

**Reprint
as at 2 September 1954**



Opunake Harbour Act 1938

Local Act 1938 No 9
Date of assent 14 September 1938
Commencement see section 1

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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.

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An Act to provide for the dissolution of the Opunake Harbour Board and the transfer of the functions of the said Board to the Opunake Borough Council, and to make certain incidental provisions

1 Short Title and commencement

This Act may be cited as the Opunake Harbour Act 1938, and shall come into force on 1 October 1938.

2 Interpretation

In this Act, unless the context otherwise requires,—

Board means the Opunake Harbour Board constituted under the Harbours Act 1923

Corporation means the Corporation of the Borough of Opunake

Council means the Opunake Borough Council

District means the Opunake Harbour District as defined in the Opunake Harbour Act 1908.

3 Special Act

This Act shall be deemed to be a special Act within the meaning of the Harbours Act 1923.

4 Dissolution of Opunake Harbour Board

[Repealed]

Section 4: repealed, on 2 September 1954, by section 7(9) of the Taranaki Harbour Board Act 1954 (1954 No 3 (L)).

5 Council to exercise powers of Harbour Board

[Repealed]

Section 5: repealed, on 2 September 1954, by section 7(9) of the Taranaki Harbour Board Act 1954 (1954 No 3 (L)).

6 Assets and liabilities of Board transferred to Opunake Borough

- (1) With the exception of the lands referred to in the next succeeding section, all property, real and personal, belonging to the Board is hereby vested in the Mayor, Councillors, and Burgesses of the Borough of Opunake.
- (2) *[Repealed]*
- (3) *[Repealed]*
- (4) *[Repealed]*

Section 6(2): repealed, on 2 September 1954, by section 7(9) of the Taranaki Harbour Board Act 1954 (1954 No 3 (L)).

Section 6(3): repealed, on 2 September 1954, by section 7(9) of the Taranaki Harbour Board Act 1954 (1954 No 3 (L)).

Section 6(4): repealed, on 2 September 1954, by section 7(9) of the Taranaki Harbour Board Act 1954 (1954 No 3 (L)).

7 Certain endowments vested in Crown as recreation reserves

- (1) Sections 1, 2, 3, 4, and 5, Block XLVII, Town of Opunake, containing together an area of 2 acres 2 roods, more or less, and Sections 1, 2, 3, 4, 5, 6, and 7, Block XV, Town of Opunake, containing together an area of 1 acre 2 roods 7 perches, more or less, are hereby declared to be vested in His Majesty the King as recreation reserves, to be subject to the provisions of Part 2 of the Public Reserves, Domains, and National Parks Act 1928, and to form part of the Opunake Domain.
- (2) Nothing in the last preceding subsection shall affect the rights at present held over Sections 1, 2, 3, 4, and 5, Block XLVII, by the Opunake Seaside Improvement Society, Incorporated, under the lease registered as Number 11036, New Plymouth Registry.
- (3) The District Land Registrar for the Land Registration District of Taranaki is hereby empowered and directed to make such entries in the appropriate registers as may be necessary to give full effect to the provisions of this section.

8 Saving of appointments, etc

All Proclamations, Orders in Council, regulations, bylaws, offices, appointments, resolutions, agreements, licences, lists,

rolls, rate books, records, documents, and generally all acts of authority which originated before the date of the coming into force of this Act in relation to the Board and are subsisting or in force on such date shall enure for the purposes of the Council and the Corporation as fully and effectually as if they had been originated by or in respect of the Council or the Corporation, and accordingly shall, where necessary, be deemed to have so originated.

9 Corporation to be registered as proprietor of lands

In respect of any real property vested in the Corporation pursuant to section 6 the following provisions shall apply:

- (a) it shall be the duty of the District Land Registrar or the Registrar of Deeds, as the case may be, on application by the Council and without payment of any fee, to register the Corporation as the proprietor thereof:
- (b) no stamp duty under the Stamp Duties Act 1923 shall be payable in respect of the vesting of such real property in the Corporation.

10 Council to continue to levy rates over harbour district

[Repealed]

Section 10: repealed, on 2 September 1954, by section 7(9) of the Taranaki Harbour Board Act 1954 (1954 No 3 (L)).

11 Provisions for separate Harbour Account

[Repealed]

Section 11: repealed, on 2 September 1954, by section 7(9) of the Taranaki Harbour Board Act 1954 (1954 No 3 (L)).

12 Appointment of Committee

[Repealed]

Section 12: repealed, on 2 September 1954, by section 7(9) of the Taranaki Harbour Board Act 1954 (1954 No 3 (L)).

13 Annual statements

[Repealed]

Section 13: repealed, on 2 September 1954, by section 7(9) of the Taranaki Harbour Board Act 1954 (1954 No 3 (L)).

14 Special rate

[Repealed]

Section 14: repealed, on 2 September 1954, by section 7(9) of the Taranaki Harbour Board Act 1954 (1954 No 3 (L)).

15 Repeals

The enactments mentioned in the Schedule are hereby repealed.

Schedule
Enactments repealed

Harbours Act 1923 (1923 No 40)

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

Local Legislation Act 1926 (1926 No 61)

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

Local Legislation Act 1929 (1929 No 21)

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

Local Legislation Act 1933 (1933 No 46)

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

Opunake Harbour Act 1908 (1908 No 14 (L))

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

Opunake Harbour Amendment Act 1909 (1909 No 27 (L))

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

Opunake Harbour Amendment Act 1912 (1912 No 30 (L))

**Reserves and other Lands Disposal and Public Bodies
Empowering Act 1913 (1913 No 67)**

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

**Reserves and other Lands Disposal and Public Bodies
Empowering Act 1915 (1915 No 68)**

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

**Reserves and other Lands Disposal and Public Bodies
Empowering Act 1916 (1916 No 14)**

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

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Notes

1 *General*

This is a reprint of the Opunake Harbour Act 1938. The reprint incorporates all the amendments to the Act as at 2 September 1954, 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)*

Taranaki Harbour Board Act 1954 (1954 No 3 (L)): section 7(9)
