

dissolution of the Marlborough Harbour Board—(1) The Marlborough Harbour District is hereby abolished.

(2) The Marlborough Harbour Board is hereby dissolved.

3. Functions, duties and powers—(1) Subject to subclauses (2) and (3) of this clause, all the functions of the Marlborough Harbour Board are hereby transferred to the Nelson-Marlborough Regional Council.

(2) The function of maintaining and supervising those facilities and amenities listed in Part III of the Second Schedule is hereby transferred to the Marlborough District Council.

(3) The function of maintaining and supervising those facilities and amenities listed in Part III of the Third Schedule is hereby transferred to the Kaikoura District Council.

4. Vesting of property—(1) Subject to subclause (4) of this clause, all the property, plant and assets described in the First Schedule to this order are hereby vested in the Nelson-Marlborough Regional Council.

(2) Subject to subclause (4) of this clause, all the property and assets described in the Second Schedule to this order are hereby vested in the Marlborough District Council.

(3) Subject to subclause (4) of this clause, all the property and assets described in the Third Schedule to this order are hereby vested in the Kaikoura District Council.

(4) Notwithstanding anything in this clause, if after the 1st day of April 1991:

(a) The Minister of Transport approves a variation to a port company plan within the meaning of the Port Companies Act 1988, pursuant to which any property (real or personal) transferred by this order is liable to be transferred to Port Marlborough New Zealand Limited, the local authority which has received that property shall transfer it to Port Marlborough New Zealand Limited at the cost of that company. Any such transfer shall be appropriately adjusted for incomings and outgoings in relation to such property for the period beginning on the operative date of its transfer pursuant to this order and ending on the date of the transfer of the property to Port Marlborough New Zealand Limited; or

(b) Any approved port company plan is cancelled, withdrawn, reissued or in any way altered and as a result property is deemed to be returned to the ownership (notional or otherwise) of the harbour board, that property shall be allocated under this order as if it had been owned by the harbour board as at the 1st day of April 1991.

5. Outstanding obligations—The Marlborough District Council shall pay the Nelson-Marlborough Regional Council the sum of \$1,137,000 within 2 years from the 30th day of June 1991 and pending payment the following shall apply:

(a) Interest shall accrue in favour of, and be paid to, the regional council on a monthly basis;

(b) Such interest shall be paid on the last day of each month;

(c) The rate of interest accruing to, and being paid to, the regional council shall be the maximum which the district council's bank offered on 1 month term deposit, for an amount the size of the remaining debt to the regional council, as at the first day of that month;

(d) Payment of interest to the regional council shall be accompanied by a certificate from the district council's bank that the provision of subclause (c) of this clause has been complied with; and

(e) At any time or times during the period of 2 years from the 30th day of June 1991 the district council may reduce the amount of principal outstanding as it considers appropriate and, should it do so, the interest due to the regional council shall abate accordingly.

6. Port Marlborough New Zealand Limited—Any shares in Port Marlborough New Zealand Limited that remain with the Marlborough Harbour Board are hereby vested as follows:

92.22 percent to the Marlborough District Council; and
7.78 percent to the Kaikoura District Council.

7. Liabilities—(1) All outstanding liabilities of the Marlborough Harbour Board, as listed in the Fourth Schedule to this order, shall become liabilities of the Marlborough District Council.

(2) All outstanding liabilities of the Marlborough Harbour Board, as listed in the Fifth Schedule to this order, shall become liabilities of the Kaikoura District Council.

(3) All outstanding liabilities of the Marlborough Harbour Board in relation to the employment of staff, except those referred to in clause 8 (2) of this order, shall become liabilities of the Nelson-Marlborough Regional Council.

8. Transfer of staff—(1) Subject to subclause (2) of this clause the Nelson-Marlborough Regional Council shall employ those persons employed by the Marlborough Harbour Board as at the close of the 31st day of March 1991.

(2) The Marlborough District Council shall employ any treasurer-assistant secretary, accounts officer, records officer or assistant treasurer employed by the Marlborough Harbour Board as at the close of the 31st day of March 1991.

9. Residual authority—(1) The Marlborough District Council shall be responsible for:

(a) The preparation of the annual financial statement for the Marlborough Harbour Board for the financial year commencing on the 1st day of October 1990 and for any earlier financial year 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 the Marlborough Harbour Board, other than those documents or local archives relating to a specified area or function.

(2) The Marlborough District Council may, during the period prior to the closing of the accounts of the Marlborough Harbour Board, to the extent, and on the terms and conditions agreed with any authorities affected, supervise and manage the keeping of those accounts on behalf of the Marlborough Harbour Board, and for that purpose may—

(a) Receive and make payments of any money; and

(b) Carry out such other acts as may be agreed with any authority affected.

(3) The other local authorities affected by this order—the Marlborough District Council, Kaikoura District Council and Nelson-Marlborough Regional Council—shall provide without payment of fee by the Marlborough District Council any information required to enable that council to meet its responsibilities under subclauses (1) and (2) of this clause.

Schedules

First Schedule

Assets to be Vested in the Nelson-Marlborough Regional Council

PART I

Major Plant

15 metre pilot launch/workboat "Marlborough"
6 metre patrol craft "Pelorus" and trailer
Nissan Sentra car 1987
Ford Fairmont car 1987
Thames Trader truck