

**Reprint
as at 10 October 1946**



**South Canterbury Catchment
Board Act 1946**

Local Act 1946 No 10
Date of assent 9 October 1946
Commencement 9 October 1946

Contents

	Page
Title	2
1 Short Title	2
2 Interpretation	2
3 Control and upkeep of watercourses in South Canterbury Catchment District	2
4 Abolition of Geraldine Country River District and disposition of property, etc	3
5 Adoption by Catchment Board of classification by Geraldine County River Board	4
6 Revenues of certain reserves to be paid to Board	4
7 Abolition of special powers of Ashburton County Council and disposition of property, etc	4
8 Creditors not to be affected	5
9 Validating rates heretofore levied on Allenton	5
10 Setting out and validating agreement as to contributions by Borough Council for river protection works	7

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.

Schedule 1	10
Reserves vested in Geraldine County River Board	
Schedule 2	14
Reserves subject to section 7 of the Geraldine County River District Act 1921–22, but not vested in the River Board	

An Act to vest in the South Canterbury Catchment Board the control of all watercourses in the South Canterbury Catchment District, to validate certain rates struck by the Ashburton County Council for river-control purposes, and to make other provision relating to the South Canterbury Catchment District

1 Short Title

This Act may be cited as the South Canterbury Catchment Board Act 1946.

2 Interpretation

In this Act, unless the context otherwise requires,—

borough means the Borough of Ashburton

Borough Council means the Ashburton Borough Council

Catchment Board means the South Canterbury Catchment Board

county means the Ashburton County

County Council means the Ashburton County Council

principal Act means the Soil Conservation and Rivers Control Act 1941

River Board means the Geraldine County River Board.

3 Control and upkeep of watercourses in South Canterbury Catchment District

- (1) All watercourses within the South Canterbury Catchment District, whether natural or constructed or hereafter to be constructed, together with all machinery and appliances used therewith, but excepting therefrom all constructed water supply and stock races which are under the control of any

local authority, shall be under the exclusive care, control, and management of the Catchment Board.

- (2) In the event of a dispute arising as to whether any watercourse is a constructed water supply or stock race under the control of any local authority within the meaning of the last preceding subsection, the same shall be decided by the Soil Conservation and Rivers Control Council, whose decision shall be final and binding on all parties.
- (3) Where a natural watercourse is used as a water supply or stock race, the County Council or other local authority concerned shall contribute such proportion of the cost of maintenance of the watercourse as shall be determined by agreement between the Catchment Board and the County Council or other local authority concerned.
- (4) In the event of the parties failing to agree as to the proportion payable under the provisions of the last preceding subsection, the same shall be determined by the Soil Conservation and Rivers Control Council, whose decision shall be final and binding on all parties.
- (5) The provisions of this section shall not be construed in any way to restrict or interfere with the power of any local authority to levy rates or make charges in respect of constructed water supply and stock races under its control.
- (6) This section is in substitution for the Order in Council made pursuant to section 130 of the principal Act on 20 March 1946, and published in the *Gazette* on 21 March at page 350, vesting the control of certain watercourses in the Catchment Board, and that Order in Council is hereby accordingly revoked.

4 Abolition of Geraldine Country River District and disposition of property, etc

- (1) The Geraldine County River District constituted under the Geraldine County River District Act 1921–22 is hereby abolished, and the River Board of that district is hereby dissolved.
- (2) All property, debts, liabilities, and engagements of the River Board dissolved as aforesaid shall, on the passing of this Act, vest in and become the property, debts, liabilities, and engagements of the Catchment Board, and all rates and other moneys

payable to the River Board so dissolved shall become payable to the Catchment Board, and all actions and proceedings which are then pending or which might thereafter have been instituted by or against the River Board so dissolved if it had continued to exist may be carried on or instituted by or against the Catchment Board.

- (3) The Geraldine County River District Act 1921–22, section 100 of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1923, and the Geraldine County River District Amendment Act 1938, are hereby repealed.

5 Adoption by Catchment Board of classification by Geraldine County River Board

- (1) The Catchment Board may, by special order, declare that any specified classification of the lands in the Geraldine County River District made by the River Board for rating purposes, and the proportions fixed in relation thereto, shall continue in force as if they were a classification made and proportions fixed pursuant to the principal Act specially for the purposes of a separate rate upon all property liable to be rated within that portion of the catchment district which on the passing of this Act comprised the Geraldine County River District.
- (2) The classification and proportions so continued in force may from time to time be amended as provided in section 105 of the principal Act.

6 Revenues of certain reserves to be paid to Board

All revenues derived from the reserves described in Schedules 1 and 2 shall, after the deduction of reasonable costs of administration, be paid to the Catchment Board by the Receiver of Land Revenue for the Land District of Canterbury in such manner and at such times as the Minister of Lands may direct, and shall not be paid into the Public Account.

7 Abolition of special powers of Ashburton County Council and disposition of property, etc

- (1) The Ashburton Rivers Act 1936 is hereby repealed.

- (2) The Controller and Auditor-General, or such other person as the Governor-General shall appoint, shall, on the passing of this Act, hold an inquiry and make an award apportioning such property, debts, liabilities, and engagements of the Corporation of the county and the County Council as relate to the exercise of its functions under the Ashburton Rivers Act 1936 between the South Canterbury Catchment Board and the North Canterbury Catchment Board.
- (3) Any such award may provide for all or any of the matters included in the subject for inquiry, and may declare in whom any property shall be vested and by whom any moneys shall be paid, including the payment of the whole or any part of the expenses of the inquiry; and the person making the award may make and give such directions generally as may be necessary for giving full effect to the objects of the inquiry.
- (4) Every such award shall be final and shall, from the date thereof, have the operation of and be enforceable as a judgment of the Supreme Court.

8 Creditors not to be affected

Nothing in the foregoing provisions of this Act shall in any way affect the rights or interests of any debenture holder or other creditor of the River Board, or of the County Council in relation to its functions under the Ashburton Rivers Act 1936, or shall affect any special rate.

9 Validating rates heretofore levied on Allenton

Whereas the Ashburton Rivers Act 1936 conferred upon the County Council all the powers conferred on a River Board as if the county were a duly constituted river district:

And whereas by Order in Council made on 29 March 1939 and published in the *Gazette* on 30 March 1939 at page 755, certain lands described in the said Order in Council (herein referred to as the **district of Allenton**) which previously had formed part of the county were included in the borough, and as from 1 April 1939 ceased to form part of the county:

And whereas by special order on 5 May 1939 the County Council, acting in pursuance of the powers conferred upon

it by the above-mentioned Act, defined a subdivision of the county, including in such subdivision the district of Allenton:

And whereas by special order on 7 March 1941 the County Council, acting in pursuance of the said powers, defined a further subdivision of the river district, including in such subdivision the said district of Allenton:

And whereas on 1 March 1940 the County Council made and levied special rates upon the lands included in the said subdivisions to provide for the capital costs of certain river protection works and interest payments and a sinking fund connected therewith:

And whereas on 6 July 1945 the County Council made and levied special rates upon the lands included in such subdivisions to provide for the capital costs of river protection works and interest payments and a sinking fund connected therewith:

And whereas the rates made and levied over the district of Allenton have been collected by the Borough Council on behalf of the County Council since that district became part of the borough:

And whereas doubts have arisen as to the validity of the subdivisions hereinbefore recited and of the aforesaid special rates, so far as they affect the district of Allenton:

And whereas the Ashburton Rivers Act 1936 is repealed by this Act and it is desirable to make provision in manner hereinafter appearing:

Be it therefore enacted as follows:

- (1) The district of Allenton shall be deemed to have remained a part of the Ashburton County River District, notwithstanding its inclusion in the borough.
- (2) All subdivisions defined, classifications made, rates made and levied, and all other powers exercised by the County Council under the provisions of the Ashburton Rivers Act 1936 over the district of Allenton shall be deemed to have been lawfully defined, made, levied, and exercised.
- (3) The Borough Council shall be deemed to have always been lawfully empowered to act as collecting agent on behalf of the County Council and to pay over to the County Council all rates made and levied by the County Council over the district of

Allenton, subject to the deduction by the Borough Council of 10 pounds per centum of the amount so collected to cover the costs and expenses of and incidental to such collection.

10 Setting out and validating agreement as to contributions by Borough Council for river protection works

Whereas the special rates made and levied as recited in section 9 are security for the following special loans to the County Council—that is to say, a loan of 3,500 pounds expiring on 4 October 1950; a loan of 1,000 pounds expiring on 4 October 1950; a loan of 1,000 pounds expiring on 1 October 1951; and a loan of 9,000 pounds expiring on 1 December 1961:

And whereas the Borough Council has agreed with the Catchment Board and the County Council to contribute towards the capital costs of the river protection works hereinbefore referred to and the maintenance thereof in the manner hereinafter set forth:

And whereas it is desirable that the local authorities concerned shall be empowered to carry such agreement into effect:

Be it therefore enacted as follows:

- (1) The Borough Council shall, as from 1 April 1946, pay to the Catchment Board annually 33 and one-third per centum of the interest payments and sinking fund payable in respect of the special loans hereinbefore recited.
- (2) The Borough Council shall, as from 1 April 1946, pay to the Catchment Board annually 33 and one-third per centum of the maintenance costs which since that date have been, or shall be, incurred in maintaining in good order and condition the river protection works which have been, or shall be, constructed out of the proceeds of the special loans hereinbefore recited.
- (3) The balance of the said interest payments, sinking fund, and maintenance costs aforesaid shall be collected by the Catchment Board by means of rates upon the lands forming part of the county and included in the subdivisions referred to in the last preceding section in accordance with the same classification as the classification in accordance with which the special rates referred to in the last preceding section were made and levied.

- (4) The provisions of this section shall not be construed to affect the validity of the special rates already made and levied or the rights of the debenture holders in respect of the said special loans to enforce payment of the amounts due to them in any lawful manner.
- (5) The contributions payable by the Borough Council as aforesaid shall be payable upon demand being made in writing to the Borough Council by the Catchment Board or some person or persons authorised thereby:
provided that the demand shall specify the period in respect of which the contributions are payable.
- (6) The Borough Council may—
- (a) make and levy, on all rateable property within the borough, equally, without classification, in accordance with the system of rating for the time being in force in the borough, a rate calculated to yield the amount of its contributions together with an additional amount sufficient to cover all reasonable costs and expenses incurred in and about making and levying, collecting, and recovering the rates, and a reasonable remuneration for clerical and other work:
 - (b) pay to the Catchment Board, if it thinks fit, out of the General Account of the Borough Council the amount of its contributions.
- (7) If any contributions are not paid in full on or before 31 March next following the date of the demand, the Catchment Board may recover the amount unpaid in any court of competent jurisdiction as a debt due and owing by the Borough Council.
- (8) If the area of the borough shall be increased by including any lands forming part of the subdivisions hereinbefore recited, or decreased by excluding any lands now forming part of the borough, or if there shall at any time be a revaluation under the Valuation of Land Act 1925 of all the lands forming part of the county and comprised in the said subdivisions, or of the borough, and as a result of the increase or decrease or of the revaluation the proportion which the capital value of all lands in the borough for the time being bears to the capital value of the lands otherwise included in the said subdivisions shall be substantially altered, the proportion which the borough shall

contribute in accordance with the foregoing provisions of this section shall be altered, subject to the following provisions:

- (a) no such alteration shall be made unless and until the Catchment Board resolves that in its opinion the aforesaid proportion has substantially altered in accordance with the provisions hereinbefore contained:
 - (b) if, upon receipt of notice of such resolution, the Borough Council and the County Council do not, within the space of 2 calendar months, either agree that no alteration shall be made in the proportions payable as aforesaid or agree as to the proportions which should be payable consequent upon such increase, decrease, or revaluation as aforesaid and the day on which the new proportion shall come into effect, the dispute shall be submitted to arbitration, and the Borough Council and the County Council shall each appoint 1 disinterested person as an arbitrator, and the Catchment Board shall appoint an umpire (not being an employee or member of the Catchment Board), who shall make the decision alone if the arbitrators are unable to agree; and such arbitration, except as herein expressly provided, shall be conducted under the provisions of the Arbitration Act 1908:
 - (c) if the said proportion shall be altered either by agreement or by arbitration in accordance with the foregoing provisions, notice of the new proportion, and of the day on which such new proportion shall come into effect, shall be published in the *Gazette*, and the foregoing provisions of this section shall apply and take effect as if the new proportion were inserted therein in lieu of the proportion of 33 and one-third per centum hereinbefore provided for.
-

Schedule 1
Reserves vested in Geraldine County River Board

Reserve	Area			Block	Survey District	Gazette No	Vesting page	Date	Reserve brought under Land Act 1924 (section 367 of Land Act 1924)
	A	R	P						
2748 (part)	30	1	0	III	Kapunatiki	70	2607	30/10/24	<i>Gazette</i> 37, 18 May 1933, page 1368
2979	108	2	0	VI	Geraldine	78	3136	5/11/25	<i>Gazette</i> 37, 18 May 1933, page 1368
2833 (part)	155	0	0	VIII	Orari	78	3136	5/11/25	<i>Gazette</i> 37, 18 May 1933, page 1368
				II	Geraldine	78	3136	5/11/25	<i>Gazette</i> 37, 18 May 1933, page 1368
2901	22	0	0	III and IV	Kapunatiki	71	3179	16/10/30	<i>Gazette</i> 37, 18 May 1933, page 1368
2751	153	0	0	II and III	Kapunatiki	71	3179	16/10/30	<i>Gazette</i> 37, 18 May 1933, page 1368
2884	232	0	0	II	Kapunatiki	71	3179	16/10/30	<i>Gazette</i> 37, 18 May 1933, page 1368
2888	144	0	0	II	Kapunatiki	71	3179	16/10/30	<i>Gazette</i> 37, 18 May 1933, page 1368
2899	57	0	0	VIII and XII	Geraldine	71	3179	16/10/30	<i>Gazette</i> 37, 18 May 1933, page 1368

Schedule 1

South Canterbury Catchment Board
Act 1946Reprinted as at
10 October 1946

Reserve	Area			Block	Survey District	Gazette No	Vesting page	Date	Reserve brought under Land Act 1924 (section 367 of Land Act 1924)
	A	R	P						
2886	52	0	0	IV	Geraldine	71	3179	16/10/30	<i>Gazette</i> 37, 18 May 1933, page 1368
2885	21	0	0	IV	Geraldine	71	3179	16/10/30	<i>Gazette</i> 37, 18 May 1933, page 1368
2879	5	1	8	IV	Geraldine	71	3179	16/10/30	<i>Gazette</i> 37, 18 May 1933, page 1368
100 (part)	79	3	0	IV	Kapunatiki	16	475–76	5/3/31	<i>Gazette</i> 37, 18 May 1933, page 1368
1486 (part)	39	0	0	IV	Kapunatiki	16	475–76	5/3/31	<i>Gazette</i> 37, 18 May 1933, page 1368
1071 (part)	5	3	0	IV	Pareora	61	2322	20/8/31	<i>Gazette</i> 37, 18 May 1933, page 1368
3417 (part)	5	3	0	IV	Pareora	61	2322	20/8/31	<i>Gazette</i> 37, 18 May 1933, page 1368
4282	7	1	18	VI	Geraldine	34	1235	2/5/35	<i>Gazette</i> 64, 5 September 1935, page 2407
4314	239	2	0	IV	Geraldine	34	1235	2/5/35	<i>Gazette</i> 64, 5 September 1935, page 2407
4318	9	0	20	IX	Geraldine	34	1235	2/5/35	<i>Gazette</i> 64, 5 September 1935, page 2407

Reprinted as at
10 October 1946

South Canterbury Catchment Board
Act 1946

Schedule 1

Reserve	Area			Block	Survey District	Gazette No	Vesting page	Date	Reserve brought under Land Act 1924 (section 367 of Land Act 1924)
	A	R	P						
4319	1	3	20	XIII	Geraldine	34	1235	2/5/35	<i>Gazette</i> 64, 5 September 1935, page 2407
4283	19	0	0	IV	Pareora	34	1235	2/5/35	<i>Gazette</i> 64, 5 September 1935, page 2407
4288	141	0	20	XIV	Opihi	34	1235	2/5/35	<i>Gazette</i> 64, 5 September 1935, page 2407
4295	110	1	18	V, VII, VIII	Orari	34	1235	2/5/35	<i>Gazette</i> 64, 5 September 1935, page 2407
4296	33	3	30	VII, VIII	Orari	34	1235	2/5/35	<i>Gazette</i> 64, 5 September 1935, page 2407
4297	30	1	30	V	Orari	34	1235	2/5/35	<i>Gazette</i> 64, 5 September 1935, page 2407
4298	14	2	18	II	Arowhenua	34	1235	2/5/35	<i>Gazette</i> 64, 5 September 1935, page 2407
2156	6	2	32	VIII	Orari	34	1235	2/5/35	<i>Gazette</i> 64, 5 September 1935, page 2407
2759	2	0	20	IX	Geraldine	34	1235	2/5/35	<i>Gazette</i> 64, 5 September 1935, page 2407

Reserve	Area			Block	Survey District	Gazette No	Vesting page	Date	Reserve brought under Land Act 1924 (section 367 of Land Act 1924)
	A	R	P						
1298	2	2	0	VI	Geraldine	34	1235	2/5/35	<i>Gazette</i> 64, 5 September 1935, page 2407
2488	16	3	0	VI and X	Geraldine	Vested in the Board of Conservators of the South Orari River District (<i>Gazette</i> , 1881, page 455); now in Geraldine County River Board under section 9(2) and (3) of Geraldine County River District Act 1921–22		<i>Gazette</i> 37, 18 May 1933, page 1368	

Reprinted as at
10 October 1946

South Canterbury Catchment Board
Act 1946

Schedule 1

Schedule 2
Reserves subject to section 7 of the
Geraldine County River District Act
1921–22, but not vested in the River
Board

Reserve	Area			Block	Survey District
	A	R	P		
2898	135	0	0	IV, VIII	Geraldine
2750	91	2	0	III, IV	Kapunatiki
2897	29	0	0	III, IV	Kapunatiki
2746 (part)	134	2	0	III	Kapunatiki
2747 (part)	450	3	0	III	Kapunatiki
2896	24	0	0	III	Kapunatiki
2749	27	1	0	III	Kapunatiki
2883 (part)	171	0	0	II	Kapunatiki
2895	57	0	0	III	Kapunatiki
2895	57	0	0	XII	Geraldine
2889	34	0	0	II	Kapunatiki
2890	38	0	0	III	Kapunatiki
2887	239	0	0	VIII	Geraldine
2887	239	0	0	II	Kapunatiki
2892	200	0	0	VIII	Geraldine
2893	31	0	0	VIII	Geraldine
2894	18	0	0	VIII	Geraldine
2900	16	0	0	XII	Geraldine
2891	39	0	0	IV, VIII	Geraldine

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 South Canterbury Catchment Board Act 1946. The reprint incorporates all the amendments to the Act as at 10 October 1946, 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)*
