

**112 TITLE TO PROPERTY**

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Kaikoura District Council by clause 111 of this order shall, unless the context otherwise requires, be read as a reference to "The Kaikoura District Council".

**PART VII****Marlborough Harbour Board****113 MARLBOROUGH HARBOUR BOARD TO CONTINUE**

The Marlborough Harbour Board, as constituted by the Marlborough Harbours Act 1958, shall continue:

Provided that the Schedule to the Harbours Act 1950 entitled "Constitution of the Boards" shall, in the item dealing with the Marlborough Harbour Board, be deemed to read—

*"Board and Number of Members*

Marlborough Harbour Board, Twelve members.

*"By whom Members Elected*

Eleven by the electors of the Marlborough District, of whom 5 shall be elected by the electors of the Awatere, Sounds, and the Wairau Wards of that District; 4 by the electors of the Blenheim Ward of that District; and 2 by the electors of the Picton Ward of that District; and 1 by the electors of the Kaikoura District."

**114 MARLBOROUGH HARBOUR BOARD NOT TO BE A MARITIME PLANNING AUTHORITY**

(1) In accordance with the provisions of the First Schedule to the Local Government Amendment Act (No 3) 1988, and notwithstanding the provisions of section 98 of the Town and Country Planning Act 1977, the Marlborough Harbour Board shall not, after the coming into effect of this clause, continue to be the Maritime Planning Authority for the Marlborough Sounds Maritime Planning Area.

(2) Any reference in the order in council constituting the Marlborough Sounds Maritime Planning Area and appointing the Marlborough Harbour Board to be the Maritime Planning Authority thereof, published in the *Gazette* of 1980 at page 2553, to the Marlborough Harbour Board, shall be deemed to be a reference to the Nelson-Marlborough Regional Council constituted by Part II of this order.

**115 VESTING DEBT OF HARBOUR BOARD IN REGIONAL COUNCIL**

That an interest, to the face value of \$1 137 000 in the debt owed by the Port of Marlborough (New Zealand) Limited to the Marlborough Harbour Board pursuant to section 9 of the Port Companies Plan dated the 21st day of July 1988, shall be transferred by that Board to the Nelson-Marlborough Regional Council, for the purpose of funding all or part of the cost to that Council in relation to its function as the Maritime Planning Authority for the Marlborough Sounds Maritime Planning Area.

**PART VIII****Nelson Harbour Board****116 VESTING OF PROPERTY**

(1) This clause shall apply to that property, real and personal, vested in the Nelson Harbour Board as at the 31st day of October 1989.

(2) Subject to subclauses (6), (8), (9) and (10) of this clause, all property:

(a) Which is vested in the Nelson Harbour Board as at the 31st day of October 1989; and

(b) Which—

(i) Is a reserve under the Reserves Act 1977; or

(ii) Is principally used for recreational purposes, whether or not it is a reserve under the Reserves Act 1977; or

(iii) Is a marina, wharf, jetty, boat ramp or other harbour facility, used principally for recreational purposes; or

(iv) Is an item of plant or equipment used principally in association with the maintenance, use or operation of the facilities referred in subparagraphs (i) or (ii) or (iii) of this paragraph,

is hereby vested in the territorial authority, in whose district it is situated, for the purpose for which it is so reserved, or, where there is no such purpose, for the purposes of any function transferred by this order to that territorial authority.

(3) Subject to subclauses (6), (8), (9) and (10) of this clause, all that property which is vested in the Nelson Harbour Board as at the 31st day of October 1989 which is situated in any territorial district, as constituted by this order, and which is adjacent to any harbour or the sea is hereby vested in the territorial authority in whose district it is situated.

(4) Where there is any dispute over whether any property comes within a category of property referred to in this clause, the matter shall be referred to the Local Government Commission for determination.

(5) Subject to subclauses (8) to (10) of this clause, any property which is vested in the Nelson Harbour Board as at the 31st day of October 1989 and which does not come within a category of property referred to in subclause (2) or subclause (3) of this clause is hereby vested in the Nelson-Marlborough Regional Council.

(6) Notwithstanding anything in subclauses (2) and (3) of this clause, but subject to subclauses (9) and (10) of this clause, any land which is vested in the Nelson Harbour Board as at the 31st day of October 1989 and which is below the mean high water mark is hereby vested in the Nelson-Marlborough Regional Council.

(7) For the purposes of this clause, any property which is fixed to, or under or over, any land which is below the mean high water mark, and which is used for, or in conjunction with, any purpose referred to in subclause (2) of this clause, and which is situated in the district of a territorial authority constituted by this order is hereby transferred to that territorial authority whether or not any interest in the land is also transferred.

(8) Without limiting the provisions of subclauses (2), (3), (5) and (6) of this clause, but subject to subclauses (9) and (10) of this clause:

(a) That property described in the Fourth Schedule to this order shall vest without cost in the Nelson City Council: and

(b) That property described in the Fifth Schedule to this order shall vest without cost in the Tasman District Council:

(c) That harbour facility described in the Sixth Schedule to this order shall vest without cost in the Nelson-Marlborough Regional Council,

and, notwithstanding paragraph (a) of this subclause, in respect of the marina described in Part I of the Fourth Schedule the vesting shall include:

(i) Any outstanding income and expenditure; and

(ii) Any stores, materials, plant and equipment, relating to those facilities, and that land.

(9) If any of the land specified in the Fourth, Fifth or Sixth Schedules to this order is, between the 9th day of June and the 31st day of October 1989, allocated to Port Nelson Limited pursuant to an approved port company plan within the meaning of the Port Companies Act 1988 then, notwithstanding subclause (8) of this clause, that land shall not vest in the local authority in which it has been vested by this clause.