

notwithstanding subclause (8) of this clause, that land shall not vest in the New Plymouth District Council.

(10) Notwithstanding anything in this clause, if, after the 31st day of October 1989:

(a) The Minister of Transport approves a port company plan within the meaning of the Port Companies Act 1988 pursuant to which any of the property, real or personal, identified in this clause is liable to be transferred to the Westgate Transport Port Taranaki Limited, the local authority which has received that property pursuant to this clause, shall transfer such property to the Westgate Transport Port Taranaki Limited at the cost of that company, subject to any appropriate adjustment for incomings and outgoings in relation to such property for the period beginning on the 1st day of November 1989 and ending on the date of the transfer of the property to the Westgate Transport Port Taranaki Limited; or

(b) Any approved port company plan is cancelled, withdrawn, re-issued or in any way altered and, as a result, property is deemed to be returned to the ownership (notional or otherwise) of the Taranaki Harbours Board that property shall be allocated under this order as if the property had been owned by the Taranaki Harbours Board on the 31st day of October 1989.

101 TITLE TO PROPERTY

Any reference, express or implied, to the Taranaki Harbours Board in any instrument or other document whatsoever, or in any entry or record made in any register in relation to any property whatsoever vested in any local authority by this order shall, unless the context otherwise requires, be read as a reference to that local authority.

102 WESTGATE TRANSPORT PORT TARANAKI LIMITED

All those shares in the Westgate Transport Port Taranaki Limited that are held by the Taranaki Harbours Board as at the 31st day of October 1989 are hereby vested in the Taranaki Regional Council.

103 LIABILITIES IN RESPECT OF PORT RELATED COMMERCIAL UNDERTAKINGS

(1) All those liabilities of the Taranaki Harbours Board as determined under section 29 of the Port Companies Act 1988 shall become liabilities of the Taranaki Regional Council.

(2) All those debt securities issued by the Westgate Transport Port Taranaki Limited to the Taranaki Harbours Board under section 29 of the Port Companies Act 1988 are hereby transferred to the Taranaki Regional Council.

104 RESIDUAL ASSETS AND LIABILITIES

All the assets and liabilities of the Taranaki Harbours Board as at the close of the 31st day of October 1989 for which provision for vesting is not otherwise made in this order are declared to be assets and liabilities of the Taranaki Regional Council.

PART VII

General

105 TRANSFER OF RESPONSIBILITIES

(1) Except as otherwise provided in this order, a local authority constituted by this order shall, in respect of the district of that local authority:

(a) Have and may exercise and be responsible for all the powers, duties, acts of authority and functions which were previously exercised, or which could have been so exercised, by the former authorities had they not been dissolved; and

(b) 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 former authorities had they not been dissolved; and

(c) 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 former authorities had they not been dissolved; and

(d) Succeed to the bylaws which are in force in the districts of the former authorities. Until revoked or altered by the newly constituted local authority each such bylaw shall remain in force in the area to which it applied immediately before the constitution of the district, and every bylaw which cannot be restricted to that area shall be deemed inapplicable and revoked by the dissolution of the former authorities; and

(e) Succeed to all rates and levies, and other money payable to the former authorities, had they not been dissolved; and

(f) Succeed to the valuation rolls and rate records in force in the districts of the former authorities. These shall remain in force in the district of the newly constituted local authority until new valuation rolls are made by that local authority.

(2) The Mayor or Chairperson of each local authority constituted by this order shall have and may exercise the functions, duties, and powers of the Mayors and Chairmen of the former authorities.

(3) The principal administrative officer of each local authority constituted by this order shall have and may exercise the functions, duties, and powers of the principal administrative officers of the former authorities.

106 CREDITORS

Subject to section 37F of the Local Government Act 1974, the rights or interests of creditors of the former authorities shall not be affected by this order.

107 LOCAL AUTHORITIES PETROLEUM TAX

For the purposes of Part XI of the Local Government Act 1974, the local authorities constituted by this order shall be successors to the former authorities.

108 SPECIAL FUNDS

(1) The special funds of the former authorities shall:

(a) Be expended only for the purposes for which they were set aside; and

(b) Except for any plant renewal fund, be expended for the benefit of the area in which they originated and, after provision has been made for all liabilities, any money required to be paid into any such fund, to meet any deficit, shall be found from within that area.

(2) After the 1st day of November 1996, the local authorities constituted by this order:

(a) Shall review any special fund provided for in subclause (1) of this clause; and

(b) May resolve that from a date to be determined by the council, such special fund may be applied for such other purpose or purposes as the council considers appropriate.

(3) Notwithstanding subclause (2) of this clause, the local authorities constituted by this order may at any time before the 1st day of November 1996, with the approval of the Local Government Commission, resolve to vary the use of any special funds.

(4) All funds held by the administering authorities of reserves under the Reserves Act 1977 shall be deemed to be special funds for the purposes of this clause.

(5) All funds held by the former Eltham Drainage Board shall be deemed to be a special fund of the South Taranaki District Council.

109 LOANS

Any rate made and levied to meet the annual charges in respect of any loan secured over the district of any of the