

- (c) Shall have and may exercise and be responsible for all actions, suits, and proceedings pursuant to sections 5 and 68 of the Wellington Regional Water Board Act 1972, pending by or against, or which would have been, the responsibility of the Wellington Regional Council from whose water region the area is hereby excluded;
- (d) Shall succeed to the bylaws in respect of functions pursuant to sections 5 and 68 of the Wellington Regional Water Board Act 1972 which are in force and which are applicable to its altered circumstances, and, until revoked or altered by such authority, every such bylaw shall remain in force in the area in which it was in force immediately before the alteration of boundaries; and every bylaw which cannot be restricted to the area shall be deemed inapplicable and revoked in respect of the area by the alteration of boundaries;
- (e) Shall succeed to all levies and other money in respect of functions pursuant to sections 5 and 68 of the Wellington Regional Water Board Act 1972, or apportionable to those functions, payable to the Wellington Regional Council from whose water region the area is hereby excluded.

6. Chairman, secretary and principal administrative officer—The chairman and secretary of the Manawatu Catchment Board and Regional Water Board shall in respect of the area described in the First Schedule to this order exercise the duties, powers and functions pursuant to sections 5 and 68 of the Wellington Regional Water Board Act 1972 of the chairman and principal administrative officer of the Wellington Regional Council from whose water region the area is hereby excluded.

7. Vesting of land—The Manawatu Catchment Board and Regional Water Board shall have vested in it, subject to all existing encumbrances, all the land described in the Second Schedule to this order.

8. Rating—Until the rating year first following completion by the Manawatu Catchment Board and Regional Water Board of the classification, for rating purposes, of the area of land referred to in the First Schedule to this order, the Manawatu Catchment Board and Regional Water Board may levy, and recover from the Kapiti Borough Council and the Horowhenua County Council contributions for the net cost of any works and/or services undertaken within the area described in the First Schedule to this order.

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

PART II

ABOLITION OF OUT-DISTRICT

10. Abolition of out-district—(1) The out-district of the Wellington Region under the jurisdiction of the Wellington Regional Council shall be abolished.

(2) Clause 8 of the Wellington Region Constitution Order 1980 is hereby revoked.

PART III

WATER SUPPLY

11. Commencement of this Part—Except to the extent necessary to enable charges to be established by the joint committee established in accordance with subclause (2) of clause 12 of this order for the supply of water in bulk this Part shall come into force on the 1st day of April 1982.

12. Water supply—(1) The Kapiti Borough Council and the Horowhenua County Council jointly shall be responsible for the supply of water in bulk to the Borough of Kapiti and the Waikanae Community of Horowhenua County, together with such additional area or areas as may from time to time be agreed by resolution of the joint committee established in accordance with subclause (2) of this clause.

(2) For the purpose of the supply of water in bulk a joint committee of Kapiti Borough Council and Horowhenua County Council, which shall comprise 4 persons, of whom 2 shall be appointed by resolution of the Kapiti Borough Council and 2 by resolution of the Horowhenua County Council on the recommendation of the Waikanae District Community Council, shall be established and maintained.

13. Part XXIII of Local Government Act 1974 to apply—The Kapiti Borough Council shall provide all services and facilities required for the supply of water in bulk in accordance with the recommendation of the joint committee and for the purposes of such supply the provisions of Part XXIII of the Local Government Act 1974 shall, with appropriate modifications, apply.

14. Land and assets—(1) The land and assets described in the Third Schedule to this order shall vest in the Kapiti Borough Council and the Horowhenua County Council as tenants in common in unequal shares of 75 percent to Kapiti Borough Council and 25 percent to Horowhenua County Council.

(2) The assets described in the Fourth Schedule to this order shall vest in the Kapiti Borough Council.

(3) The assets described in the Fifth Schedule to this order shall vest in the Horowhenua County Council.

15. Transfer of sundry plant and equipment, etc.—Notwithstanding clause 14 of this order sundry plant and equipment, stocks of chemicals and related materials of the Wellington Regional Council used or proposed to be used exclusively in relation to the waterworks supplying Kapiti Borough and the Waikanae Community of Horowhenua County shall be transferred to the Kapiti Borough Council at agreed valuation.

16. Transitional provisions—(1) In respect of the assets described in the Third, Fourth, and Fifth Schedules to this order and in carrying out its responsibilities under clause 13 of this order the Kapiti Borough Council:

- (a) Shall have and may exercise and be responsible for all of the powers, duties, acts of authority, and functions which were previously exercised or which would have been so exercised, by the Wellington Regional Council;
- (b) Shall, subject to clause 17 of this order, have and may exercise and be responsible for all liabilities, obligations, engagements, and contracts which previously were, or which would have been, the responsibility of the Wellington Regional Council;
- (c) Shall have and may exercise and be responsible for all actions, suits, and proceedings pending by or against, or which would have been, the responsibility of the Wellington Regional Council;
- (d) Shall succeed to the bylaws which are in force and which are applicable to its altered circumstances, and, until revoked or altered by such authority shall remain in force;
- (e) Shall succeed to all charges and other money payable to the Wellington Regional Council in respect of the supply of water in bulk to the area described in the First Schedule to this order.

(2) For the purposes of any matters arising from subclause (1) of this clause in respect of the supply of water in bulk to the area referred to in clause 12 of this order, the mayor and principal administrative officer of the Kapiti Borough Council shall, on the recommendation of the joint committee, exercise the duties, powers and functions of the chairman and principal administrative officer of the Wellington Regional Council.

17. Section 37F of Local Government Act 1974 to apply—The provisions of section 37F of the Local Government Act 1974 shall, with appropriate modifications apply as if the vesting of assets pursuant to clause 14 of this order were a transfer of part of a function to another local authority pursuant to subsection 2 (a) (iv) of section 37F of that Act.

FIRST SCHEDULE

AREA TO BE EXCLUDED FROM THE WELLINGTON WATER REGION AND INCLUDED IN THE MANAWATU CATCHMENT DISTRICT

ALL that area in the Wellington Land District, Horowhenua County and Kapiti Borough, bounded by a line commencing at a point on the Mean High Water Mark of the sea in line with the south-western boundary of Lot 4, D.P. 2392, in Block V, Kaitawa Survey District, and proceeding generally south-easterly to and along the generally south-western boundaries of the said Lot 4 and Lot 3, D.P. 2392, to the western side of No. 1 State Highway and its production to the eastern side of the North Island Main Trunk Railway; thence southerly along that boundary to the south-west corner of Section 9, Block VI, Kaitawa Survey District; thence south-easterly and generally north-easterly along the south-western and generally south-eastern boundaries of the said Section 9, Lot 2, D.P. 40552, and Lot 2, D.P. 43256, to the south-western boundary of Section 14, Block VII, Kaitawa Survey District; thence south-easterly along that boundary to the western watershed of the Waikanae River; thence northerly, easterly and southerly along the western, northern and eastern watershed of the Waikanae River; passing through Trig Station A, Kapakapanui, to the north-western corner of Lot 6, D.P. 10208, in Block III, Aakatarawa Survey District; thence southerly along the western boundary of the said Lot 6 and its production to the middle of an unnamed road, being the southern boundary of Section 3, Block III, Akatarawa Survey District; thence generally westerly along the middle of that road to a point in line with the generally southern boundary