

New Zealand.



ANALYSIS.

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1885, No. 2.—*Local.*

- Title.** AN ACT to reconstitute the Auckland Harbour Board.
[22nd September, 1885.]
- BE IT ENACTED** by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—
- Short Title.** 1. The Short Title of this Act is “The Auckland Harbour Board Act, 1885.”
- Incorporation.** 2. This Act shall be and be deemed to be a special Act within the meaning of “The Harbours Act, 1878,” which Act and all the Acts amending the same shall be incorporated with this Act so far as the provisions thereof are not inconsistent herewith or repugnant hereto.
- Interpretation.** 3. In this Act, if not inconsistent with the context,—
 “The Board” means the Auckland Harbour Board:
 “The said Act” means “The Harbours Act, 1878,” and all Acts amending the same:
 “Chamber of Commerce” means the present association in the City of Auckland known as the Auckland Chamber of Commerce:
 “Local body” and “district” have respectively the meanings assigned to them by “The Regulation of Local Elections Act, 1876.”
- Board constituted.** 4. The Auckland Harbour Board (hereinbefore called “the Board”) shall be and be deemed to be a Harbour Board constituted under “The Harbours Act, 1878,” and this Act.

5. The members of the Board at the time this Act comes into operation shall continue to hold office until the second Monday in the month of February, in the year one thousand eight hundred and eighty-seven, on which day they shall go out of office, but any vacancies occurring prior to such last-mentioned date shall be filled up as if this Act had not been passed. Term of office.

6. The Board shall, from and after the second Monday in the month of February, in the year one thousand eight hundred and eighty-seven, consist of thirteen members, of whom five shall form a quorum, and such members shall be respectively appointed or elected as follows:— Reconstitution of Board.

Two members shall be appointed by the Governor;

Four members shall be elected by the Borough Council of the City of Auckland;

One member shall be elected by the Borough Council of the Borough of Parnell;

One member shall be elected by the Devonport Road Board;

One member shall be elected by the Northcote and Birkenhead Road Boards sitting together, and acting as one Board, at a meeting to be called by the Chairman of the Northcote Road Board;

One member shall be elected by the Auckland Chamber of Commerce;

Three members shall be elected by and out of the persons who shall respectively have paid to the Board the sum of three pounds or upwards of harbour dues during the year ending the fifteenth day of January preceding such election, and the persons whose names shall, on the fifteenth day of January preceding such election, appear on the register-book for shipping at the customhouse at Auckland as the owners or part owners of any vessel.

7. On the second Monday in the month of February in every alternate year the Governor shall appoint two persons to be members of the Board, who shall hold office from the date of their appointment until the appointment of their successors. The first of such appointments shall be made on the second Monday in the month of February, one thousand eight hundred and eighty-seven. Members appointed by Governor.

8. On the second Monday in the month of February in every alternate year there shall be an election of the elective members of the Board, and the first election of such members shall be held on the second Monday in February, one thousand eight hundred and eighty-seven, and such members shall come into office on their election, and shall hold office from the time of their election until the election of their successors. Elective members.

9. A certificate under the corporate seal of a local body, or under the hand of the Chairman of the Chamber of Commerce, that any person or persons named therein has or have been appointed a member or members of the Board, shall be conclusive evidence of the appointment of such person or persons as a member or members of the Board by such local body or by the Chamber of Commerce. Members appointed by local body or Chamber of Commerce.

10. The Board shall appoint a Returning Officer, who shall hold office during the pleasure of the Board, and such Returning Officer Returning Officer.

shall conduct the election of three members to be elected by the payers of harbour dues and the owners of vessels, under the provisions of "The Regulation of Local Elections Act, 1876," so far as the same is applicable.

List of owners of vessels.

11. The Collector of Customs at the Port of Auckland shall, on the fifteenth day of January, one thousand eight hundred and eighty-seven, and thereafter on the fifteenth day of January in each year preceding a general election of elective members of the Board, furnish to the Secretary of the Board an alphabetical list of all persons whose names shall then appear on the register-book as owners or part owners of any vessel.

List of payers of dues.

12. The Secretary of the Board shall, on the fifteenth day of January, one thousand eight hundred and eighty-seven, and thereafter on the fifteenth day of January in each year preceding a general election of elective members of the Board, prepare an alphabetical list of all persons who shall in the twelve preceding months have paid the sum of three pounds and above that sum for harbour dues.

Such lists to be election roll.

13. The lists aforesaid, prepared by the Collector of Customs and the Secretary of the Board, shall together be the roll for the election of persons to serve as members by the payers of dues and the owners of vessels; and such roll shall continue in force until the fifteenth day of January preceding the next general election of elective members of the Board.

Issue of new pilotage-exemption certificates.

14. The holder of any pilotage-exemption certificate granted under the provisions of the said Act, or of "The Marine Act, 1867," or "The Marine Act Amendment Act, 1870," in respect of the Auckland Harbour shall, upon application, be entitled to receive in exchange for the same from the Board, and free of charge, a pilotage-exemption certificate under "The Harbours Act 1878 Amendment Act, 1883," subject to the provisions thereof, for vessels of the tonnage of those specified in such first-named certificate, or of any indorsement thereon.

Pilotage rates and dues payable to Treasurer.

15. All pilotage rates or dues leviable under the authority of the said Act shall be payable to the Treasurer of the Board, at the office of the Board.

Leasing powers.

16. Notwithstanding anything in the said Act contained, it shall be lawful for the Board to lease town land or lands used for building purposes, for any term not exceeding fifty years, without reserving in the lease of such lands an increased annual rent for the period beyond the first twenty-one years.

As to surrender of leases.

17. The Board may, if considered advisable, accept the surrender of any lease, and also may give to any assignee of any lease, and, with the consent of any lessee of the Board, his executors, administrators, or assigns, and of every person having any interest under any such lessee, may give any sub-lessee, for the whole of the unexpired term, a lease direct from the Board for the whole or any portion of the land comprised in the original lease, and may release the original lessee from all liability in respect of the covenants contained in the original lease, but in case of a sublease in so far only as such covenants extend to the land held by the sublessee, upon such terms and conditions as to the said Board may seem reasonable: Provided that the rent payable to the Board be not lessened nor the term for which

the original lease was granted be extended thereby, and such new lease shall only be granted upon the same or like conditions and stipulations as contained or implied in the original lease.

18. It shall be lawful for the Board, in respect of any lands vested in it hereafter to be leased, to agree with any lessee or assignee for the payment by the Board, at the end of any lease, of the value or a portion of the value of any building to be erected upon the lands leased, as the Board may deem advisable.

As to compensation for buildings erected.

19. Every lease granted by the Board shall be by deed or by memorandum of lease, and every lessee shall execute a counterpart thereof, and every such lease or memorandum of lease shall contain a condition for re-entry on non-payment of the rent for a period of more than twenty-eight days after it becomes due, and such other covenants and conditions as the Board may deem expedient.

Leases must be by deed or memorandum of lease.

20. Section two of "The Auckland Harbour Act 1874 Amendment Act, 1883," is hereby repealed, and in lieu thereof it is hereby enacted as follows:—

Sailors' Home.

It shall be lawful for the Board, out of the endowments vested in them for the Harbour of Auckland, and not at present leased, to set apart a site for a Sailors' Home, and to hold the same upon trust for that purpose, or to transfer, convey, or demise the same to Trustees, or to a corporation, to be held upon trust for a Sailors' Home, and for no other purpose, subject to such terms and conditions (and, in case of a lease, for such term) as the Board may think fit.

21. If the said site, or any building erected thereon, shall at any time after being set apart, transferred, or conveyed, or demised as aforesaid, be used or occupied for any other purpose or purposes than a Sailors' Home, or shall cease to be used for that purpose for six successive calendar months, then the said site and any buildings thereon shall become and be the property of the said Board, and shall be held by them upon trust as a site for a Sailors' Home or upon the original trust, as an endowment of the Port of Auckland, as the said Board may think fit.

Land set apart for Sailors' Home ceasing to be used for that purpose to revert to Board.

22. It shall not be lawful for the said Board or any person to lay out or make any street, or use, allow, permit, or suffer to be used as a street, or to grant or reserve, or use or permit, allow, or suffer to be used in common with any owner or occupier of lands or buildings adjacent thereto, any right-of-way or passage on or over any land reclaimed by the said Board, or by its order, or with its consent, from the southern side of the Waitemata Harbour, and abutting upon the northern boundary of the Borough of the City of Auckland, except by permission of the body corporate called the Mayor, Councillors, and citizens of the City of Auckland, hereinafter called "the Council;" and every such street shall be at least sixty-six feet wide, measured at right angles to the course thereof; and the Council may impose upon the said Board, or the person laying out or desiring to lay out such street, or laying out, making, granting, or reserving or using, permitting, allowing, or suffering to be used as aforesaid such right-of-way or passage, such conditions as to width, entrances, course, formation of footways, cost of formation, and otherwise in all respects whatsoever as the Council shall think fit; and if the said Board or any person lays out, or makes or permits to be opened for the use of the

Permission of Auckland City Council to be obtained to streets.

public any street, or lays out, makes, grants, or reserves, or uses, permits, allows, or suffers to be used as aforesaid, any right-of-way or passage contrary to the provisions of this Act or the said Act, it or he shall be liable to a penalty of not more than ten pounds for every day during which such street is so laid out, or made, or open to the use of the public, or such right-of-way or passage is so laid out, or made or suffered to be used as aforesaid, or such grant or reservation remains uncanceled after the day on which it or he receives notice from the Council that such street, or right-of-way, or passage, is contrary to this Act. No plan, deed, or instrument of any kind whereby any street or right-of-way or passage contrary to the provisions of this Act shall be created, recognized, referred to, granted, or reserved, shall be received for deposit or registration under the Deeds Registration Acts, or under the Land Transfer Act for the time being in force.

The word "street" means the whole of any public highway hereafter to be laid out on the said reclaimed land by or with the sanction of the said Board, and includes every public square or places therein, and every bridge, ford, and ferry on the line of a street.

"Right-of-way" means any way or passage whatsoever over any part of the said reclaimed land, the right to use which is confined or intended to be confined to certain persons or classes of persons, and which is not open or intended to be open to the use of the public generally.

Nothing in this section contained shall be construed to apply to or shall in any way affect any property belonging to or vested in Her Majesty the Queen or to any Government work executed or being executed under "The Public Works Act, 1882," or any Act amending the same.

23. So much of the Second Schedule of the said Act as relates to the number, nomination, or appointment, succession to office, and election of the members of the Board, is hereby repealed.

Part of principal Act repealed.