

## New Zealand



### ANALYSIS

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### 1940, No. 5—*Local and Personal*

AN ACT to provide for the Dissolution of the Mokau Harbour Board and the Transfer of the Functions of the said Board to the Waitomo County Council, and to make certain Incidental Provisions. Title.

[6th December, 1940

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

1. (1) This Act may be cited as the Mokau Harbour Act, 1940. Short Title.

(2) This Act shall be deemed to have come into force on the first day of October, nineteen hundred and forty. Commencement.

Interpretation.

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

See Reprint  
of Statutes,  
Vol. III, p. 568

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

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

“Council” means the Waitomo County Council:

“Special rating district” means the 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.

Abolition of  
Mokau Harbour  
District.

4. The Mokau Harbour District is hereby abolished and the Mokau Harbour Board is hereby dissolved.

Waitomo  
County Council  
to exercise  
powers of  
Harbour 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 commencement 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.

Assets and  
liabilities of  
Board  
transferred to  
Waitomo  
County.

6. (1) All property, real and personal, belonging to the Board is hereby vested in the Corporation of the County of Waitomo for the estate or interest of the Board therein.

(2) All rates 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.

Saving of  
appointments,  
&c.

7. 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.

8. In respect of any real property vested in the Corporation pursuant to section six hereof, the following provisions shall apply:—

Corporation to be registered as proprietor of lands.

(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 and without payment of any fee, 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.

See Reprint of Statutes, Vol. VII, p. 402

9. (1) The Council shall continue to make, levy, and collect over the special rating district such rates as the Board was empowered to make, levy, and collect under the Mokau Harbour Board Empowering Act, 1912, for the purpose of repaying loans raised by the Board and interest thereon and of paying all other moneys which but for this Act would have been payable by the Board from the proceeds of those rates.

Council to continue to levy rates over special rating district. 1912 (Local), No. 4

(2) The following provisions shall apply with respect to the special rate made and levied by the Board on the twelfth day of July, nineteen hundred and thirteen, for a period of thirty-six and one-half years commencing on the first day of September, nineteen hundred and thirteen:—

(a) The annual instalments of the rate shall hereafter become payable on the first day of April in each year instead of the first day of September as heretofore:

(b) The instalment becoming payable on the first day of April, nineteen hundred and forty-one, shall be an amount equal to seven-twelfths of the amount of each annual instalment:

(c) The instalment which became payable on the first day of September, nineteen hundred and forty, may be demanded by the Council at the same time as it demands the instalment becoming payable on the first day of April, nineteen hundred and forty-one.

Provisions for  
separate  
Harbour  
Account.

10. (1) All moneys received by the Council in respect of any rates under the last preceding section, and all other moneys received by the Council in respect of any land or other property which is by this Act vested in the Corporation shall, until the total amount of the loans raised by the Board has been repaid, be placed to the credit of a separate account, to be known as "the Mokau Harbour Account".

(2) From the funds in that 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 which but for this Act would have been borne and paid by the Board.

Repeals.

11. (1) The enactments mentioned in the Second Schedule hereto are hereby repealed.

Saving.

(2) Notwithstanding the repeal of section eighty-six of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1916, that portion of the Mokau River that is thereby declared to be a public highway shall continue to be a public highway and to be an existing road within the meaning of section one hundred and twenty-five of the Public Works Act, 1928.

See Reprint  
of Statutes,  
Vol. VII, p. 678

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## SCHEDULES.

Schedules.

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### FIRST SCHEDULE.

#### SPECIAL RATING DISTRICT.

ALL that area in the Auckland and Taranaki Land Districts bounded towards the north by the Awakino River from the sea to the north-eastern boundary-line of Section No. 2, Block X, Awakino North Survey District, produced to the river; thence towards the north-east to and by the north-eastern boundary of the said Section No. 2 to the south-eastern corner thereof; thence towards the south-east by the south-eastern boundary-line of same Section No. 2 and the south-eastern boundary-line of part of Section No. 1 (scenic reserve), Block X, Awakino North Survey District, to Te Horo Totara; towards the north-west by north-west boundary of western portion Mangaawakino No. 4 to the Kaipaku

Stream; thence towards the east generally by the Kaipaku and Mangaawakino Streams to the Mokau River; thence towards the north-east by the Mokau River to the eastern boundary-line of Section No. 13, Mokau-Mohakatino No. 1<sup>st</sup> Block; thence towards the east by the eastern boundary-line of Section No. 13 aforesaid to the south-eastern corner of the same section; thence by the south-western boundary of Section No. 15 and the Purupuru Road to the north-eastern corner of Section No. 22, Mokau-Mohakatino No. 1<sup>st</sup> Block; thence by the eastern boundary of that section to the Mohakatino River; thence by the Mohakatino River to the sea; and thence towards the west by the Tasman Sea to the Awakino River, the point of commencement: as the said area is more particularly shown edged red on plan marked M.D. 4662, and deposited in the office of the Marine Department at Wellington.

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## SECOND SCHEDULE.

### ENACTMENTS REPEALED.

- 1900, Local, No. 31.—The Mokau Harbour Board Act, 1900.  
1912, Local, No. 4.—The Mokau Harbour Board Empowering Act, 1912.  
1915, No. 68.—The Reserves and other Lands Disposal and Public Bodies Empowering Act, 1915: Section 112.  
1916, No. 14.—The Reserves and other Lands Disposal and Public Bodies Empowering Act, 1916: Section 86.  
1917, No. 26.—The Reserves and other Lands Disposal and Public Bodies Empowering Act, 1917: Section 51.  
1923, No. 40.—The Harbours Act, 1923: So much of the First Schedule as relates to the Mokau Harbour Board.
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