

New Zealand



ANALYSIS

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1946, No. 11—*Local and Personal*

AN ACT to provide for the Dissolution of the Wairoa Harbour Board and the Transfer of the Functions of the said Board to the Wairoa Borough Council, and to make certain Incidental Provisions.

[9th October, 1946

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

1. This Act may be cited as the Wairoa Harbour Act, 1946, and shall be deemed to have come into force on the first day of October, nineteen hundred and forty-six.

Short Title
and
commencement.

Interpretation.

2. In this Act, unless the context otherwise requires—

“ Board ” means the Wairoa Harbour Board constituted under the Harbours Act, 1923:

“ Corporation ” means the Corporation of the Mayor, Councillors, and Burgesses of the Borough of Wairoa:

“ Council ” means the Wairoa Borough Council:

“ County Corporation ” means the Corporation of the County of Wairoa:

“ District ” means the special rating district described in the First Schedule to this Act.

Special Act.

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

Dissolution of Wairoa Harbour Board.

4. The Wairoa Harbour Board is hereby dissolved.

Council to exercise power of Board.

5. 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, and authorities heretofore conferred or imposed upon the Board by any Act and subsisting on the coming into force of this Act, may be 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.

Lands revested in Crown and vested in County Corporation.

6. (1) The land described in the Second Schedule to this Act is hereby vested in His Majesty the King free from all trusts and reservations affecting the same.

(2) The land described in the Third Schedule to this Act is hereby vested in the County Corporation for the estate and interest of the Board therein.

Assets and liabilities of Board transferred to Corporation.

7. (1) The land first described in the Fourth Schedule to this Act is hereby vested in the Corporation in trust for river protection and beautification purposes.

(2) The other land described in the Fourth Schedule to this Act is hereby vested in the Corporation for the estate and interest of the Board therein.

(3) All other property of the Board, both real and personal, not referred to in the Second, Third, or Fourth Schedules to this Act, is hereby vested in the Corporation for the estate and interest of the Board therein.

(4) All rent, rates, and other moneys whatsoever payable to the Board shall become payable to the Council.

(5) All proceedings pending by or against the Board may be carried on or prosecuted by or against the Corporation.

(6) All debts, liabilities, and engagements of the Board shall become debts, liabilities, and engagements of the Corporation.

8. In respect of any real property vested in the Corporation and the County Corporation respectively pursuant to sections six and seven hereof, the following provisions shall apply:—

Provisions as to vesting of land.

(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 or the Wairoa County Council, to register the Corporation or the County Corporation, as the case may be, 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 or the County Corporation.

9. (1) The Wairoa Harbour District is hereby abolished.

Abolition of Harbour District.

(2) The land described in the First Schedule to this Act is hereby constituted a special rating district for the purposes of this Act.

10. All Proclamations, Orders in Council, regulations, by-laws, 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.

Saving of appointments, &c.

Council to
continue to
levy rates
over district.

11. The Council shall continue to make, levy, and collect over the district such special rates as the Board was empowered to make, levy, and collect under the Wairoa Harbour Board Empowering and Loan Act, 1898, the Wairoa Harbour Board Empowering and Loan Act, 1909, and the Wairoa Harbour Board Empowering and Loan Act, 1919, and under any other Act, for the purpose of repaying the existing loans and interest thereon and all other necessary expenditure which but for the coming into force of this Act would have been paid by the Board from the proceeds of any such rates.

Provisions for
separate
Harbour
Account.

12. (1) All moneys received from any such rates so levied by the Council over the district as hereinbefore provided, and all other moneys whatsoever received by the Council in the exercise of the powers conferred on it by this Act, shall, until the present loan indebtedness of the Board is finally liquidated, be placed to the credit of a separate account, to be known as the Wairoa Harbour Account.

(2) From the funds in such account payment shall be made of all interest, instalments of principal, and other moneys due to the holders of debentures from the Board, and all costs, charges, administrative, and other expenses in connection with the administration of the district which, but for the passing of this Act, would have been borne and paid by the Board.

(3) If the funds in such account are at any time insufficient to meet the lawful charges thereon, the Council may transfer such sums as are necessary from its General Account to meet the same, and may at any time repay any sum so transferred out of any excess in the receipts over the liabilities of the Wairoa Harbour Account.

Annual
statements.

13. Notwithstanding anything to the contrary in section ninety-seven or in section one hundred of the Harbours Act, 1923, the annual statement and account required to be made pursuant to the said section ninety-seven—

(a) Shall, in respect of the period commencing on the first day of October, nineteen hundred and forty-six, be for a period of six months ending on the thirty-first day of March, nineteen hundred and forty-seven:

- (b) Shall, except as hereinbefore provided, be for the period of twelve months ending on the thirty-first day of March in each year:
- (c) Shall be in the form prescribed—
 - (i) Of all contracts entered into during the year;
 - (ii) Of all moneys received and paid during the year; and
 - (iii) Of all assets and liabilities as at the thirty-first day of March in each year:
- (d) Shall, in respect of any period after the first day of October, nineteen hundred and forty-six, be incorporated in and dealt with by the Council in the same manner as the balance-sheets and statements prepared by the Council pursuant to the Municipal Corporations Act, 1933.

14. The following provisions shall apply with respect to the special rates made and levied by the Board:—

- (a) Notwithstanding that the special rates levied by the Board on the seventh day of March, nineteen hundred and forty-six, was for the period commencing on the first day of October, nineteen hundred and forty-five, and ending on the thirtieth day of September, nineteen hundred and forty-six, the period for which all future rates shall be levied shall commence on the first day of April and end on the thirty-first day of March of the following year:
- (b) The rates for the period from the first day of October, nineteen hundred and forty-six, to the thirty-first day of March, nineteen hundred and forty-seven, shall be an amount equal to one-half of the amount of one year's rates, and may be demanded by the Council at the same time as it demands the special rates for the year commencing on the first day of April, nineteen hundred and forty-seven.

15. The special rates referred to in section eleven hereof shall, in so far as they relate to that portion of the district situate within the County of Wairoa, be collected by the Wairoa County Council on behalf of the Council without any fee or commission other than actual disbursements incurred in the collection thereof,

and the Council shall in the like manner not charge any fee or commission other than actual disbursements incurred in the collection of the special rates within that part of the district situate within the Borough of Wairoa. The amount of such disbursements shall in each case be settled by the Controller and Auditor-General.

No part of district to be included in any other harbour district without ratepayers' poll.

Application of revenues.

16. After the commencement of this Act no part of the district shall be included in the rating district of any other Harbour Board unless the proposal so to do has been carried at a poll of the ratepayers of such part of the district.

17. Any revenues derived by the Council and the Wairoa County Council from the properties vested in the Corporation and the County Corporation respectively by sections six and seven hereof shall, pending the final liquidation of any loan indebtedness of the Board, be applied in payment of all rates, insurances, and other outgoings payable in respect of the said properties, in expenses incurred in any way in the production of such revenues, and in the maintenance, preservation, and improvements of such properties, and the balance shall be paid annually into Wairoa Harbour Account as established under subsection one of section twelve hereof. Upon the final liquidation of the loan indebtedness of the Board such revenues shall become the property of the said Corporation and County Corporation respectively, and shall be applied towards such recreational, social, or community amenities as the Council and the Wairoa County Council may respectively decide.

Repeals.

18. (1) The enactments mentioned in the Fifth Schedule hereto are hereby repealed.

Saving.

(2) Notwithstanding the repeal of section thirty-one of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1915, all revenue accruing from the land described in subsection two of that section shall, after deducting the reasonable expenses of administration and all sums lawfully payable out of such revenue to any local authority, be paid to the credit of the Wairoa Harbour Account established under subsection one of section twelve hereof until the final liquidation of the loan indebtedness of the Board but no longer.

SCHEDULES

Schedules.

FIRST SCHEDULE

SPECIAL RATING DISTRICT

ALL that area in the Hawke's Bay and Auckland Land Districts, bounded by a line commencing at Mangapowhatu Trig. Station, and proceeding along the south-western boundary of the Gisborne Harbour District, as shown and delineated on plan marked M.D. 5505 and deposited in the office of the Marine Department at Wellington, to the sea at Whareongaonga; thence generally south-westerly along the sea-coast to a point opposite Trig. Station 98 in Block XVI, Waihua Survey District; thence to that Trig. Station and along a right line to the intersection of the Napier-Wairoa Road with the western boundary of Waihua 1b; thence along the western boundaries of Waihua 1b and 1c 10, and the southern and western boundaries of Subdivision 28, Mohaka No. 2, to a public road; thence north-westerly along that road, passing near Trig. Station 97 and XXVII to the southern boundary of Pihanui No. 2; thence south-westerly along that boundary and the south-eastern boundary of Putere 4b to the Mohaka River, up that river to the eastern boundary of Small Grazing-run 37, along the eastern and north-western boundaries of said Run 37 to Te Hoe River; thence along the western boundary of the Wairoa County as described in the *New Zealand Gazette*, 1918, page 941, and the western boundary of the Whakatane County as described in the *New Zealand Gazette*, 1918, page 941, to the southern boundary of Block XIII, Ahikereru Survey District; thence along the southern boundaries of Blocks XIV, XV, and XVI of the said Ahikereru Survey District, and the southern boundaries of Blocks XIII and XIV, Ruatahuna Survey District; thence in a straight line to Mangapowhatu Trig. Station, the point of commencement, as delineated on plan marked M.D. 5506 and deposited in the office of the Marine Department at Wellington.

SECOND SCHEDULE

LAND VESTED IN THE CROWN

ALL that area in the Hawke's Bay Land District, situated in Block X, Nuhaka Survey District, being the area extending between high- and low-water mark of the sea from the Waikokopu Harbour Reserve as described in the *New Zealand Gazette* No. 8 of 5th February, 1903, and being also all the land in certificate of title, H.B. Volume 30, folio 150; as the same is more particularly delineated on a plan marked M.D. 8551, deposited in the Head Office of the Marine Department at Wellington, and thereon edged green.

All that area in the Hawke's Bay Land District, Block VI, Clyde Survey District, containing by admeasurement 423 acres 0 roods 0 perches, being Section 1, Block VI, Clyde Survey District, and being also part of all the land in certificate of title, H.B. Volume 32, folio 93, except that taken for road and railway by Proclamations No. 1333 and No. 1337; as the same is more particularly delineated on a plan marked M.D. 8549, deposited in the Head Office of the Marine Department at Wellington, and thereon edged red.

THIRD SCHEDULE

LAND VESTED IN THE CORPORATION OF THE COUNTY OF WAIROA

ALL that area in the Hawke's Bay Land District, Block V, Clyde Survey District, containing by admeasurement 339 acres 0 roods 30 perches, being part Section 2, Block V, Clyde Survey District, and being also part of all the land in certificate of title, H.B. Volume 32, folio 93, except that taken for road and railway by Proclamations No. 1333 and No. 1337; as the same is more particularly delineated on plan marked M.D. 8549, deposited in the Head Office of the Marine Department at Wellington, and thereon edged red.

All that area in the Hawke's Bay Land District, containing by admeasurement 10 acres 0 roods 30 perches, situated in Block VI, Clyde Survey District, being part Subdivision 2, Ohuia No. 3 Block, and being all the land in certificate of title, H.B. Volume 30, folio 164, Hawke's Bay Registry; as the same is more particularly delineated on a plan marked M.D. 8552, deposited in the Head Office of the Marine Department at Wellington, and thereon edged green.

All that area in the Hawke's Bay Land District, containing by admeasurement 45 acres 0 roods 12 perches, situated in Block X, Nuhaka Survey District, and being parts of Blocks 1 and 3, Nuhaka Crown District, and being all the land in certificate of title, H.B. Volume 30, folio 168, Hawke's Bay Registry, except that taken for railway by Proclamations No. 1283 and No. 2015; as the same is more particularly delineated on a plan marked M.D. 8553, deposited in the Head Office of the Marine Department at Wellington, and thereon edged green.

All that area in the Hawke's Bay Land District, Block V, Clyde Survey District, containing by admeasurement 5 acres 3 roods 8 $\frac{3}{10}$ perches, being Section 4R and part Section 3R, Block V, Clyde Survey District, and being also all the land in certificate of title, H.B. Volume 91, folio 17, Hawke's Bay Registry, after deducting the land taken for road by Proclamation No. 1877, as the same is more particularly delineated on a plan marked M.D. 8554, deposited in the Head Office of the Marine Department at Wellington, and thereon edged red.

All that area in the Hawke's Bay Land District, Block X, Nuhaka Survey District, containing by admeasurement 14 acres 0 roods 11 perches, being part of Section 12, Block X, Nuhaka Survey District, and being also all the land in certificate of title, H.B. Volume 30, folio 170, Hawke's Bay Registry, except that taken for railway by Proclamation No. 2015; as the same is more particularly delineated on a plan marked M.D. 8550, deposited in the Head Office of the Marine Department at Wellington, and thereon edged red.

All that area in the Hawke's Bay Land District, Block I, Clyde Survey District, containing by admeasurement 204 acres 2 roods 33 perches, being the land taken for aerodrome as described in *New Zealand Gazette* No. 33 of 17th April, 1941, and being also all the land in certificate of title, H.B. Volume 106, folio 265; as the same is more particularly delineated on a plan marked M.D. 8555, deposited in the Head Office of the Marine Department at Wellington, and thereon edged green.

FOURTH SCHEDULE

LAND VESTED IN THE CORPORATION OF THE BOROUGH OF WAIROA

ALL that area in the Hawke's Bay Land District, containing by admeasurement 23 acres 1 rood 37 perches, being part Section 9, Block II, Clyde Survey District, and being part of the land included in certificate of title, H.B. Volume 32, folio 93; as the same is more particularly delineated on a plan marked M.D. 8549, deposited in the Head Office of the Marine Department at Wellington, and thereon edged red.

All that area in the Hawke's Bay Land District, Block V, Clyde Survey District, containing by admeasurement 6 acres 2 roods 20 perches, being Section 1, Block V, Clyde Survey District, and being also all the land in certificate of title, H.B. Volume 30, folio 169, held in trust as a pilot-station pursuant to section 38 of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1921-22, as the same is more particularly delineated on a plan marked M.D. 8556, deposited in the Head Office of the Marine Department at Wellington, and thereon edged red.

All that area in the Hawke's Bay Land District, Block V, Clyde Survey District, containing by admeasurement 1 acre 1 rood 38 perches, being part Rural Section 17, Clyde, Lot 2, deposited plan 3350, and being also all the land in certificate of title, H.B. Volume 87, folio 283, Hawke's Bay Registry; as the same is more particularly delineated on a plan marked M.D. 8557, deposited in the Head Office of the Marine Department at Wellington, and thereon edged red.

All that area in the Hawke's Bay Land District, Borough of Wairoa, containing by admeasurement 11.2 perches, being parts of Town Sections 431 and 432, Town of Clyde, and being all the land in certificate of title, H.B. Volume 30, folio 178, Hawke's Bay Registry; as the same is more particularly

delineated on a plan marked M.D. 8558, deposited in the Head Office of the Marine Department at Wellington, and thereon edged green.

All that area in the Hawke's Bay Land District, Borough of Wairoa, containing by admeasurement 26 perches, more or less, being Section 831, Township of Clyde, and being all the land in certificate of title, H.B. Volume 32, folio 84, Hawke's Bay Registry; as the same is more particularly delineated on plan marked M.D. 8549, deposited in the Head Office of the Marine Department at Wellington, and thereon edged red.

FIFTH SCHEDULE

ENACTMENTS REPEALED

1898, No. 26 (Local)—

Wairoa Harbour Board Empowering and Loan Act, 1898.

1909, No. 28 (Local)—

Wairoa Harbour Board Empowering and Loan Act, 1909.

1915, No. 68—

The Reserves and other Lands Disposal and Public Bodies Empowering Act, 1915: Section 31.

1918, No. 11 (Local)—

Wairoa Harbour Board Empowering and Loan Act, 1918.

1919, No. 13 (Local)—

Wairoa Harbour Board Empowering and Loan Act, 1919.

1920, No. 75—

The Reserves and other Lands Disposal and Public Bodies Empowering Act, 1920: Sections 30 and 31.

1921, No. 5—

Finance Act, 1921: Sections 18 and 19.

1921-22, No. 59—

The Reserves and other Lands Disposal and Public Bodies Empowering Act, 1921-22: Sections 37, 38, and 39.

1923, No. 40—

The Harbours Act, 1923: So much of the First Schedule as relates to the Wairoa Harbour Board.