

**Reprint  
as at 17 March 2019**



## Waitara Harbour Act 1940

Local Act	1940 No 6
Date of assent	6 December 1940
Commencement	see section 1

Waitara Harbour Act 1940: repealed, on 17 March 2019, by section 64(b) of the New Plymouth District Council (Waitara Lands) Act 2018 (2018 No 2 (L)).

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**Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

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**An Act to provide for the dissolution of the Waitara Harbour Board and to make certain incidental provisions**

**1 Short Title and commencement**

This Act may be cited as the Waitara Harbour Act 1940 and shall come into force on 1 April 1941.

**2 Interpretation**

In this Act, unless the context otherwise requires,—

**Board** means the Waitara Harbour Board constituted under the Harbours Act 1923

**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 1923.

**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, all property, real and personal, belonging to the Board is hereby vested in the Corporation for municipal purposes subject to the provisions of section 9.
- (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 Marine, 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 Marine 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.

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

*[Repealed]*

Section 7: repealed, on 24 October 1952, by section 36(1) of the Local Legislation Act 1952 (1952 No 68).

## **8 Registration of title**

In respect of any real property vested in the Corporation and the New Plymouth Harbour Board respectively pursuant to sections 5 and 7 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 New Plymouth Harbour Board, and without payment of any fee, to register the Corporation or the New Plymouth Harbour Board, as the case may be, as the proprietor thereof:
- (b) no stamp duty under the Stamp Duties Act 1923 shall be payable in respect of the vesting of such real property in the Corporation or the New Plymouth Harbour Board.

## **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 6:
  - (e) the payment of a retiring allowance of 100 pounds per annum to the Secretary and Harbourmaster of the Board for a term of 4 years.
- (2) The Governor-General in Council may at any time after 1 April 1961, 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 1 April 1961 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 (1), 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.

## **10 Abolition of harbour district**

*[Repealed]*

Section 10: repealed, on 21 October 1955, by section 10(1) of the Taranaki Harbours Board Empowering Act 1955 (1955 No 7 (L)).

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

*[Repealed]*

Section 11: repealed, on 21 October 1955, by section 10(1) of the Taranaki Harbours Board Empowering Act 1955 (1955 No 7 (L)).

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

*[Repealed]*

Section 12: repealed, on 22 October 1948, by section 2(5) of the Harbours Amendment Act 1948 (1948 No 18).

## **13 Repeals**

The enactments mentioned in Schedule 3 are hereby repealed.

### **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.

### **Schedule 2**

*[Repealed]*

Schedule 2: repealed, on 21 October 1955, by section 10(1) of the Taranaki Harbour Board Empowering Act 1955 (1955 No 7 (L)).

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### Schedule 3

**Reserves and other Lands Disposal and Public Bodies Empowering Act 1915  
(1915 No 68)**

*Amendment(s) incorporated in the Act(s).*

**Waitara Harbour Board and Borough Empowering Act 1910 (1910 No 18 (L))****Waitara Harbour Board Empowering Act 1914 (1914 No 17 (L))****Waitara Harbour Board Foreshore Endowment Act 1904 (1904 No 15 (L))****Waitara Harbour Board Land and Borrowing Act 1879 (1879 No 12 (L))****Waitara Harbour Board Loan Act 1881 (1881 No 7 (L))****Waitara Harbour Board Loan Act 1883 (1883 No 13 (L))****Waitara Harbour District and Empowering Act 1907 (1907 No 17 (L))**

Schedule 3 **Harbours Act 1923**: item repealed, on 22 October 1948, by section 2(5) of the Harbours Amendment Act 1948 (1948 No 18).

## Reprints notes

### **1**    *General*

This is a reprint of the Waitara Harbour Act 1940 that incorporates all the amendments to that Act as at the date of the last amendment to it.

### **2**    *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3**    *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4**    *Amendments incorporated in this reprint*

New Plymouth District Council (Waitara Lands) Act 2018 (2018 No 2 (L)): section 64(b)

Taranaki Harbours Board Empowering Act 1955 (1955 No 7 (L)): section 10(1)

Local Legislation Act 1952 (1952 No 68): section 36(1)

Harbours Amendment Act 1948 (1948 No 18): section 2(5)