

Tauranga Harbour Amendment and Foreshore Vesting Act 1917

Local Act 1917 No 3
Date of assent 27 October 1917

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An Act to extend the Bay of Plenty Harbour District and vest Part of the Foreshore in the Board.

The Bay of Plenty Harbour Board Act 1970 (1970 No 5(L)) substituted all references to “Bay of Plenty Harbour Board” and “Bay of Plenty Harbour District” for references to the “Tauranga Harbour Board” and “Tauranga Harbour District” pursuant to section 2(5) of that Act.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1 Short Title

This Act may be cited as the Tauranga Harbour Amendment and Foreshore Vesting Act 1917.

2 Special Act

This Act shall be deemed to be a special Act within the meaning of the Harbours Act 1950.

The reference to the Harbours Act 1923 was substituted, as from 1 January 1924, for a reference to the Harbours Act 1908 pursuant to section 259 Harbours Act 1923 (1923 No 40). That reference was in turn substituted, as from 15 October 1950, for a reference to the Harbours Act 1950 pursuant to section 269(1) Harbours Act 1950.

3 Interpretation

In this Act, if not inconsistent with the context,—

The Board means the Bay of Plenty Harbour Board

The harbour district means the Bay of Plenty Harbour District as constituted by this Act

The Tauranga Harbour means the harbour as defined in the Tauranga Harbour Act 1912.

The Bay of Plenty Harbour Board Act 1970 (1970 No 5(L)) substituted all references to “Bay of Plenty Harbour Board” and “Bay of Plenty Harbour District” for references to the “Tauranga Harbour Board” and “Tauranga Harbour District” pursuant to section 2(5) of that Act.

4 Harbour district

The Bay of Plenty Harbour District shall hereafter consist of the Boroughs of Tauranga, Te Puke, Rotorua, and Mount Maunganui, the Counties of Tauranga and Rotorua, the Matata Riding of the County of Whakatane, and all that part of the Borough of Kawerau to the west of the left bank of the Tarawera River, according to the respective boundaries as existing at the commencement of this section.

The Bay of Plenty Harbour Board Act 1970 (1970 No 5(L)) substituted all references to “Bay of Plenty Harbour Board” and “Bay of Plenty Harbour District” for references to the “Tauranga Harbour Board” and “Tauranga Harbour District” pursuant to section 2(5) of that Act. Section 4 was repealed and substituted, as from 19 October 1956, by section 4 Tauranga Harbour Board Loans and Empowering Act 1956 (1956 No 7(L)).

5 Constitution of Board

[Repealed]

Section 5 was repealed, as from 1 January 1924, by section 259 Harbours Act 1923 (1923 No 40).

6 Election of new Board

- (1) The Governor-General in Council shall appoint a day for the first election of the elective members of the newly constituted Board, and shall make all such regulations as he thinks necessary for such election. In the absence of such regulations, or in so far as they do not extend, the provisions of the Harbours Act 1950, and the regulations thereunder, relating to the election of members of Harbour Boards shall apply to elections under this section.
- (2) The Governor-General in Council shall fix a time and place for the first meeting of the newly constituted Board, and until such meeting the members of the existing Board shall continue to hold office, and may exercise all the powers of the Board.
- (3) The members appointed by the Governor-General shall come into office on the day appointed under this section for the first meeting of the Board.
- (4) Section six of the Tauranga Harbour Act 1912, is hereby repealed.

The reference to the Harbours Act 1923 in subsection (1) was substituted, as from 1 January 1924, for a reference to the Harbours Act 1908 pursuant to section 259 Harbours Act 1923 (1923 No 40). That reference was in turn substituted, as from 15 October 1950, for a reference to the Harbours Act 1950 pursuant to section 269(1) Harbours Act 1950.

7 Vesting foreshore

On the passing of this Act the whole of the foreshore of the Tauranga Harbour as described in the Schedule hereto shall vest in the Bay of Plenty Harbour Board, subject to the right of resumption by the Crown hereinafter mentioned.

The Bay of Plenty Harbour Board Act 1970 (1970 No 5(L)) substituted all references to "Bay of Plenty Harbour Board" and "Bay of Plenty Harbour District" for references to the "Tauranga Harbour Board" and "Tauranga Harbour District" pursuant to section 2(5) of that Act.

8 Issue of Crown grants or certificates of title to Board

The Governor-General is hereby empowered to sign a Warrant or Warrants authorizing the issue of Crown grants or certificates of title, as the case may require, for the said

foreshore and lands, or any part thereof, to and in favour of the Board:

Provided that any portion of the said foreshore so vested as aforesaid may be resumed by the Crown at any time for any public work or public purpose without compensation, except that compensation shall be payable and assessed in manner provided by the Public Works Act 1981, for wharves, buildings, or permanent improvements made and effected by the Board or any lessee on any of the lands so resumed.

The reference to the Public Works Act 1928 was substituted, as from 1 January 1929, for a reference to the Public Works Act 1908 pursuant to section 346(1) Public Works Act 1928 (1928 No 21). The Public Works Act 1981 was in turn substituted for the repealed Public Works Act 1928, as from 1 February 1982, by section 248(1) Public Works Act 1981 (1981 No 35).

Schedule

ALL the foreshore of the Tauranga Harbour, commencing at the Katikati entrance opposite North Head, and thence following Matakana Island to the Tauranga entrance opposite the Beacon Rock, as shown on the plan deposited in the office of the Chief Surveyor at Auckland as No 19549 (blue), and thereon edged blue.