

**Reprint
as at 6 December 1979**



**Nelson Harbour Board
Empowering Act 1979**

Local Act 1979 No 11
Date of assent 5 December 1979
Commencement 5 December 1979

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

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An Act to authorise the Nelson Harbour Board to reclaim from the sea certain tidal land and to develop such reclaimed land for industrial, commercial, and other purposes, and to revoke previous authorities relating to portion of the same land and to amend the Nelson Harbour Board Empowering Act 1970

1 Short Title

This Act may be cited as the Nelson Harbour Board Empowering Act 1979.

2 Interpretation

In this Act, unless the context otherwise requires, **Board** means the Nelson Harbour Board.

3 Special Act

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

4 Authority for Board to reclaim land

Subject to the provisions of the Harbours Act 1950 and of this Act, but notwithstanding anything contained in section 175 of the Harbours Act 1950, the Board may from time to time reclaim from the sea the pieces of land described in Schedule 1 of this Act or any part or parts thereof.

5 Authority for Board to develop land

The Board is hereby empowered to develop from time to time for such industrial, commercial, or other purposes as the Board may think fit the land described in Schedule 1 or any part or parts thereof, and for such purposes may—

- (a) subdivide and re-subdivide the same into allotments suitable for the purposes for which they are to be developed:
provided that any such subdivision shall be subject to the appropriate provisions of the Local Government Act 1974, and all other relevant statutory provisions, relating to subdivisions:
- (b) construct or provide all such works and amenities as may be deemed necessary or desirable for the use, convenience, and enjoyment of such land for such purposes including—
 - (i) the vesting, creation, or provision of roads, service lanes, access ways, rights of way, and other means of communication or access:
 - (ii) services for water supply, drainage, sewerage, electric lighting, power, gas, and all other amenities:
 - (iii) all works necessary to comply with any lawful requirement of any local or public authority.

6 Authority for Board to lease or license

- (1) The Board may during the reclamation or development of all or any part of the land described in Schedule 1 grant licences in respect of the same to such persons and upon such terms and conditions as the Board may think fit.
- (2) Upon the development of all or any part of such land the Board may lease the same for any term and upon such rent and conditions and with such rights of renewal as the Board may think fit.
- (3) The Board may from time to time accept the surrender of or vary the terms and conditions of any lease or licence granted pursuant to this section and upon such terms and conditions as the Board may think fit.

7 Reserves provision not to apply

The provisions of section 289 of the Local Government Act 1974 shall not apply to the land described in Schedule 1 nor to any subdivision of such land.

- 8 Revoking Order in Council authorising reclamation**
The Order in Council authorising the Nelson Harbour Board to reclaim land from the bed of Nelson Harbour published in *Gazette*, 1 June 1978, No 48, at page 1568 is hereby revoked.
- 9 Revoking authority to reclaim**
The authority contained in the Nelson City Empowering Act 1967 to reclaim the area marked “C” on MD plan 15956 referred to in Schedule 1 is hereby revoked.
- 10 Vesting land in Board**
Those parcels of land containing 5 855 square metres and 4.0967 hectares, respectively, being parts Lot 1, Deposited Plan 5310, and Lot 1, Deposited Plan 6968, being part Section 1167, City of Nelson, and part of H 14 Wakatu District, and being those portions of the land shown on Plan MD 15956 marked “B” and “C” respectively, and referred to in Schedule 1 are hereby vested in the Board for an estate in fee simple.
- 11 Amending Nelson Harbour Board Empowering Act 1970**
Amendment(s) incorporated in the Act(s).
- 12 Reclamation not to affect other powers and rights**
Nothing in this Act shall be construed as limiting—
- (a) the powers of the Director-General of Health or other proper officer of the Department of Health to make and issue directions and requisitions relating to materials to be used on any reclamation under the authority of this Act and the methods of construction, covering, protection, and maintenance of such reclamation or in respect of any other matters authorised in the Health Act 1956 or in any other Act:
 - (b) the application of the provisions of—
 - (i) the Public Works Act 1928:
 - (ii) the Town and Country Planning Act 1977:
 - (iii) the Local Government Act 1974:
 - (iv) the Water and Soil Conservation Act 1967.

13 Board not authorised to create a nuisance

Nothing in this Act shall entitle the Board to create a nuisance or shall deprive any person of any right or remedy he would otherwise have against the said Board or any other person in respect of such nuisance, and no restriction or condition imposed by the Minister of Transport pursuant to section 178 of the Harbours Act 1950 or requisition or direction issued in accordance with section 12(a) of this Act, whether or not the said Board has complied with the same, shall restrict the liability of the said Board for any such nuisance.

14 Compensation

Nothing in this Act shall deprive any person of any right or remedy he would otherwise have in respect of any loss, detriment, damage or injury caused by any reclamation, development, or work constructed or carried out under the authority of this Act, whether to property or person and whether in respect of the deprivation of any water frontage or riparian rights or otherwise howsoever.

15 Powers of District Land Registrar

The District Land Registrar for the Nelson Land Registration District is hereby authorised to deposit all such plans, issue all such certificates of title, accept all such documents for registration, make all such entries on the register, and do all such things as may be necessary to give effect to the provisions of this Act.

Schedule 1

ss 4, 5, 6, 7, 8, 9, 10

All those parcels of land containing by admeasurement 9.8970 hectares and 5 855 square metres and 4.0967 hectares, respectively, being part of Nelson Harbour Board Endowment and parts of Lot 1, Deposited Plan 5310, and Lot 1, Deposited Plan 6968, part Section 1167, City of Nelson, and part of H 14 Wakatu District, as the same are more particularly delineated on a plan deposited in the office of the Ministry of Transport at Wellington under number MD 15956 and also at the office of the Lands and Survey Department at Nelson under number SO 12566, and marked A, B, and C thereon.

Reprinted as at
6 December 1979

**Nelson Harbour Board Empowering
Act 1979**

Schedule 2

Schedule 2

s 11

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

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 - 2 Status of reprints
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 - 5 List of amendments incorporated in this reprint (most recent first)
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Notes**1 General**

This is a reprint of the Nelson Harbour Board Empowering Act 1979. The reprint incorporates all the amendments to the Act as at 6 December 1979, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*
