

243 VESTING OF PROPERTY

All property, real and personal, vested in the corporation of any former authority is hereby vested in the corporation of the Waimate District Council, subject to all existing encumbrances.

244 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 Waimate District Council by clause 243 of this order shall, unless the context otherwise requires, be read as a reference to "The Waimate District Council".

245 CONSULTATION WITH MORVEN RESERVE BOARD

(1) The former Waimate District Council shall consult with the Morven Reserve Board for the purpose of discussing the possible establishment of a committee of management for the Morven Reserve Board.

(2) Where, following that consultation, the former Waimate District Council considers it desirable that a committee of management be established, the former Waimate District Council shall recommend to the Waimate District Council that it establish such a committee of management.

PART XII**Harbour Boards*****Lyttelton Harbour Board*****246 VESTING OF PROPERTY**

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

(b) Which is situated within the area of the Banks Peninsula District constituted by this order; and

(c) 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 to in subparagraphs (i) or (ii) or (iii) of this paragraph,

is hereby vested in the Banks Peninsula District Council 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 the Banks Peninsula District Council.

(3) Subject to subclauses (6), (8), (9) and (10) of this clause, all that property which is vested in the Lyttelton Harbour Board as at the 31st day of October 1989 which is situated in the Banks Peninsula District as constituted by this order, and which is adjacent to any harbour or the sea, is hereby vested in the Banks Peninsula District Council.

(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 Lyttelton 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 Canterbury 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 Lyttelton Harbour Board as at the 31st day of October 1989 and which is below the mean high water mark is hereby vested in the Canterbury 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 within the Banks Peninsula District as constituted by this order is hereby transferred to the Banks Peninsula District Council, 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 Banks Peninsula District Council; and

(b) That property described in the Sixth Schedule to this order shall vest without cost in the Canterbury Regional Council,

and in respect of the marina described in Part I of the Fourth Schedule that marina shall include:

(i) Any cash balances; and

(ii) Any outstanding income and expenditure; and

(iii) Any stores, materials, plant and equipment, relating to that marina.

(9) If any of the land specified in the Fourth and Sixth Schedules to this order is, between the 9th day of June 1989 and the 31st day of October 1989, allocated to the Lyttelton Port Company 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 that clause.

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

247 TITLE TO PROPERTY

Any reference, express or implied, to the Lyttelton 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.