

Taranaki Harbours Board Empowering Act 1918

Local Act 1918 No 9
Date of assent 10 December 1918

Contents

	Page
Title	2
Preamble	2
1 Short Title	3
2 Special Act	3
3 Interpretation	3
4 Power to borrow	3
5 How money borrowed to be expended	4
6 Security for loan	4
7 Consent of ratepayers required before any loan raised <i>[Repealed]</i>	4
8 Returning Officer <i>[Repealed]</i>	4
9 Notices of meetings to consider loan proposal <i>[Repealed]</i>	5
10 Meetings of ratepayers <i>[Repealed]</i>	5
11 Area in Schedule 1 hereto deemed to be same as in Schedule 4 to Taranaki Harbours Board Empowering Act 1908 <i>[Repealed]</i>	5
12 Rolls of ratepayers in certain areas to be prepared <i>[Repealed]</i>	5
13 How poll to be taken <i>[Repealed]</i>	5
14 Result of poll <i>[Repealed]</i>	5
15 Land in Schedule 1 hereto to be exempted from future loan <i>[Repealed]</i>	5
16 Result of poll to be advertised <i>[Repealed]</i>	6
17 Result of poll to be gazetted	6
18 Levy of special rate	6
19 Limit and proportion of special rate in parts of district	7
20 Sinking fund	7
21 Powers of Board	8
22 Rate levied not to be invalidated	8
23 Prior securities not affected	8

24	Board may raise loans to pay off or consolidate existing or future loans without poll	8
25	Vesting of certain lands in Board	8
26	Power to construct certain works	9
27	Act not to limit powers of Board under any other Act	9
	Schedule 1	9
	Schedule 2	9

An Act to authorise the Taranaki Harbours Board to raise a Loan.

Preamble

WHEREAS the Taranaki Harbours Board was empowered by the Taranaki Harbours Board Empowering Act 1908, to borrow six hundred thousand dollars to provide for payment of the balance of a former loan and for the further construction of harbour-works for the improvement of the Harbour of New Plymouth: And whereas the said Board has raised the said loan of six hundred thousand dollars, and has paid the balance of the said former loan: And whereas the repeal of the New Plymouth Harbour Ordinance 1875 Amendment Act 1877, provided for by section twenty-eight of the Taranaki Harbours Board Empowering Act 1908, has taken effect by virtue of an Order in Council made on the twenty-second day of November, nineteen hundred and fifteen, and gazetted on the twenty-fifth day of November, nineteen hundred and fifteen: And whereas the said Board is desirous of obtaining power to borrow six hundred thousand dollars for the further construction of harbour-works for the improvement of the Harbour of New Plymouth:

The expression “six hundred thousand dollars” was substituted, as from 10 July 1967, for the expression “three hundred thousand pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

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

1 Short Title

This Act may be cited as the Taranaki Harbour Board Empowering Act 1918.

2 Special Act

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

3 Interpretation

In this Act, if not inconsistent with the context,—

Board means the Taranaki Harbours Board

Harbour Fund means moneys arising from the sources mentioned in section 165 of the Harbours Act 1908

Harbour district means the area described in Schedule 4 to the Taranaki Harbours Board Act 1954

Harbour district: this definition was substituted, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)).

Returning Officer *[Repealed]*

Returning Officer: this definition was repealed, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)).

[Repealed]

4 Power to borrow

It shall be lawful for the Board to borrow from time to time such sum or sums of money as the Board deems fit, at a rate of interest not exceeding five and one-half per centum per annum, but so that the total of the amounts so borrowed does not exceed six hundred thousand dollars; and the Board may borrow such sum or sums of money as aforesaid for such period or periods as it may think fit, and may renew or again borrow any or all of such sum or sums of money as they fall due for such further or other period or periods as the Board may think fit.

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

5 How money borrowed to be expended

- (1) The moneys so borrowed shall be applied by the Board in the construction of such works as are defined by the word **harbour-works** as interpreted by subsection one of section two of the Harbours Amendment Act 1910, and also in the purchase, erection, and construction of all such tugs, dredges, cranes, sheds, and works for the improvement of the New Plymouth Harbour as are deemed necessary and proper by the Board for the purpose of the construction of such harbour-works, and for the safety, convenience, or reception of vessels resorting to the said harbour, and for the more convenient loading and unloading of such vessels, and for the safety and protection of any works constructed by the Board.
- (2) The Board may out of any loan-moneys pay the preliminary expenses incurred in connection with the borrowing of the moneys so borrowed and the first year’s interest of the loan during the construction of any works for which the loan is raised.

6 Security for loan

The repayment of all moneys so borrowed, together with interest thereon, shall be secured upon any moneys in the Harbour Fund (excepting moneys appropriated to any special purpose) and upon the rate hereinafter mentioned to be made and levied under the authority of this Act.

7 Consent of ratepayers required before any loan raised

[Repealed]

Section 7 was repealed, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)).

8 Returning Officer

[Repealed]

Section 8 was repealed, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)).

9 Notices of meetings to consider loan proposal

[Repealed]

Section 9 was repealed, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)).

10 Meetings of ratepayers

[Repealed]

Section 10 was repealed, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)).

**11 Area in Schedule 1 hereto deemed to be same as in
Schedule 4 to Taranaki Harbours Board Empowering
Act 1908**

[Repealed]

Section 11 was repealed, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)).

12 Rolls of ratepayers in certain areas to be prepared

[Repealed]

Section 12 was repealed, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)).

13 How poll to be taken

[Repealed]

Section 13 was repealed, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)).

14 Result of poll

[Repealed]

Section 14 was repealed, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)).

**15 Land in Schedule 1 hereto to be exempted from future
loan**

[Repealed]

Section 15 was repealed, as from 6 November 1924, by section 21 Taranaki Harbours Board Empowering Act 1924 (1924 No 15(L)).

16 Result of poll to be advertised*[Repealed]*

Section 16 was repealed, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)).

17 Result of poll to be gazetted

- (1) As soon as conveniently may be after the poll the Chairman shall send to the Minister of Internal Affairs, for publication in the *Gazette*, a notice of the number of votes recorded for or against the proposal in the areas described in the said Schedules 2 and 3, and also of the number of votes recorded for or against the proposal in the area described in Schedule 1 hereto, and in such notice shall declare the proposal to be carried or rejected, as the case may be.
- (2) If in the notice so published in the *Gazette* it is declared that the proposal was carried, such notice so published shall be conclusive evidence that the raising of the loan has been duly authorized, and that all proceedings and things required by this Act as conditions precedent to the exercise by the Board of the borrowing-powers hereby conferred have been duly and lawfully taken and done, and that the Board is fully empowered and authorized to borrow any sum or sums of money not exceeding in the aggregate the sum of “six hundred thousand dollars”.
- (3)

The reference to “six hundred thousand dollars” in subsection (2) was substituted, as from 10 July 1967, for the reference to “three hundred thousand pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

Subsection (3) was repealed, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)).

18 Levy of special rate

If the proposal is declared to be carried, a special rate upon all rateable property in the harbour district for the purpose of providing the annual charges upon moneys to be borrowed under the authority of this Act may be made and levied by the Board in manner provided by law and in accordance with the provisions of the Rating Act 1908.

19 Limit and proportion of special rate in parts of district

The special rate to be levied under the authority of this Act shall not exceed five-twelfths of a cent in the dollar upon the capital value of all rateable property in Rating Area No 1, as described in Schedule 1 to the Taranaki Harbours Board Empowering Act 1955, and shall not exceed five-eighteenths of a cent in the dollar upon the capital value of all rateable property in Rating Area No 2, as described in Schedule 2 to the Taranaki Harbours Board Empowering Act 1955, and shall not exceed five thirty-sixths of a cent in the dollar upon the capital value of all rateable property in Rating Area No 3, as described in Schedule 3 to the Taranaki Harbour Board Empowering Act 1955; and all rates levied by the Board shall be levied in the like proportions.

References to “five-twelfths of a cent in the dollar”, “five-eighteenths of a cent in the dollar” and “five thirty-sixths of a cent in the dollar” were substituted for references to “one penny in the pound”, “two-thirds of a penny in the pound” and “one-third of a penny in the pound” respectively, on 10 July 1967 pursuant to section 7(2) Decimal Currency Act 1964 (1964 No 27).

Section 19 was amended, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)) by substituting the words “Rating Area No 1, as described in Schedule 1 to the Taranaki Harbours Board Empowering Act 1955” for the words “the area described in the said Schedule 2”.

Section 19 was further amended, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)) by substituting the words “Rating Area No 2, as described in Schedule 2 to the Taranaki Harbours Board Empowering Act 1955” for the words “the area described in the said Schedule 3”.

Section 19 was further amended, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)) by substituting the words “Rating Area No 3, as described in Schedule 3 to the Taranaki Harbours Board Empowering Act 1955” for the words “the area described in Schedule 1 hereto”.

20 Sinking fund

For the purpose of providing a sinking fund for the liquidation of any loan authorized by this Act the Board shall pay to the Commissioners appointed under section 197 of the Harbours Act 1908, in every year a sum equal to one-half per centum on the moneys borrowed, or so much thereof as is for the time being outstanding.

21 Powers of Board

For the purpose of making, levying, and recovering the said rates the Board shall have and may exercise all the powers of making, levying, or recovering rates in the harbour district as are conferred on local authorities by the Rating Act 1908, and for such purpose the Rating Act is incorporated herewith.

22 Rate levied not to be invalidated

No rate or levy made under this Act shall be set aside or quashed by any proceeding in any Court or otherwise, and no defect in the same, or the making thereof, or in any direction for levy, shall be set up as a defence to any action which may be brought to recover the same.

23 Prior securities not affected

Nothing in this Act or in any debentures issued in pursuance thereof shall affect or prejudice the rights of the holders of any debentures heretofore executed or issued by the Board pursuant to the provisions of the Taranaki Harbours Board Empowering Act 1908.

24 Board may raise loans to pay off or consolidate existing or future loans without poll

The Board may at any time raise a loan or loans without taking a poll as herein provided for the purpose of paying off or consolidating any existing loans, or any existing and future loans, and such repayment or consolidation may be effected in such manner and on such terms and conditions as the Board thinks fit.

25 Vesting of certain lands in Board

The lands described in Schedule 2 hereto are hereby vested in the Board, and the District Land Registrar at New Plymouth shall upon the application of the Board issue a certificate of title to the said lands in the name of the Board.

26 Power to construct certain works

The Board is hereby authorized to construct all or any of the works included in the word **harbour-works** as interpreted by subsection one of section two of the Harbours Amendment Act 1910; and, in particular, to extend the present breakwater at the New Plymouth Harbour and to construct such other breakwaters or seawalls, and to reclaim land from the sea or from the waters of the said harbour, as the Board may deem necessary. All lands so reclaimed shall vest in the Board.

27 Act not to limit powers of Board under any other Act

Nothing in this Act shall be deemed to limit the powers of the Board under any Act now in force.

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[Repealed]

Schedule 1 was repealed, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)).

[Repealed]

Schedule 2

All that area in the New Plymouth roadstead, containing 733 acres, a little more or less, and bounded as follows: Commencing at a point on high-water mark, distant 475 links due north from Trigonometrical Station XXIX on the summit of Paritutu; thence north-easterly by a straight line bearing $12^{\circ} 18'$, a distance of 4851.3 links; thence north-easterly by a straight line bearing $27^{\circ} 49'$, a distance of 814.1 links; thence again north-easterly by a straight line bearing $74^{\circ} 18'$, a distance of 664.8 links; thence south-easterly by a straight line bearing $113^{\circ} 5'$, a distance of 4641.7 links; thence north-easterly by a straight line bearing 61° , a distance of 3847.3 links; thence south-easterly by a straight line bearing $115^{\circ} 10'$, a distance of 7938.2 links; thence south-easterly by a straight line bearing $98^{\circ} 51'$, a distance of 2392.6 links, to the north-western corner of the land taken for railway purposes by a Proclamation dated the 25th July, 1901, and published in the New Zealand Gazette No 70, page 1498, the said north-western corner being a point in line with the western side

of Queen Street, in the Town of New Plymouth; thence south-easterly along the western boundary of the Railway Reclamation Reserve, a distance of 389 links, in line with the said western side of Queen Street; thence westerly along the northern boundary of the Railway Reserve until it meets high-water mark; thence generally westerly along high-water mark to the south-western side of Cutfield Road; thence generally westerly along the seaward boundary of the Railway Reserve to the south-western side of Calvert Road; thence generally westerly along the seaward boundary of the Taranaki Harbour Board's Reserve F to the mouth of the Hongihongi Stream; thence northerly along the seaward boundary of the Railway Reserve to the breakwater; thence generally northerly, westerly, and south-westerly along high-water mark to the point of commencement: as the same is shown on the plan marked MD 4970, and deposited in the office of the Marine Department at Wellington.