

## 158 LIABILITIES IN RESPECT OF PORT RELATED COMMERCIAL UNDERTAKINGS

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

(2) All those debt securities issued by the Port of Tauranga Limited to the Bay of Plenty Harbour Board under section 29 of the Port Companies Act 1988 shall be transferred to the Bay of Plenty Regional Council.

## 159 RESIDUAL ASSETS AND LIABILITIES

All the assets and liabilities of the Bay of Plenty 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 Bay of Plenty Regional Council.

## PART X

### General

## 160 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.

## 161 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.

## 162 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.

## 163 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.

## 164 LOANS

Any rate made and levied to meet the annual charges in respect of any loan secured over the district of any of the former authorities shall continue to be made and levied on the same basis as applied before the 1st day of November 1989:

Provided that the local authorities constituted by this order may at any time before the 1st day of November 1996 review the basis upon which any such rate is made and levied and may, with the approval of the Local Government Commission, resolve to vary such basis.

## 165 ASSETS AND LIABILITIES

The provisions of section 60 of the Local Government Amendment Act (No. 2) 1989 shall apply in relation to the apportionment of the assets and liabilities of the former authorities, as defined in Parts II to VIII of this order, as if this order did not make provision for the apportionment of those assets and liabilities:

Provided that there shall be no apportionment of the assets and liabilities of the Bay of Plenty Harbour Board pursuant to this clause.

## 166 LOAN LIABILITIES

Subject to section 37F(2) of the Local Government Act 1974, all loan liabilities existing immediately before the 1st day of November 1989, shall continue to be secured against the area over which they were secured at that date.

## 167 RESIDUAL AUTHORITIES

In the case of a former authority listed in the Seventh Schedule to this order, the local authority that shall be responsible for:

(a) The preparation of the annual financial statement for that former authority for the financial year commencing on the 1st day of April 1989 and for any earlier financial years for which an annual financial statement has not been prepared or, in the case of the Bay of Plenty Harbour Board, for the financial year commencing on the 1st day of October 1989 and for any earlier financial years for which an annual financial statement has not been prepared; and

(b) The documents (as defined in section 248 of the Local Government Act 1974) and local archives (as so defined) of that former authority, other than those documents or local archives relating to a specified area or function,

shall be the local authority designated in that Schedule as a residual authority in relation to that former authority.