

**Reprint
as at 12 November 2018**



Ministry of Works and Development Abolition Act 1988

Public Act 1988 No 42
Date of assent 31 March 1988
Commencement see section 1(2)

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An Act to provide for matters consequential on the abolition of the Ministry of Works and Development

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This Act is administered by the State Services Commission.

1 Short Title and commencement

- (1) This Act may be cited as the Ministry of Works and Development Abolition Act 1988.
- (2) This Act shall come into force on 1 April 1988.

2 Interpretation

In this Act, unless the context otherwise requires,—

responsible department of State means any department of State which has assumed responsibility for any matter to which any provision in this Act applies

responsible Minister of the Crown means any Minister of the Crown who has assumed responsibility for any matter to which any provision in this Act applies or, where there is no such Minister, the Minister of State Services.

3 Savings as to existing contracts

- (1) Where the Minister of Works and Development or any official of the Ministry of Works and Development, in relation to the conduct of the affairs of that Ministry, has entered into any contract (whether on behalf of the Crown or otherwise) all rights and duties of the Minister or official thereunder shall on the commencement of this Act be conferred and imposed on the responsible Minister of the Crown.
- (2) Any reference to the Minister of Works and Development wherever it occurs in any contract entered into by or on behalf of the Minister of Works and Development (whether on behalf of the Crown or otherwise) shall hereafter be read as a reference to the responsible Minister of the Crown.
- (3) Any reference to the Commissioner of Works or to a senior officer of the Ministry of Works and Development wherever they occur in any contract entered into by or on behalf of the Minister of Works and Development (whether on behalf of the Crown or otherwise) shall hereafter be read as a reference to the chief executive of the responsible department of State.

4 Savings as to existing proceedings, applications, and actions

- (1) Where, before the commencement of this section, the Minister of Works and Development or any officer of the Ministry of Works and Development, in relation to the conduct of the affairs of that Ministry, has—
 - (a) initiated any criminal proceedings; or
 - (b) become a party to any proceedings whatsoever; or
 - (c) become a party to any arbitration, whether an arbitration within the meaning of the Arbitration Act 1908 or not; or
 - (d) made an application to any department of State, local authority, court, tribunal, or any other body pursuant to any Act; or

- (e) initiated any action under the authority of any statutory provision formerly administered by the Ministry of Works and Development—
then such action, application, arbitration, or proceedings may be continued, completed, determined and enforced by or against any responsible Minister of the Crown.
- (2) On the commencement of this section all proceedings pending by or against the National Water and Soil Conservation Authority may be carried on, completed, and enforced by or against the Minister for the Environment.

5 Savings as to determination of disputes

Where any provision is made in any contract entered into by or on behalf of the Minister of Works and Development (whether on behalf of the Crown or otherwise) whereby the Commissioner of Works is empowered to hear and decide any matters in dispute between the parties, the following provisions shall apply:

- (a) any dispute may be heard and determined by the chief executive of the responsible department of State:
- (b) any reference to the chief executive of the responsible department of State shall be deemed to extend to and include any delegate of the chief executive:
- (c) notwithstanding any Act, rule of law, or provision in a contract to the contrary, the provisions of this section shall not invalidate or render null and void any contract to which they apply, and such contract shall enure for the benefit of and bind the parties to it:
- (d) where the Commissioner of Works, or any appointee of the Commissioner of Works, has commenced to hear any dispute before the commencement of this Act, the Commissioner or appointee may continue with the hearing and may issue a decision on behalf of the chief executive of the responsible department of State.

6 Savings as to continuance and transfer of consents, etc

- (1) Except where otherwise provided in this Act, any consent, privilege, grant, permit, or other right howsoever held by the Minister of Works and Development or by any officer of the Ministry of Works and Development in relation to the affairs of that Ministry may be transferred by a responsible Minister of the Crown—
 - (a) in accordance with its terms and conditions; or
 - (b) otherwise to any Minister of the Crown, department of State, or to any other person upon such terms and conditions as the responsible Minister of the Crown in his or her absolute discretion may determine but subject to any statutory provisions in that regard—

and until transferred every such consent, privilege, grant, permit, or other right shall enure for the benefit of the Crown.

- (2) Any consent, approval, remission, or delegation given or granted by the Commissioner of Works prior to the commencement of this Act shall continue in force until amended, transferred, or revoked by any chief executive of a responsible department of State.
- (3) Every designation of land by the Minister of Works and Development under the Town and Country Planning Act 1977 shall be deemed to have been made by the Minister of the Crown responsible for the public work in respect of which the designation was made.

7 Savings as to various documents

- (1) Any lease, licence, statutory land charge, mortgage, debenture, instrument by way of security, deed of covenant, deed of encumbrance, easement, *profit à prendre*, or any other like interest howsoever held by the Minister of Works and Development (whether for and on behalf of the Crown or otherwise) shall forthwith upon the commencement of this Act vest in the Minister of Lands acting for and on behalf of the Crown, who may do all such things and matters in relation to the administration of such interests as may be necessary or expedient.
- (2) Any instrument relating to any interest referred to in subsection (1) may be acted upon by the Registrar-General of Land, any Registrar of Companies, or any Registrar of the High Court in relation to any variation, discharge, or other action upon request from the Minister of Lands acting for and on behalf of the Crown.

Section 7(2): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

8 Amendments to local Acts

The enactments specified in the Schedule are hereby amended in the manner indicated in that schedule.

Schedule Enactments amended

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Auckland Metropolitan Drainage Act 1960 (1960 No 15 (L))

Amendment(s) incorporated in the Act(s).

Auckland Regional Authority Act 1963 (1963 No 18 (L))

[Repealed]

Auckland Regional Authority Amendment Act 1973 (1973 No 9 (L))

Amendment(s) incorporated in the Act(s).

Christchurch District Drainage Act 1951 (1951 No 21 (L))

Amendment(s) incorporated in the Act(s).

Hutt Valley Drainage Act 1967 (1967 No 3 (L))

Amendment(s) incorporated in the Act(s).

North Shore Drainage Act 1963 (1963 No 15 (L))

Amendment(s) incorporated in the Act(s).

Taieri River Improvement Act 1920 (1920 No 20 (L))

Amendment(s) incorporated in the Act(s).

Wellington Regional Water Board Act 1972 (1972 No 3 (L))

Amendment(s) incorporated in the Act(s).

Schedule: amended, on 1 July 1992, by section 78 of the Local Government Amendment Act 1992 (1992 No 42).

Reprints notes

1 *General*

This is a reprint of the Ministry of Works and Development Abolition Act 1988 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Land Transfer Act 2017 (2017 No 30): section 250

Local Government Amendment Act 1992 (1992 No 42): section 78