

ately before the commencement of this order, and the Mayor of the district shall be the person who held office as Mayor of the Borough of Hawera immediately before the commencement of this order; and the Deputy Mayor of the district shall be the person who held office as Chairman of the County of Hawera immediately before the commencement of this order; and in the event of a vacancy on the district council prior to the said next triennial general election of members of local authorities, the district may either fill the vacancy by appointment or leave it vacant according to the recommendation of the councillors of the Hawera ward, if the vacancy relates to that ward, or according to the recommendation of the councillors of the remaining wards collectively if the vacancy relates to one of those wards.

8. Mayor and principal officer—The duties, powers, and functions of the Mayor of the former Borough of Hawera and the Chairman of the former County of Hawera shall be exercised by the Mayor of the district council; and the duties, powers, and functions of the Town Clerk of the former Borough of Hawera and the County Clerk of the former County of Hawera shall be exercised by the principal officer of the district council.

9. First meeting of district council—The first meeting of the district council shall be convened by the person holding the office of Town Clerk of the Hawera Borough Council immediately before the commencement of this order.

10. Municipal Corporations Act 1954 and Counties Act 1956 applied—(1) The provisions of sections 219A, 237A, 302, 303, 304, 330A, and 351C of the Municipal Corporations Act 1954 shall apply to the district as if it were a borough and to the district council as if it were a borough council; and except as otherwise provided in this order the provisions of the Counties Act 1956 except those of section 28 of the Counties Amendment Act 1961, shall apply to the district as if it were a county and to the district council as if it were a county council.

(2) Subject to subclause (1) of this clause, the provisions of the Counties Act 1956, the Municipal Corporations Act 1954, and of any other Act shall be modified to apply to the district and the district council as if:

- (a) references to a riding and a county chairman were references to a ward and a mayor respectively;
- (b) references to section 28 of the Counties Amendment Act 1961 were references to section 351C of the Municipal Corporations Act 1954; and
- (c) references in section 351C of the Municipal Corporations Act 1954 to section 351A of that Act were references to section 23 of the Counties Amendment Act 1961.

11. District to be county and district council to be county council—Except as otherwise provided in this order, for the purposes of any enactment, the district shall be a county and the district council shall be a county council.

12. Rating—The system of rating in the district shall be the capital value system:

Provided that for a period of not less than 5 years the system of rating in the area of Hawera and Normanby wards of the district shall remain the land value system.

13. District to be borough for purposes of Rating Act 1967—For the purposes of section 5 of the Rating Act 1967 (relating to land not rateable) the district shall be deemed to be a borough.

14. Finance—(1) Except as otherwise provided herein, the accounts of the district council shall be kept in accordance with the provisions of the Local Government Accounting Regulations 1974.

(2) Subject to the provisions of the Taranaki Harbours Act 1965, the Patea Harbour Endowment Fund held by the Corporation of the County of Hawera at the date of commencement of this order shall be expended only for the benefit of the ratepayers and residents of the Normanby, Ohangai and Okaiawa wards.

(3) All other administrative accounts, works and services accounts, and special fund accounts of the uniting authorities at the date of commencement of this order shall be merged to operate as accounts of the district council by not later than the 31st day of March next after the commencement of this order.

(4) The loan liabilities existing at the date of commencement of this order shall continue to be secured against the areas over and for which they were secured at that date.

15. Petroleum Tax—For the purposes of Part XI of the Local Government Act 1974, the district council is hereby declared to be the successor of the uniting authorities.

16. Town and Country Planning—In terms of section 63 of the Town and Country Planning Act 1977 the district council shall not be required forthwith to prepare a new district

scheme for the whole of the district but the district council shall proceed forthwith to complete the review of the existing district scheme for that part of the district comprising the Hawera County prior to union; and the first review of the combined scheme shall be completed no later than 4 December 1979.

17. Functions of district council—Except as otherwise provided in this order the district council shall have, and may exercise and be responsible for—

- (a) All the powers, duties, acts of authority, and functions which were previously exercised by the uniting authorities or would have been so exercised by them if they had remained in existence or in control of their districts;
- (b) All the liabilities, obligations, engagements, and contracts which were previously the responsibility of the uniting authorities, or for which they would have been responsible if they had remained in existence or in control of their districts;
- (c) All actions, suits, and proceedings pending by or against the uniting authorities or that would have been the responsibility of the uniting authorities if they had remained in existence or in control of their districts.

18. Property—All property, real and personal, vested in the corporations of the districts of the uniting authorities, is hereby vested, subject to all existing encumbrances, in the Corporation of the district.

19. Land—All land vested in the corporations of the districts of the uniting authorities, is hereby vested, subject to all existing encumbrances, in the Corporation of the district.

20. Bylaws—All bylaws in force in the districts of the uniting authorities which are applicable to the altered circumstances shall become bylaws of the district council, and, until revoked or altered by the district council, every such bylaw shall remain in force in the area in which it was in force immediately before the commencement of this order, and every bylaw which cannot be restricted to that area or which is not applicable to the altered circumstances shall be deemed to be revoked by this order.

21. Rates or levies—All rates or levies and other money payable in respect of the uniting authorities are hereby due and payable to the district council.

22. Creditors—Subject to section 37F of the Local Government Act 1974, the rights or interests of creditors of any district affected by this order shall not be affected.

23. Records—The valuation rolls, electoral rolls, and rate records in force in the districts of the uniting authorities shall continue in force in the district until such rolls or records are made by the district council, and until that time Part IX of the Rating Act 1967 shall apply as if the district was the district of a special-purpose authority and the areas from which it was formed were constituent districts.

24. Taranaki Harbours Act 1965—For the purposes of the Taranaki Harbours Act 1965, and in particular to section 12 (3) thereof, the district council shall be the successor to the uniting authorities; and reference in that section to the Hawera Borough shall be read as a reference to the Hawera Ward, and reference to the Hawera County shall be read as a reference to the Normanby, Ohangai, and Okaiawa wards collectively.

P. G. MILLEN, Clerk of the Executive Council.

(I.A. 104/90)

Member of the New Zealand Historic Places Trust Appointed

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 11th day of September 1978

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 5 (2) of the Historic Places Act 1954, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby appoints

Roger Curtis Green

to be a member of the New Zealand Historic Places Trust for a term of office expiring on 31 March 1980.

P. G. MILLEN, Clerk of the Executive Council.

(I.A. Cul. 10/4/2)