

purpose referred to in subclause (2) of this clause, and which is situated in the district of a territorial authority constituted by this order, shall be transferred to that territorial authority in whose district it is situated, whether or not any interest in the land is also transferred.

(9) Without limiting the provisions of subclauses (2), (3), (4), (6), and (7) of this clause, but subject to subclauses (10) and (11) of this clause:

(a) The land described in the Fourth Schedule to this order shall vest without cost in the North Shore City Council:

(b) The land described in the Fifth Schedule to this order shall vest without cost in the Waitakere City Council:

(c) The land described in the Sixth Schedule to this order shall vest without cost in the Auckland City Council:

(d) The land described in the Seventh Schedule to this order shall vest without cost in the Manukau City Council:

(e) The land described in the Eighth Schedule to this order shall vest without cost in the Papakura District Council:

(f) The land described in the Ninth Schedule to this order shall vest without cost in the Franklin District Council:

(g) The land described in the Tenth Schedule to this order shall vest without cost in the Auckland Regional Council,

(h) The land described in the Eleventh Schedule to this order shall vest without cost in the Auckland Regional Council and the Auckland City Council as Tenants in Common, with each respective interest in the land being:

(i) Auckland Regional Council seventy two and one half percent; and

(ii) Auckland City Council twenty seven and one half percent,

and, notwithstanding paragraphs (a), (b), (c), and (d) of this subclause, in respect of the marinas described in Part I of the Fourth, Fifth, Sixth and Seventh Schedules to this order and the land described in Part III of the Fourth and Sixth Schedules to this order, the vesting shall include any outstanding income and expenditure, and any stores, materials, plant and equipment, relating to those facilities, and that land.

(10) If any of the land specified in the Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth or Eleventh Schedules to this order is, between the 9th day of June 1989 and the 31st day of October 1989, allocated to the Ports of Auckland 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.

(11) 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 Ports of Auckland Limited the local authority which has received that property shall transfer such property to the Ports of Auckland 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 Ports of Auckland 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 Auckland Harbour Board, that property shall be allocated under this order as if the property had been owned by the Auckland Harbour Board on the 31st day of October 1989.

202 TITLE TO PROPERTY

Any reference, express or implied, to "The Auckland Harbour 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.

203 PORTS OF AUCKLAND LIMITED

(1) All those shares in the Ports of Auckland Limited that are held by the Auckland Harbour Board as at the 31st day of October 1989 are hereby vested in the Auckland Regional Council and the Waikato Regional Council as follows:

Twelve-fifteenths of the number of those shares shall be vested in the Auckland Regional Council:

Three-fifteenths of the number of those shares shall be vested in the Waikato Regional Council.

(2) Fifty-one percent of the shares vested in each local authority by subclause (1) of this clause shall be shares that belong to the class of shares referred to in section 7(1) of the Port Companies Act 1988.

(3) The other forty-nine percent of the shares vested in each local authority by subclause (1) of this clause shall be shares:

(a) Which carry voting rights; but

(b) Which do not belong to the class of shares referred to in section 7(1) of the Port Companies Act 1988.

204 LIABILITIES IN RESPECT OF PORT RELATED COMMERCIAL UNDERTAKINGS

(1) Subject to the issuing of debt securities by the Ports of Auckland Limited:

(a) All those liabilities of the Auckland Harbour Board as determined under section 29 of the Port Companies Act 1988 shall become liabilities of the Auckland Regional Council and the Waikato Regional Council in the same proportions specified in clause 203(1) of this order; and

(b) All those debt securities issued by the Ports of Auckland Limited to the Auckland Harbour Board under section 29 of the Port Companies Act 1988 are hereby transferred to the Auckland Regional Council and the Waikato Regional Council in the same proportions specified in clause 203(1) of this order.

(2) Failing the issue of debt securities by the Ports of Auckland Limited, all the public debt liabilities of the Auckland Harbour Board as at the 31st day of October 1989 are hereby transferred to the Auckland Regional Council.

205 RESIDUAL ASSETS AND LIABILITIES

All the assets and liabilities of the Auckland Harbour 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 Auckland Regional Council.

PART XI

General

206 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