



THE NELSON HARBOUR BOARD ORDER 1968

ARTHUR PORRITT, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 29th day of July 1968

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Local Government Commission Act 1967, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

ORDER

1. Title and commencement—(1) This order may be cited as the Nelson Harbour Board Order 1968.

(2) This order shall come into force on the 1st day of August 1968.

2. Nelson Harbour District—The Nelson Harbour District shall hereafter comprise the area constituted as that district by section 7 of the Nelson Harbour Act 1905 (as amended by section 84 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1923), together with the Borough of Motueka and that part of the Waimea Division of the County of Waimea not already included in the district of the Nelson Harbour Board before the commencement of this order.

3. Membership of Nelson Harbour Board—(1) Subject to clause 4 of this order, the Nelson Harbour Board (hereinafter referred to as the Board) shall consist of 12 elected members, to be elected as follows:

- (a) Five by the electors of the City of Nelson:
- (b) Five by the electors of the County of Waimea:
- (c) One by the electors of the Borough of Richmond:
- (d) One by the electors of the Borough of Motueka.

(2) The first election of members of the Board as constituted by subclause (1) of this clause shall be held on the 12th day of October 1968.

4. Membership of Board pending next general election—(1) Until the members of the Board elected at that election come into office, the Board shall consist of 12 members, as follows:

- (a) Ten members elected by the electors specified in relation to the Board in the First Schedule to the Harbours Act 1950:
- (b) One member appointed by the Waimea County Council:
- (c) One member appointed by the Motueka Borough Council.

(2) The persons who were members of the Board immediately before the commencement of this order shall continue in office as members of the Board under paragraph (a) of subclause (1) of this clause after the commencement of this order, and shall hold office, unless they sooner vacate office pursuant to the provisions of any enactment, until the members of the Board elected at the general election of members of the Board to be held on the 12th day of October 1968 come into office.

5. Functions of Waimea County Council in respect of Motueka Harbour transferred to Board—The Waimea County Council shall cease to exercise the powers and functions of a Harbour Board within the Motueka Harbour District, and, subject to this order, all the powers, functions, contracts, rights of action and other rights, obligations, and liabilities of the Waimea County Council in relation to the Motueka Harbour District shall become the powers, functions, contracts, rights, obligations, and liabilities of the Board without the necessity of any instrument of transfer, assignment, or other assurance.

6. Endowments—(1) Subject to subclause (3) of this clause, on the commencement of this order all land vested in the Corporation of the County of Waimea (hereinafter referred to as the said Corporation) as an endowment in respect of the Motueka Harbour, and all money (whether in cash or in any bank account) and investments of the Waimea County Council in its capacity as the Motueka Harbour Board, shall remain vested in the said Corporation.

(2) All such endowment land, money, and investments and the income thereof shall be controlled by a joint committee established under section 76 of the Counties Act 1956, and comprising two persons appointed by the Waimea County Council and one person appointed by the Motueka Borough Council.

(3) All such money and the income from time to time derived from any endowment land or investments vested in the said Corporation by virtue of this clause or from the investment of the proceeds of any realisation of any such land or investments shall be applied—

- (a) First, in the maintenance and improvement of any of that endowment land vested in the said Corporation;
- (b) Second, as to such part thereof as is not for the time being required for the purposes specified in paragraph (a) of this subclause, to any maintenance and development of the Motueka Harbour required by the Nelson Harbour Board; and

- (c) Third, as to such part thereof as is not for the time being required for the purposes specified in paragraphs (a) and (b) of this subclause, towards payment of any levies payable to the Board pursuant to the Harbours Act 1950 or any other Act by the local authorities whose district or any part thereof formed part of the Motueka Harbour District immediately before the commencement of this order. Any amount payable on behalf of those local authorities pursuant to this subclause shall be apportioned to those several local authorities in the proportions that the levy required to be paid by each of them bears to the total amount of the levies required to be paid by all of them.

7. Vesting of other property—(1) All real and personal property (other than property to which clause 6 of this order applies) and rights vested in the said Corporation in its capacity as a Harbour Board in relation to the Motueka Harbour District is hereby, as from the commencement of this order, vested in the Nelson Harbour Board.

(2) Where any real property is vested in the Board by subclause (1) of this clause, section 99A of the Land Transfer Act 1952 (as inserted by section 11 of the Land Transfer Amendment Act 1966) shall apply accordingly, but no fee shall be payable in respect of any application under the said section 99A.

(3) Where any other property and any rights are vested in the Board by subclause (1) of this order, and the title of the said Corporation is or should have been entered in any register required by law to be kept, the person whose duty it is to keep the register shall, on the request in writing of the Board and on being satisfied by statutory declaration or otherwise of the title of the said Corporation, enter in the register without payment of any fee the name of the Board as the owner of the property or rights instead of the said Corporation.

8. Liability for rates—No rateable property situated in the area that immediately before the commencement of this order did not form part of the Nelson Harbour District (as constituted immediately before the commencement of this order)—

- (a) Shall be liable as security for the repayment of any loan which immediately before the commencement of this order constituted a liability of the Board, or of any loan raised by the Board after the commencement of this order for the renewal or conversion of any such first-mentioned loan, or of any loan raised by the Board after the commencement of this order under the authority of a special Act passed before the commencement of this order; or
- (b) Be liable for any rates that after the commencement of this order may be made and levied by the Board, or may be directed by the Board to be made and levied, in respect of any such loan.

9. Bylaws, rates, and charges—All bylaws and scales of rates and charges in force in respect of the Motueka Harbour immediately before the commencement of this order shall continue in force after the commencement of this order and apply in respect of that harbour as if they were bylaws made by the Nelson Harbour Board, or, as the case may

be, were fixed by bylaws made by that Board, until bylaws are made by the Board in substitution therefor, and shall after the commencement of this order be enforceable by the Board accordingly.

10. Works, matters, and proceedings pending—All works, matters, and proceedings commenced by or against the Waimea County Council or the said Corporation in relation to the Motueka Harbour and pending or in progress at the commencement of this order may be continued and completed by or against the Board.

11. Revocation—The Motueka Harbour Board Order 1966* is hereby revoked.

P. J. BROOKS,
Clerk of the Executive Council.

**Gazette*, 24 February 1966, p. 270

EXPLANATORY NOTE

This note is not part of the order, but is intended to indicate its general effect.

This order gives effect to a final scheme of the Local Government Commission providing for the transfer from the Waimea County Council to the Nelson Harbour Board of the control of the Motueka Harbour and incidental matters.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 1 August 1968.

This order is administered in the Department of Internal Affairs.