

New Zealand



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1946, No. 8—*Local and Personal*

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.

[2nd 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 Waimakariri Harbour Act, 1946, and shall come into force on the first day of April, nineteen hundred and forty-seven.

2. 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.

Short Title
and
commencement.

Interpretation.

Special Act.

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

Harbour Board dissolved.

4. The Waimakariri Harbour Board is hereby dissolved.

Transfer of functions to Borough Council.

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, or 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.

Vesting of property generally.

6. (1) With the exception of the lands described in the First and Second Schedules hereto 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.

Vesting certain lands as reserves.

7. (1) The land described in the First Schedule hereto is hereby vested in the Corporation as a reserve for the purpose of public gardens and pleasure grounds.

(2) The land described in the Second Schedule hereto is hereby vested in the Corporation as a reserve for a servicemen's monument and memorial garden.

Acts of Harbour Board to enure.

8. 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.

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

Special
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, 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. (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.

Accounts.

(2) One-third of the income of the Waimakariri Harbour Account shall, for a period of twenty years, be utilized exclusively as a fund for the rebuilding and replacement of the buildings known as Hansens Buildings which have become vested in the Corporation under section six hereof.

(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 one year exceed one-third of the income thereof.

11. The enactments mentioned in the Third Schedule hereto are hereby repealed. Repeals.

Schedules.

SCHEDULES

FIRST SCHEDULE

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.

SECOND SCHEDULE

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.

THIRD SCHEDULE

ENACTMENTS REPEALED

1906, Local No. 5—

The Waimakariri Harbour Board Loan Act, 1906.

1916, Local, No. 9—

The Waimakariri Harbour District and Empowering Act, 1916.

1917, Local, No. 11—

The Waimakariri Harbour District and Empowering Amendment Act, 1917.

1919, Local, No. 14—

The Waimakariri Harbour Board Reserve Act, 1919.

1924, Local, No. 22—

The Waimakariri Harbour District and Empowering Amendment Act, 1924.