

# Waitara Harbour Act 1940

Local Act 1940 No 6  
Date of assent 6 December 1940

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**An Act to provide for the Dissolution of the Waitara Harbour Board and to make certain Incidental Provisions.**

**BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—**

**1 Short Title and commencement**

This Act may be cited as the Waitara Harbour Act 1940, and shall come into force on the first day of April, nineteen hundred and forty-one.

**2 Interpretation**

In this Act, unless the context otherwise requires,—

**Board** means the Waitara Harbour Board constituted under the Harbours Act 1950

The reference to the Harbours Act 1950 was substituted, as from 15 October 1950, for a reference to the Harbours Act 1923 pursuant to section 269 Harbours Act 1950 (1950 No 34).

**Corporation** means the corporation of the Borough of Waitara

**Council** means the Waitara Borough Council.

**3 Special Act**

This Act shall be deemed to be a special Act within the meaning of the Harbours Act 1950.

The reference to the Harbours Act 1950 was substituted, as from 15 October 1950, for a reference to the Harbours Act 1923 pursuant to section 269 Harbours Act 1950 (1950 No 34).

The term Special act was omitted from the Harbours Act 1950, as from 1 December 1961, by section 2 Harbours Amendment Act 1961 (1961 No 114).

**4 Dissolution of Waitara Harbour Board**

The Waitara Harbour Board is hereby dissolved.

**5 Assets and liabilities of Board transferred to Waitara Borough**

- (1) With the exception of the lands described in Schedule 1 hereto, all property, real and personal, belonging to the Board is hereby vested in the Corporation for municipal purposes subject to the provisions of section nine hereof.
- (2) All rents, dues, and other moneys whatsoever payable to the Board shall become payable to the Council.

- (3) All proceedings pending by or against the Board may be carried on or prosecuted by or against the Corporation.
- (4) All debts, liabilities, or engagements of the Board shall become debts, liabilities, or engagements of the Corporation.

#### **6 Waitara Borough Council to maintain harbour lights**

- (1) The Council shall in respect of the Waitara Harbour and the approaches thereto, as and when required by the Minister of Transport, erect lights, lay down buoys and beacons, and replace, remove, or discontinue any harbour light, signal, buoy, beacon, or other sea-mark, or make any variation in the character of the same or in the mode of exhibiting the same.
- (2) If the Council fails or neglects to comply with such requisition within a reasonable period after receiving the same, the Minister of Transport may take all such steps and do all such acts as may be necessary to give effect to such requisition, and the cost and charges of so doing shall be a debt due from the Council to the Crown, and may be recovered accordingly.

The references to the "Minister of Transport" were substituted for references to the "Minister of Marine" by section 6(2)(a) Ministry of Transport Amendment Act 1972.

#### **7 Foreshore endowments vested in New Plymouth Harbour Board**

*[Repealed]*

Section 7 was repealed, as from 24 October 1952, by section 10 Local Legislation Act 1952 (1952 No 68).

#### **8 Registration of title**

In respect of any real property vested in the Corporation and the Taranaki Harbour Board respectively pursuant to sections five and seven hereof the following provisions shall apply:—

- (a) It shall be the duty of the District Land Registrar or the Registrar of Deeds, as the case may be, on application by the Council or the Taranaki Harbour Board, and without payment of any fee, to register the Corporation or the Taranaki Harbour Board, as the case may be, as the proprietor thereof.

- (b) No stamp duty under the Stamp and Cheque Duties Act 1971, shall be payable in respect of the vesting of such real property in the Corporation or the Taranaki Harbour Board.

The reference to the Stamp Duties Act 1923 was substituted, as from 1 January 1955, by a reference to the Stamp Duties Act 1954 pursuant to section 175(1) Stamp Duties Act 1954 (1954 No 52). That reference was substituted, as from 1 January 1972, by a reference to the Stamp and Cheque Duties Act 1971 pursuant to section 101(1) Stamp and Cheque Duties Act 1971 (1971 No 51).

The references to the “Taranaki Harbour Board” were substituted, as from 2 September 1950, for references to the “New Plymouth Harbour Board” pursuant to section 4(1) Taranaki Harbour Board Act 1954 (1954 No 3 (L)).

## **9 Application of revenue from endowments**

- (1) All moneys received by the Council in respect of any lands hereby vested in the Corporation shall be placed to the credit of a separate account and, after payment thereof of the costs and expenses of collecting, receiving, and administering the same and any costs incurred in connection with the promotion and passing of this Act, and the maintenance and improvement of such lands, shall be applied in and towards the following purposes:—
- (a) The prevention of erosion by the Waitara River within the Borough of Waitara, with power to construct and maintain works within and outside the said borough for such purpose:
- (b) The maintenance and reconstruction of any bridge over the Waitara River within the said borough:
- (c) The payment of interest and principal on the loans heretofore raised in connection with any such bridge:
- (d) The payment of the costs and charges incurred by the Council in complying with the provisions of section six of this Act:
- (e) The payment of a retiring-allowance of two hundred dollars per annum to the Secretary and Harbourmaster of the Board for a term of four years.
- (2) The Governor-General in Council may at any time after the first day of April, nineteen hundred and sixty-one, and from time to time thereafter, if it appears that there are surplus moneys in the separate account which may not be required by the Council for the purposes set out in the last preceding

subsection, appoint any person or persons to be a Commission under the Commissions of Inquiry Act 1908, to determine whether the whole or any part of those moneys is required by the Council for the purposes set out in the last preceding subsection. If the Commission determines that the whole or any part of the surplus moneys is not so required by the Council, the surplus moneys, or so much thereof as the Commission shall determine, shall be paid by the Council out of the separate account to the New Plymouth Harbour Board for general harbour purposes.

- (3) The costs of any such inquiry, or such part thereof as may be fixed by the Commission, may be paid out of the separate account.
- (4) The Council and the New Plymouth Harbour Board may from time to time after the first day of April, nineteen hundred and sixty-one, agree upon the amount of any surplus moneys which may be available and not required by the Council for the purposes set out in subsection one of this section, and the Council may with the consent of the Governor-General in Council pay such amount to the New Plymouth Harbour Board for general harbour purposes.

The reference to “two hundred dollars” was substituted, as from 10 July 1967, for a reference to “one hundred pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

## **10 Abolition of the harbour district**

*[Repealed]*

Section 10 was repealed, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 6(L)).

## **11 Rating areas of New Plymouth Harbour Board amended**

*[Repealed]*

Section 11 was repealed, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 6(L)).

## **12 Amendment of constitution of New Plymouth Harbour Board**

*[Repealed]*

Section 12 was repealed, as from 22 October 1948, by section 2(5) Harbours Amendment Act 1948 (1948 No 18).

**13 Repeals**

The enactments mentioned in Schedule 3 hereto are hereby repealed.

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**Schedule 1**

FIRSTLY, all that area in the Taranaki Land District containing approximately twenty-nine (29) acres, known as A 2 of Part A, Waitara West District, Block I, Paritutu Survey District, being part of the land included in certificate of title, Volume 110, folio 148, bounded towards the west by A 1 Part A, towards the north generally by the low-water mark of the sea to the Waitara River; towards the north-east by the said river to the training-wall on the left bank of the Waitara River; thence by the said training-wall to high-water mark; thence towards the south generally by the high-water mark of the sea to the point of commencement.

Secondly, all that piece of land in the Waitara East District, Block I, Waitara Survey District, situated between high-water mark and low-water mark and extending from the east bank of the Waitara River to the Waihi Stream.

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**2**

*[Repealed]*

Schedule 2 was repealed, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 6(L)).

*[Repealed]*

**Schedule 3**

1879, No 12 (Local)—The Waitara Harbour Board Land and Borrowing Act 1879.

1881, No 7 (Local)—The Waitara Harbour Board Loan Act 1881.

1883, No 13 (Local)—The Waitara Harbour Board Loan Act 1883.

1904, No 15 (Local)—The Waitara Harbour Board Foreshore Endowment Act 1904.

1907, No 17 (Local)—The Waitara Harbour District and Empowering Act 1907.

1910, No 18 (Local)—The Waitara Harbour Board and Borough Empowering Act 1910.

1914, No 17 (Local)—The Waitara Harbour Board Empowering Act 1914.

1915, No 68—The Reserves and other Lands Disposal and Public Bodies Empowering Act 1915: Section 46.

The reference to the Harbours Act 1923 was repealed, as from 22 October 1948, by section 2 Harbours Amendment Act 1948 (1948 No 18).