

**Reprint
as at 17 March 2019**



Taranaki Harbours Board Empowering Act 1955

Local Act 1955 No 7
Date of assent 21 October 1955
Commencement 21 October 1955

Act name: amended, on 1 September 1965, pursuant to section 15(2) of the Taranaki Harbours Act 1965 (1965 No 4).

Contents

	Page
Title	2
1 Short Title	2
2 Special Act	2
3 Interpretation	2
4 Power to borrow	2
5 Local Bodies' Loans Act 1926 may be applied	3
6 Security for loan	3
7 Ratepayers roll	3
8 Estimate of revenue and expenditure	4
9 Prior securities not affected	4
10 Amendments to previous empowering Acts	4
Schedule 1	6
Rating Area No 1	
Schedule 2	7
Rating Area No 2	
Schedule 3	9
Rating Area No 3	

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.

Schedule 4	10
Works for which money may be borrowed	
Schedule 5	11
Enactments amended	

An Act to authorize the Taranaki Harbours Board to raise a loan, and to consolidate certain enactments relating to the Board's rating areas.

Title: amended, on 1 September 1965, pursuant to section 15(2) of the Taranaki Harbours Act 1965 (1965 No 4).

1 Short Title

This Act may be cited as the Taranaki Harbours Board Empowering Act 1955.

Section 1: amended, on 1 September 1965, pursuant to section 15(2) of the Taranaki Harbours Act 1965 (1965 No 4).

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, unless the context otherwise requires,—

Board means the Taranaki Harbours Board

harbours district means the area described in Schedule 1 of the Taranaki Harbours Act 1965

Rating Area No 1 means the area described in Schedule 1

Rating Area No 2 means the area described in Schedule 2

Rating Area No 3 means the area described in Schedule 3.

Section 3 **Board:** amended, on 1 September 1965, pursuant to section 15(2) of the Taranaki Harbours Act 1965 (1965 No 4).

Section 3 **harbours district:** amended, on 1 September 1965, pursuant to section 6 of the Taranaki Harbours Act 1965 (1965 No 4).

Section 3 **harbours district:** amended, on 1 September 1965, pursuant to section 15(2) of the Taranaki Harbours Act 1965 (1965 No 4).

4 Power to borrow

- (1) It shall be lawful for the Board from time to time as it may require to borrow, in addition to the sums authorized by any previous Acts, but subject to the provisions of the Harbours Act 1950 and the Local Government Loans Board Act 1926, such sum or sums not exceeding in the whole the sum of 770,700 pounds.
- (2) The money so borrowed shall be applied by the Board in carrying out, subject to the Harbours Act 1950, the works specified in Schedule 4.

Section 4(1): amended, on 19 October 1956, by section 2 of the Taranaki Harbours Board Empowering Amendment Act 1956 (1956 No 4 (L)).

5 Local Bodies' Loans Act 1926 may be applied

The Board may by resolution decide to raise such loan as aforesaid under the Local Bodies' Loans Act 1926, in which case the Board may from time to time raise the money in accordance with the provisions of Part 1 of that Act, and the provisions of that Act shall apply as if the Board were a local authority, the harbours district were a district, and the said works were public works within the meaning of that Act.

Section 5: amended, on 1 September 1965, pursuant to section 15(2) of the Taranaki Harbours Act 1965 (1965 No 4).

6 Security for loan

- (1) In addition to the charge on the Harbour Fund created by the Harbours Act 1950, the Board may, if the loan is being or has been raised in accordance with the provisions of the Local Bodies' Loans Act 1926, make and levy as further security for the money authorized to be borrowed under this Act a special rate on all rateable property in the harbours district.
- (2) Such special rate shall not exceed 1 penny in the pound on the capital value of all rateable property in Rating Area No 1, and shall not exceed two-thirds of a penny in the pound on the capital value of all rateable property in Rating Area No 2, and shall not exceed one-third of a penny in the pound on the capital value of all rateable property in Rating Area No 3; and all rates levied by the Board hereunder shall be levied in the like proportions.

Section 6(1): amended, on 1 September 1965, pursuant to section 15(2) of the Taranaki Harbours Act 1965 (1965 No 4).

7 Ratepayers roll

- (1) For the purposes of any poll to be taken under the Local Bodies' Loans Act 1926 the rolls of ratepayers of the boroughs, town districts (not being parts of any county), counties, and any part of a county comprised in the harbours district shall be deemed to be the roll of ratepayers of the harbours district.
- (2) It shall be the duty of the Clerk of the local authority of each such district comprised wholly or in part within the harbours district, whenever requested so to do by the Board, to supply to the Board a certified roll of the ratepayers of such district or of the part thereof within the harbours district, together with as many copies as the Board may require.
- (3) The cost of preparing any roll of ratepayers for the purposes of this section and of supplying copies thereof shall be paid by the Board.

Section 7(1): amended, on 1 September 1965, pursuant to section 15(2) of the Taranaki Harbours Act 1965 (1965 No 4).

Section 7(2): amended, on 1 September 1965, pursuant to section 15(2) of the Taranaki Harbours Act 1965 (1965 No 4).

8 Estimate of revenue and expenditure

- (1) If the loan is being or has been raised in accordance with the provisions of the Local Bodies' Loans Act 1926, the Board shall in each year cause an estimate to be prepared, in such manner and according to such principle and method as the Board approves, of the anticipated revenue of the year (exclusive of any rate to be levied under this Act) and the anticipated expenditure of the year (including the annual payment or payments to be made, including interest, with respect to the money borrowed under the authority of this Act, but exclusive of capital expenditure on any loan account), and shall upon such estimate determine the deficiency of the revenue to meet the expenditure.
- (2) Any credit or debit balance of the Board's General Account at the close of each year shall be carried forward to the account of the next succeeding year for the purpose of the estimate of that succeeding year and the determination of the deficiency of the revenue of that succeeding year to meet the expenditure thereof.
- (3) The Board may in each year, in accordance with the Harbours Act 1950, levy or direct the levy of such part of the said special rate as is sufficient to provide for the deficiency:

provided that if the deficiency exceeds the amount of the annual charges for that year in respect of the money borrowed under this Act, the Board may levy or direct the levy of such part only of the special rate as is sufficient to provide for those annual charges.
- (4) The Board may for the purposes of the levy, or of such direction and levy, adopt some convenient fraction of a penny, notwithstanding that the sum produced thereby may exceed the said deficiency.

9 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 any other Act.

10 Amendments to previous empowering Acts

- (1) The enactments specified in Schedule 5 are hereby amended in the manner indicated in the said Schedule.
- (2) It is hereby declared that the amendment or repeal of any provision by this Act shall not have the effect of making any rateable property in the area described in Schedule 1 of the Taranaki Harbour Board Act 1954 liable as security for the repayment of any money which at any time before 1 January 1954 was borrowed by the New Plymouth Harbour Board under the New Plymouth Harbour Board Empowering Act 1918 or the New Plymouth Harbour Board Empowering Act 1924, or which at any time after that date may have been or may be borrowed by the Board for the renewal or conversion of any loan or part of any loan originally raised before that date under either of the 2 last-mentioned Acts.

- (3) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby further declared that the amendment or repeal of any provision by this Act shall not affect any document made or anything whatsoever done under the provision so amended or repealed.

Schedule 1

Rating Area No 1

s 3

All that area in the Taranaki Land District bounded towards the north-west by the Tasman Sea from the mouth of the Waiongana River to the south-western corner of the Wairau Survey District; thence towards the south by the southern boundaries of the Wairau, Paritutu, and Waitara Survey Districts to the point where the southern boundary of the Waitara Survey District meets the Waitara River; thence generally towards the north-east by the Waitara River to its junction with the Manganui Stream; thence towards the west by the Manganui Stream to the south-east corner of Section 182, Huirangi District; thence by the southern boundary of the said section 182 to Everett Road, by the east side of Everett Road to its intersection with Roddy Road, by the north side of Roddy Road to its junction with York Road, by the east side of York Road to its junction with Thorp Road, by the north side of Thorp Road to its junction with Kelly Road, by the east side of Kelly Road to its junction with Cross Road, by the north side of Cross Road to its junction with Richmond Road, by the east side of Richmond Road to the southern boundary of Lepperton Township, by the southern and western boundaries of Lepperton Township to Manutahi Road, by the north side of Manutahi Road to its junction with Lepper Road, by the east side of Lepper Road to its junction with Devon Road, by the southern side of Devon Road to its junction with Mahoetahi Road, by the east side of Mahoetahi Road and Brown Road to the Waiongana River, and by the east side of the Waiongana River to its mouth, the point of commencement.

Schedule 2 Rating Area No 2

s 3

All that area in the Taranaki Land District bounded towards the north by the southern boundaries of the Wairau, the Paritutu, and the Waitara Survey Districts from the sea to the point where the southern boundary of the Waitara Survey District is met by the Waitara River; thence generally towards the north-east by the Waitara River to a point where it is met by the west boundary of the Ngatimaru Survey District; thence towards the east by the west boundaries of the Ngatimaru and Omoana Survey Districts to the Toko Road; thence generally towards the south by the north side of the Toko Road to the Waihapa Road, by the west side of the Waihapa Road to the Robson Road, by the north side of the Robson and Bird Roads to the Mountain Road, by the east side of the Mountain Road to the Brookes Road, by the north and west sides of the Brookes Road to the Climie Road, by the north side of the Climie Road to the Opunake Road, by the south side of the Opunake Road to the east boundary of the Kaupokonui Survey District, by the east and north boundaries of the Kaupokonui Survey District to the east boundary of the Egmont National Park, by the east, north, and west boundary of the Egmont National Park to the Puniho Road, and by the south side of the Puniho Road and the north boundary of Section 26, Block IV, Cape Survey District, to the Tasman Sea; thence towards the north-west by the Tasman Sea to the south-western corner of the Wairau Survey District, the point of commencement.

Also all that area, being the Borough of Waitara and portions of the Taranaki and Clifton Counties, bounded as follows: commencing at the mouth of the Waiongana River; thence generally towards the north and north-west by the Tasman Sea to the mouth of the Onaero River; thence towards the east by Onaero River to the south-eastern corner of Section 99, Block VII, Waitara Survey District; thence generally towards the south by the north side of an unnamed road and Ohanga Road to its junction with Waiiau Road; thence towards the west by the Waiiau Road to the south-east corner of Ngatirahiri 8B 1 Block; thence towards the south by the southern boundaries of Ngatirahiri 8B 1 and 8D Blocks, Block VI, Waitara Survey District; thence towards the east by the Allen Road to its junction with the Tikorangi Road; thence generally towards the south-east by the northern boundary of Tikorangi Road to the point where it crosses the Waitara River; thence generally towards the east and south by the Waitara River to its junction with the Manganui Stream; thence towards the east by the Manganui Stream to the south-eastern corner of Section 182, Huirangi District; thence by the southern boundary of the said Section 182 to Everett Road, by the east side of Everett Road to its intersection with Roddy Road, by the north side of Roddy Road to its junction with York Road, by the east side of York Road to its junction with Thorp Road, by the north side of Thorp Road to its junction with Kelly Road, by the east side of Kelly Road to its junction with Cross Road, by the north side of Cross Road to its junction with Richmond Road, by the east side of Richmond Road to the southern boundary of Lepperton Township, by the southern and western boundaries of Lepperton Township to Manutahi Road, by the north side of Manutahi Road to its

junction with Lepper Road, by the east side of Lepper Road to its junction with Devon Road, by the southern side of Devon Road to its junction with Mahoetahi Road, by the east side of Mahoetahi and Brown Roads to the Waiongana River, and by the east side of the Waiongana River to its mouth, the point of commencement.

Schedule 3 Rating Area No 3

s 3

All that area in the Taranaki Land District bounded towards the north by the confiscation line from the sea at the southern boundary of Mohakatino-Parininihi 3D 2 Block, Block III, Mimi Survey District, to a point where such line is intersected by a right line running from the mouth of the Mokau River to a point on the Wanganui River where it is intersected by the 39th parallel of south latitude; thence south-easterly along the said line to its intersection with the northern boundary of Koiro 5A Block; thence westerly, southerly, and easterly generally along the northern, western, and southern boundaries of Koiro 5A, 5B, 5C, 4E, and 3 Blocks to the western bank of the Wanganui River; thence towards the south-east generally by the Wanganui River to where it is met by the Taumatamahoe Path; thence towards the south-east by a right line to the northernmost corner of Section 320, Patea District, situated in Block I, Hawera Survey District; thence north-westerly by the Onewhaia Road to the Waingongoro River; thence southerly down the Waingongoro River to its mouth; thence towards the south and west generally by the Tasman Sea to the northern boundary of Section 26, Block IV, Cape Survey District; thence towards the north by the northern boundary of the said Section 26, Block IV, Cape Survey District, and the southern side of the Puniho Road to the western boundary of the Egmont National Park; thence generally towards the east, north, and west by the boundary of the Egmont National Park to a point where it is met by the northern boundary of the Kaupokonui Survey District; thence by the north and east boundaries of the Kaupokonui Survey District to the south side of the Opunake Road; thence along the south side of the Opunake Road to its junction with the Climie Road; thence by the north side of the Climie Road to the Brookes Road; thence by the west and north sides of the Brookes Road to Mountain Road, by the east side of Mountain Road to Bird Road, by the north side of Bird and Robson Roads to Waihapa Road, by the west side of Waihapa Road to the Toko Road, and by the north side of the Toko Road to the western boundary of the Omoana Survey District; thence generally towards the west by the west boundaries of the Omoana and Ngatimaru Survey Districts to the Waitara River; thence generally towards the south-west by the Waitara River to a point where it is crossed by the Tikorangi Road; thence generally towards the north-west by the north side of Tikorangi Road to its junction with the Allen Road, by the east side of Allen Road to the southern boundary of Ngatirahiri 8D Block, Block VI, Waitara Survey District; thence towards the north by the southern boundaries of Ngatirahiri 8D and 8B 1 Blocks, Block VI, Waitara Survey District, to the Waiiau Road, by the east side of Waiiau Road to the Ohanga Road; thence generally towards the north by the north side of Ohanga Road and an unnamed road to the south-eastern corner of Section 99, Block VII, Waitara Survey District; thence generally towards the west by the Onaero River to the Tasman Sea; thence generally towards the north-west by the Tasman Sea to the southern boundary of Mohakatino-Parininihi 3D No 2 Block, Block III, Mimi Survey District, the point of commencement.

Schedule 4
Works for which money may be borrowed

	s 4(2) £
Completion of the construction of new Moturoa Wharf, and provision thereon of cranes, services, and equipment	140,300
Reclamation of land and construction thereon of transit cargo shed, together with plant and works in connection therewith	110,800
Erection of offices, workshops, and other buildings	48,000
Subdivision of part of Board's property in order to develop the same for residential and industrial purposes, and provision of roading and services in connection therewith	71,600
Purchase of new dredge and dredging equipment	400,000
	<u>£770,700</u>

Schedule 4: amended, on 19 October 1956, by section 3 of the Taranaki Harbours Board Empowering Amendment Act 1956 (1956 No 4 (L)).

Schedule 5 Enactments amended

s 10(1)

New Plymouth Harbour Board Empowering Act 1908 (1908 No 9 (L))

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

New Plymouth Harbour Board Empowering Act 1918 (1918 No 9 (L))

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

New Plymouth Harbour Board Empowering Act 1924 (1924 No 15 (L))

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

New Plymouth Harbour Board Empowering Act 1951 (1951 No 9 (L))

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

Schedule 5: amended, on 17 March 2019, by section 64(d) of the New Plymouth District Council (Waitara Lands) Act 2018 (2018 No 2 (L)).

Taranaki Harbours Board Empowering Amendment Act 1957

Local Act	1957 No 6
Date of assent	2 October 1957
Commencement	2 October 1957

1 Short Title

This Act may be cited as the Taranaki Harbours Board Empowering Amendment Act 1957, and shall be read together with and deemed part of the Taranaki Harbours Board Empowering Act 1955 (hereinafter referred to as the “principal Act”).

Section 1: amended, on 1 September 1965, pursuant to section 15(2) of the Taranaki Harbours Act 1965 (1965 No 4).

2 Special Act

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

3 Power to borrow additional sum for purchase of dredge, etc

- (1) It shall be lawful for the Board from time to time as it may require to borrow, in addition to the sums authorised to be borrowed by the principal Act or any other Act, but subject to the provisions of the Harbours Act 1950, such further sum or sums not exceeding in the whole the sum of 135,700 pounds, for the purposes of the purchase of the new dredge and dredging equipment specified in Schedule 4 of the principal Act, as amended by section 3 of the Taranaki Harbours Board Empowering Amendment Act 1956.
- (2) For the purposes of section 33 of the Local Authorities Loans Act 1956 (which relates to the application of the unexpended balance of loan money) the money borrowed under the authority of this Act shall be deemed to be part of a special loan raised for the purposes specified in the said Schedule 4.

Section 3(1): amended, on 1 September 1965, pursuant to section 15(2) of the Taranaki Harbours Act 1965 (1965 No 4).

4 Security for loan

- (1) The Board may make and levy as security for the money authorised to be borrowed under this Act a special rate on all rateable property in the harbours district.
- (2) Such special rate shall not exceed one twenty-fourth of a penny in the pound on the capital value of all rateable property in Rating Area No 1, and shall not exceed one thirty-sixth of a penny in the pound on the capital value of all rateable property in Rating Area No 2, and shall not exceed one seventy-second of a penny in the pound on the capital value of all rateable property in Rating Area

No 3; and all rates levied by the Board hereunder shall be levied in the like proportions.

Section 4(1): amended, on 1 September 1965, pursuant to section 15(2) of the Taranaki Harbours Act 1965 (1965 No 4).

5 Ratepayers roll

- (1) For the purposes of any poll to be taken under the Local Authorities Loans Act 1956 the rolls of ratepayers of the boroughs, town districts (not being parts of any county), counties, and any part of a county comprised in the harbours district shall be deemed to be the roll of ratepayers of the harbours district.
- (2) It shall be the duty of the Clerk of the local authority of each such district comprised wholly or in part within the harbours district, whenever requested so to do by the Board, to supply to the Board a certified roll of the ratepayers of such district or of the part thereof within the harbours district, together with as many copies as the Board may require.
- (3) The cost of preparing any roll of ratepayers for the purposes of this section and of supplying copies thereof shall be paid by the Board.

Section 5(1): amended, on 1 September 1965, pursuant to section 15(2) of the Taranaki Harbours Act 1965 (1965 No 4).

Section 5(2): amended, on 1 September 1965, pursuant to section 15(2) of the Taranaki Harbours Act 1965 (1965 No 4).

6 Estimate of revenue and expenditure

- (1) The Board shall in each year cause an estimate to be prepared, in such manner and according to such principle and method as the Board approves, of the anticipated revenue of the year (exclusive of any rate to be levied under this Act) and the anticipated expenditure of the year (including the annual payment or payments to be made, including interest, with respect to the money borrowed under the authority of this Act, but exclusive of capital expenditure on any loan account), and shall upon such estimate determine the deficiency of the revenue to meet the expenditure.
- (2) Any credit or debit balance of the Board's General Account at the close of each year shall be carried forward to the account of the next succeeding year for the purpose of the estimate of that succeeding year and the determination of the deficiency of the revenue of that succeeding year to meet the expenditure thereof.
- (3) The Board may in each year, in accordance with the Harbours Act 1950, levy or direct the levy of such part of the said special rate as is sufficient to provide for the deficiency:

provided that if the deficiency exceeds the amount of the annual charges for that year in respect of the money borrowed under this Act, the Board may levy or direct the levy of such part only of the special rate as is sufficient to provide for those annual charges.

-
- (4) The Board may for the purposes of the levy, or of such direction and levy, adopt some convenient fraction of a penny, notwithstanding that the sum produced thereby may exceed the said deficiency.

7 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 any other Act.

Reprints notes

1 *General*

This is a reprint of the Taranaki Harbours Board Empowering Act 1955 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(d)

Taranaki Harbours Act 1965 (1965 No 4): sections 6, 15(2)

Taranaki Harbours Board Empowering Amendment Act 1956 (1956 No 4 (L))