

Reprint
as at 2 January 1990



Lake Taupo Compensation Claims
Act 1947

Public Act 1947 No 18
Date of assent 26 September 1947
Commencement 26 September 1947

Contents

	Page
Title	2
Preamble	2
1 Short Title	2
2 Interpretation	2
3 Power to alter maximum working level	3
4 Compensation to be assessed on basis of range of levels not exceeding maximum working level	3
5 Special claims in event of increase in maximum working level	4
6 Notice to be published in the <i>Gazette</i> if works used to control Lake Taupo at level higher than the maximum working level	4

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 Ministry of Business, Innovation, and Employment.

An Act to fix the basis on which the court shall assess compensation in relation to the control of the level of Lake Taupo

Preamble

Whereas the works undertaken for the purpose of controlling the level of the waters of Lake Taupo, and referred to in section 34 of the Finance Act (No 3) 1944 were designed and constructed for the purpose of controlling those waters within a range of levels none of which exceeds the maximum working level of 357.387 metres above mean sea level Moturiki datum (1956 survey), or the equivalent level determined for any subsequent survey made by the Surveyor-General in substitution therefor or amendment thereof:

And whereas it is not at present proposed to control those waters at any higher working level.

Preamble: amended, on 9 December 1976, by section 2(1) of the Lake Taupo Compensation Claims Amendment Act 1976 (1976 No 96).

1 Short Title

This Act may be cited as the Lake Taupo Compensation Claims Act 1947.

2 Interpretation

(1) In this Act, unless the context otherwise requires,—

court means a special Compensation Court constituted in accordance with the provisions of the said section 34 of the Finance Act (No 3) 1944

maximum working level means—

- (a) the level of 357.387 metres above mean sea level Moturiki datum (1956 survey) or the equivalent level determined for any subsequent survey made by the Surveyor-General in substitution therefor or amendment thereof; or
- (b) such other level as may for the time being be prescribed under section 3

ordinary claim means a claim for compensation, other than a special claim, which requires to be determined in accordance

with the provisions of the said section 34, as amended by section 36 of the Finance Act (No 2) 1945

special claim means a claim for compensation made under section 5

works means the existing works designed and constructed for the purpose of controlling the level of the waters of Lake Taupo, and referred to in the said section 34.

- (2) For the purposes of any ordinary claim or any special claim, the level of Lake Taupo shall be determined by reference to the Taupo fundamental benchmark that has been established adjacent to co-ordinates 596 927 metres south and 265 131 metres west of the Bay of Plenty circuit origin, and is situated in Block II of the Tauhara Survey District, which benchmark in the 1956 survey represented a height of 363.269 metres above mean sea level Moturiki datum.

Section 2(1) **maximum working level**: replaced, on 9 December 1976, by section 2(2) of the Lake Taupo Compensation Claims Amendment Act 1976 (1976 No 96).

Section 2(2): replaced, on 9 December 1976, by section 2(3) of the Lake Taupo Compensation Claims Amendment Act 1976 (1976 No 96).

3 Power to alter maximum working level

- (1) The responsible Minister of the Crown may from time to time, by notice published in the *Gazette*, prescribe the maximum working level up to which it is intended that the works will be used to control the waters of Lake Taupo.
- (2) The works shall not at any time be used for the purpose of controlling the waters of Lake Taupo at any level higher than the maximum working level.

Section 3(1): amended, on 2 January 1990, pursuant to section 4(a) of the Ministry of Energy (Abolition) Act 1989 (1989 No 140).

4 Compensation to be assessed on basis of range of levels not exceeding maximum working level

All special claims which arise as a result of the maximum working level being increased by a notice under section 3, and all ordinary claims, shall be determined on the basis that the works will be used for the purpose of controlling the waters

of Lake Taupo within a range of levels none of which exceeds the maximum working level.

5 Special claims in event of increase in maximum working level

- (1) If at any time after the passing of this Act the maximum working level is increased by a notice under section 3, or if notwithstanding the provisions of the said section 3 the works are used for the purpose of controlling the waters of Lake Taupo at levels higher than the maximum working level, then on each such occasion a special claim for compensation in accordance with section 34 of the Finance Act (No 3) 1944, as amended by section 36 of the Finance Act (No 2) 1945, may thereupon be made at any time not later than 12 months after a notice relating to that occasion has been published in the *Gazette* in accordance with section 3 or section 6.
- (2) A special claim or claims may be made under this section, notwithstanding that compensation in respect of the same matters may have been previously awarded on the basis of a lower maximum working level, but in determining any such special claim or claims the court shall take into account the compensation previously awarded as aforesaid.

6 Notice to be published in the *Gazette* if works used to control Lake Taupo at level higher than the maximum working level

If, notwithstanding the provisions of section 3, the works are used at any time after the passing of this Act for the purpose of controlling the waters of Lake Taupo at any level higher than the maximum working level, the Minister shall forthwith, by a notice published in the *Gazette*, announce that fact.

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes

1 *General*

This is a reprint of the Lake Taupo Compensation Claims Act 1947. The reprint incorporates all the amendments to the Act as at 2 January 1990, 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)*

Ministry of Energy (Abolition) Act 1989 (1989 No 140): section 4(a)
Lake Taupo Compensation Claims Amendment Act 1976 (1976 No 96)
