

Version
as at 1 December 1974



Nelson Harbour Board Order 1968
(SR 1968/135)

Nelson Harbour Board Order 1968: revoked, on 1 December 1974, pursuant to section 197(1) of the Local Government Act 1974 (1974 No 66).

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.

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This order is administered in the Department of Internal Affairs.

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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 1 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

[Revoked]

Clause 3: revoked, on 19 November 1971, by section 11(3) of the Harbours Amendment Act (No 2) 1971 (1971 No 58).

4 Membership of Board pending next general election

[Revoked]

Clause 4: revoked, on 19 November 1971, by section 11(3) of the Harbours Amendment Act (No 2) 1971 (1971 No 58).

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), 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 2 persons appointed by the Waimea County Council and 1 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), 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), 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 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), 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), 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 (*Gazette*, 24 February 1966, p 270) is hereby revoked.

P J Brooks,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 1 August 1968.

Notes

1 *General*

This is a consolidation of the Nelson Harbour Board Order 1968 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Local Government Act 1974 (1974 No 66): section 197(1)

Harbours Amendment Act (No 2) 1971 (1971 No 58): section 11(3)