, who shall take all necessary steps to safeguard the position of

the monument, the cost of the work being charged to and recoverable from the person whose actions displaced or threatened to displace such monument.

9. Every survey under these regulations shall be done by a registered surveyor to the satisfaction of the Chief Surveyor, who shall certify to the correctness thereof by an endorsement to that effect made on the relative plan, and referring to these regulations.

PART III.—ALIGNMENT AND REDEFINITION.

10. Where in the opinion of the Council it is desirable that any alignment of a street be established, the Council may cause a survey of such street to be made and a plan (hereinafter referred to as "an alignment plan") to be prepared in conformity with such survey showing, in relation to standard lines and in respect of such side or portion of a street as may be affected by the proposed alignment,—

(a) The lines of occupation at the time of survey along the frontages of the lands fronting such street:

(b) As far as the same can be determined, the lines of occupation of such lands immediately prior to the earthquake:

(c) As far as the same can be determined, the legal boundaries of the street.

11. Where in the opinion of the Council there has been a material horizontal displacement of the surface of the ground due to the earthquake, so that boundaries as shown by present occupation do not agree with the original boundaries upon which titles were issued, the Council may cause a survey to be made of the area to be redefined and a plan thereof (hereinafter referred to as a "redefinition plan") to be made showing,—

(a) As far as the same can be determined, the position of the original boundaries:

(b) All existing occupation marks in relation thereto.

12. Every alignment plan and redefinition plan respectively shall also show the names of the owners and occupiers of lands affected, and all mortgagees and other persons having an interest therein, so far as they can be ascertained.

13. The Council, after due consideration of an alignment plan, may propose and cause to be marked thereon an alignment which, in its opinion, whilst conserving as far as possible the rights of the public to the full use of the street as originally laid out, does not entail undue hardship upon the owner or any person having an interest in any property affected by such alignment.

14. The Council shall cause to be marked on every redefinition plan such boundaries as in its opinion will most equitably conserve the interests and convenience of persons entitled to the parcels of land shown therein, having regard to such displacements as aforesaid.

15. The Council shall cause a copy of the alignment plan or redefinition plan respectively so marked to be deposited in some convenient place within the borough.

16. The Council shall give public notice by advertisement published not less than twice in one or more newspapers circulating in the district of its intention to make application to the Court for an order determining the permanent alignment of the street or for an order redefining the parcels within an area to be stated in the notice (as the case may be) and (in either case) of the place where the said plan is open for inspection, and shall by such notice call upon all persons objecting to the proposed alignment or redefinition (as the case may be) to set forth in writing any well-founded objections thereto, and to deliver such objections to the Council on or before a date to be specified therein, being not less than twenty-one days from the date of the first publication of such notice.

17. The Council shall cause a copy of such notice to be served upon the said owners, occupiers, mortgagees, and other persons so far as they can be ascertained.

18. Failure to show on any plan the name of a person having an interest in land, or failure to serve on any such person a copy of a notice as hereinbefore prescribed, shall not, unless done in bad faith, invalidate any proceedings under these regulations.

19. The said plan shall be open for inspection, without fee, by all persons at all reasonable hours from the date of the first publication of such notice until the date specified therein on or before which objections are to be delivered to the Council.

20. The Council may, upon the expiration of the period specified in the said notice, apply to the Court for an order determining the alignment of the street or redefining the parcels within such area as aforesaid (as the case may be), and shall with its application file a copy of the said plan and notice and of any objections thereto which may have been received.

21. The provisions of Part I of the Hawke's Bay Earthquake Act, 1931, relating to the Court and the procedure and

powers thereof, and any Rules of Court for the time being in force shall, so far as applicable, apply to the Court when exercising the jurisdiction conferred by these regulations.

22. The Council shall notify the persons (if any) objecting to the proposed alignment or redefinition of the time and place set down for the hearing of the application.

23. The Court may, after hearing all parties, make such alignment order or redefinition order as in its discretion it thinks fit.

24. The Council shall cause every alignment order and redefinition order to be registered against the titles to all land affected as provided by section 29 of the Hawke's Bay Earthquake Act, 1931.

PART IV.—MISCELLANEOUS.

25. If an alignment order has the effect of including in the street the site occupied by any permanent building or part of a permanent building existing at the date of the order, which cannot be proved to have encroached before the earthquake upon the legal boundary of the street, the owner for the time being thereof shall have the right to occupy such site so long as such building—

- (a) Remains erected; and
- (b) Has not, after the making of the alignment order, been re-erected; and
- (c) Has not, after the making of the alignment order, been added to or structurally altered to such an extent that the aggregate cost of additions or structural alterations exceeds one-fourth of the fair value of such building at the date of the alignment order:

Provided that nothing herein contained shall be deemed to give the owner of such building any right or title to the land projecting over the permanent alignment.

26. Unless in making an alignment order the Court otherwise directs, the provisions of section 128 of the Public Works Act, 1928, shall not apply to any land if and so far as the frontage thereof has been determined by such alignment order.

27. The establishment of an alignment shall not entitle any owner of, or any person having, any estate or interest in lands affected by such alignment to claim compensation for any matter arising therefrom, nor shall any such person be liable for payment of any betterment which may accrue from the operation of such alignment.

28. Upon the registration of an alignment order or redefinition order, every dedication, grant, conveyance, assurance, dealing, and instrument of title relating to any street or other parcel of land thereby affected, and every interest legal and equitable in the same, and any time that has commenced to run under the Statutes of Limitation shall affect such street or other parcel as so aligned or redefined as if such street or other parcel were identically the land originally dealt with or comprised in such dedication, grant, conveyance, assurance, dealing, or instrument of title, or affected by such interest legal or equitable, or affected by the running of time under the Statutes of Limitation, and shall affect such street or other parcel as so aligned or redefined to the extinction of all interests legal or equitable (including any interest of His Majesty and any public right of road) existing therein prior to such registration.

29. The making of an alignment order for any street shall not prevent the subsequent making of another alignment order for the same or any other boundary of the same street.

30. It shall be lawful to combine in the same plan, notice, application, and order of the Court, and generally in all proceedings under these regulations, matters affecting the alignment of a street and matters affecting the redefinition of parcels of land other than streets.

F. D. THOMSON,
Clerk of the Executive Council.

(L. and S. 17/38/1.)

Nelson City Council declared a Leasing Authority under the Public Bodies' Leases Act, 1908.

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 17th day of June, 1932.

Present:
THE RIGHT HON. G. W. FORBES, PRESIDING IN COUNCIL.

WHEREAS the Nelson City Council is a body of persons having power to lease lands held in trust, reserved, or set apart for public purposes, and has requested the Governor-General in Council to declare it to be a leasing authority within the meaning of the Public Bodies' Leases Act, 1908:

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Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, in compliance with such request, and in exercise of the powers in this behalf conferred by the above-mentioned Act, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby order and declare that the Nelson City Council is a leasing authority within the meaning of the Public Bodies' Leases Act, 1908.

F. D. THOMSON,
Clerk of the Executive Council.

(I.A. 2/37/70.)

Prohibiting all Alienation of certain Native Land other than Alienation in favour of the Crown.

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 17th day of June, 1932.

Present:
THE RIGHT HON. G. W. FORBES, PRESIDING IN COUNCIL.

ON the recommendation of the Native Land Purchase Board, referred to in section four hundred and forty-two of the Native Land Act, 1931, and in exercise of the power in this behalf conferred upon him by that section, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby prohibit all alienations of the Native lands specified in the Schedule hereto other than alienation in favour of the Crown.

SCHEDULE.

PIOPIOTEA AND MANGAKU SURVEY DISTRICTS.

Block.	Approximate Area.	
	A.	R. P.
WHANGAIPEKE 1A	149	1 0
" 1B	438	1 0
" 3	264	2 30
" 4	206	3 30
" 5	199	1 10
" 6	620	1 13
" 7A 1	51	3 10
" 7A 2A	15	3 13
" 7A 2B	446	3 17
" 7B	1,006	0 0
" 8	328	0 10
" 9	328	0 30
" 10	2,061	0 0

F. D. THOMSON,
Clerk of the Executive Council.

Prohibiting Alienation of certain Native Land.

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings, at Wellington, this 17th day of June, 1932.

Present:
THE RIGHT HON. G. W. FORBES, PRESIDING IN COUNCIL.

IN pursuance and exercise of the power and authority conferred upon him by subsection nine (a) of section five hundred and twenty-two of the Native Land Act, 1931, and of all other powers him enabling, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby prohibit all alienation of the Native lands specified in the Schedule hereto, other than alienation in favour of the Crown, and except as in the said section five hundred and twenty-two is provided.

SCHEDULE.

KAWHIA NORTH SURVEY DISTRICT.

KAWHIA T No. 2, Section 2 Block: Approximate area, 37 acres 0 roods 33 perches.

F. D. THOMSON,
Clerk of the Executive Council.