

**Reprint
as at 22 October 1959**



Waimakariri Harbour Act 1946

Local Act 1946 No 8
Date of assent 2 October 1946
Commencement see section 1

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Schedule 1

**Land vested in Corporation as reserve for public
gardens and pleasure grounds**

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 Waimakariri Harbour Board and the transfer of the functions of the said Board to the Kaiapoi Borough Council, and to make certain incidental provisions

1 Short Title and commencement

This Act may be cited as the Waimakariri Harbour Act 1946 and shall come into force on 1 April 1947.

2 Interpretation

In this Act, unless the context otherwise requires,—

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

Corporation means the Corporation of the Borough of Kaiapoi

Council means the Kaiapoi Borough Council.

3 Special Act

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

4 Harbour Board dissolved

The Waimakariri Harbour Board is hereby dissolved.

5 Transfer of functions to Borough Council

All powers, functions, duties, and authorities conferred or imposed upon Harbour Boards by the Harbours Act 1923, or any other Act, and all powers, functions, duties, or authorities heretofore conferred or imposed upon the Board by any Act and subsisting on the commencement of this Act, may be ex-

exercised and performed by the Council in as full and effectual manner as if the Council had been constituted a Harbour Board within the meaning of the Harbours Act 1923, and the Council shall for all purposes not inconsistent with the provisions of this Act be deemed to be a Harbour Board accordingly.

6 Vesting of property generally

- (1) With the exception of the lands described in Schedules 1 and 2 all property real and personal belonging to the Board is hereby vested in the Corporation for the estate or interest of the Board therein:

provided that any land so vested shall be held, subject to the provisions of this Act, in trust for harbour purposes.

- (2) All rents, rates, dues, and any other moneys whatsoever payable to the Board shall become payable to the Council.
- (3) All proceedings pending by or against the Board may be carried on or prosecuted by or against the Corporation or the Council.
- (4) All debts, liabilities, and engagements of the Board shall become debts, liabilities, and engagements of the Corporation or the Council.

7 Vesting certain lands as reserves

- (1) The land described in Schedule 1 is hereby vested in the Corporation as a reserve for the purpose of public gardens and pleasure grounds.
- (2) The land described in Schedule 2 is hereby vested in the Corporation as a reserve for a servicemen's monument and memorial garden.

8 Acts of Harbour Board to enure

All Proclamations, Orders in Council, regulations, bylaws, offices, appointments, resolutions, agreements, licenses, lists, rolls, rate books, records, documents, and generally all acts of authority which originated before the date of the commencement of this Act in relation to the Board and are subsisting or in force on that 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 Special provisions as to vesting of land

In respect of any real property vested in the Corporation pursuant to sections 6 and 7, 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, 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 Accounts

- (1) All moneys received or receivable by the Council pursuant to the purpose of this Act, or in respect of any land or other property which is by this Act vested in the Corporation, shall be placed to the credit of a separate account to be known as Waimakariri Harbour Account.
- (2) One-third of the rent received from the buildings known as Hansens Buildings which have become vested in the Corporation under section 6, shall, for a period of 9 years commencing on 1 April 1958, be utilised exclusively as a fund for the rebuilding and replacement of the said Hansens Buildings.
- (3) From the funds in the Waimakariri Harbour Account payment shall be made of the costs and expenses of collecting, receiving, and administering the same, and any costs incurred in connection with the promotion and passing of this Act, and the maintenance and improvement of any such lands or property as aforesaid, and all costs, charges, administrative, working, and other expenses which, but for this Act, would have been borne and paid by the Board.
- (4) The administrative expenses payable by the Corporation out of the Waimakariri Harbour Account shall not in any 1 year exceed one-third of the income thereof.

Section 10(2): replaced (with effect on 1 April 1958), on 22 October 1959, by section 23 of the Local Legislation Act 1959 (1959 No 92).

11 Repeals

The enactments mentioned in Schedule 3 are hereby repealed.

Schedule 1
Land vested in Corporation as reserve for
public gardens and pleasure grounds

All that parcel of land situated in the Borough of Kaiapoi containing by admeasurement one acre one rood and seven perches (1 acre 1 rood 7 perches), being Lots 1, 2, 3, and 4, Deposit Plan 919, and being part of the land comprised in certificate of title, Volume 449, folio 70, Canterbury Land Registry.

Schedule 2
Land vested in Corporation as reserve for
servicemen's monument and memorial
garden

All that parcel of land situated in the Borough of Kaiapoi containing by admeasurement one rood thirty-three perches (0 acres 1 rood 33 perches), being Lot 12, Deposit Plan 1280, and being part of the land comprised in certificate of title, Volume 172, folio 294, Canterbury Land Registry.

Schedule 3
Enactments repealed

Waimakariri Harbour Board Loan Act 1906 (1906 No 5 (L))

Waimakariri Harbour Board Reserve Act 1919 (1919 No 14 (L))

**Waimakariri Harbour District and Empowering Act 1916 (1916
No 9 (L))**

**Waimakariri Harbour District and Empowering Amendment
Act 1917 (1917 No 11 (L))**

**Waimakariri Harbour District and Empowering Amendment
Act 1924 (1924 No 22 (L))**

Local Legislation Act 1960

Public Act 1960 No 107
Date of assent 25 October 1960
Commencement 25 October 1960

1 Short Title

This Act may be cited as the Local Legislation Act 1960.

City and borough councils

12 Amending Waimakariri Harbour Act 1946

- (1) This section shall be read together with and deemed part of the Waimakariri Harbour Act 1946 (in this section referred to as “the principal Act”).
 - (2) The Kaiapoi Borough Council is hereby authorised and empowered to utilise the fund held by that Council for the rebuilding and replacement of Hansens Buildings, which became vested in the Corporation of the Borough of Kaiapoi under section 6 of the principal Act, for all or any of the following purposes, namely:
 - (a) the rebuilding and replacement of Hansens Buildings:
 - (b) the effecting of permanent improvements, alterations, extensions, or additions to harbour works on the land vested in that Corporation under that section.
 - (3) *Amendment(s) incorporated in the Act(s).*
 - (4) This section shall be deemed to have come into force on 1 April 1960.
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Notes**1 *General***

This is a reprint of the Waimakariri Harbour Act 1946. The reprint incorporates all the amendments to the Act as at 22 October 1959, 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)*

Local Legislation Act 1959 (1959 No 92): section 23
