

1880, No. 22.—*Local.*

AN ACT to enable the Hokitika Harbour Board to raise a Loan of Five Thousand Pounds, and to enable the County of Westland and the Boroughs of Hokitika, Ross, and Kumara to raise a Special Rate for the purpose of providing Interest and Sinking Fund in respect of the said Loan.

HOKITIKA HARBOUR
BOARD LOAN.

[1st September, 1880.]

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

1. The Short Title of this Act is “The Hokitika Harbour Board Loan Act, 1880.” Short Title.

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

Interpretation.

“Board” means the Hokitika Harbour Board as constituted under “The Hokitika Harbour Board Act, 1876,” and “The Harbours Act, 1878:”

“Local governing body” means the Council of the County of Westland constituted under “The Counties Act, 1876,” and includes the Councils of the several Boroughs of Hokitika, Ross, and Kumara, constituted under “The Municipal Corporations Act, 1876.”

3. For the purpose of finishing the harbour and river protective works which are now in process of construction by the Board at the Port of Hokitika, it shall be lawful for the Board to borrow and raise any sum or sums of money not exceeding five thousand pounds.

Hokitika Harbour
Board empowered
to raise a loan of
£5,000 to finish
certain works.

Board to give notice to local governing bodies before loan raised.

Local governing bodies may enter into agreement with Board as to amounts to be contributed by them towards interest and sinking fund.

Proceedings to obtain decision of ratepayers.

Procedure when votes taken.

Application of general powers of local governing bodies.

Rates collected to be paid over to Board.

Powers of Board in case of default in payment of rate.

4. Before taking any steps to raise the loan authorized by this Act, the Board shall give two months' notice in writing to each local governing body that the Board intends to avail itself of the powers conferred by this Act.

5. Subject to the provisions hereinafter contained, all or any of the local governing bodies may enter into an agreement with the Board, as to the amount to be contributed by such body toward payment of the interest and sinking fund on the loan authorized by this Act; but no such agreement shall be of any force or effect until the question of such liability has been submitted to the ratepayers in the county or boroughs, as the case may require, and determined in accordance with the provisions of this Act.

6. Within the period of two months before-mentioned such local governing body shall take all necessary proceedings for obtaining the decision of the ratepayers in the county and boroughs affected by this Act, as to whether a special rate shall be levied therein for the purpose of providing interest and sinking fund on the loan authorized by this Act.

For the purpose of ascertaining the decision of the ratepayers, the provisions hereinafter mentioned shall apply and be put in force by each local governing body so far as applicable, that is to say,—

- (1.) As to proceedings taken by the Council of the County of Westland, the provisions of Part IX. of "The Counties Act, 1876," as amended by "The Counties Act Amendment Act, 1880;"
- (2.) As to proceedings taken by the Councils of the Boroughs of Hokitika, Ross, and Kumara, the provisions of Part X. of "The Municipal Corporations Act, 1876," as amended by "The Municipal Corporations Acts Amendment Act, 1880."

7. If in the county or in any borough the proposal to make such special rate is carried in the manner provided by the Acts hereinbefore respectively mentioned, then, subject to the terms of any such agreement as aforesaid, each local governing body shall proceed to make, levy, and collect such special rate accordingly.

If the proposal is not carried as aforesaid, the local governing body shall take no further proceedings in respect of such special rate.

8. Subject to the provisions of this Act, any rate made hereunder shall be made, levied, collected, and recovered, and each local governing body respectively shall have and may exercise the same powers in relation thereto, as if such rate was to be levied by each such body for its own purposes under the powers for making special rates by law vested in it.

9. All rates collected or recovered by any local governing body under this Act shall be paid over to the Board as collected, and clear of all costs and charges of collecting or recovering such special rate.

10. If any local governing body at any time refuses or neglects to collect or receive the rate payable under the powers conferred by this Act, for one month after the same or any part thereof has become payable, the Board shall have all the powers of the local governing body so refusing or neglecting, and, after giving written notice to such body, shall have and may exercise all the rights, powers, and remedies of such body, or the corporate body it represents, for the recovery of such rate or any part thereof.

All costs and charges of collecting or recovering such rate shall in such case be recoverable by the Board from the local governing body so neglecting or refusing as aforesaid.

All the powers conferred upon the Board under this section may be exercised from time to time, as often as occasion shall require.

11. All the provisions of "The Harbours Act, 1878," relating to the mode of borrowing money, the repayment of loans, and the remedies of debenture-holders shall, subject to the provisions of this Act, be applicable to the loan hereby authorized to be raised; and, without prejudice to the powers by this Act created, the Board shall be liable in respect of the said loan and the interest thereon as if no specific provision had been made by this Act for raising interest and sinking fund by a special rate.

Provisions of "The Harbours Act, 1878," to apply to loan authorized by this Act.

12. Every debenture issued under this Act shall be redeemable on or before the first day of January, one thousand eight hundred and ninety-one, and shall, in addition to all other necessary requirements, show upon its face that it is issued under the provisions of this Act, which shall be deemed to be a special Act for the purposes of "The Harbours Act, 1878."

Date when debentures to be redeemable.

13. If any local governing body shall at any time neglect or refuse to make, levy, collect, or receive the rate made payable under the powers conferred by this Act, at the time when the same ought to be made, levied, or collected, every member of any such body at the time of such refusal or neglect shall be liable to a penalty not exceeding one hundred pounds for every such act of neglect or refusal.

Penalty for refusal or neglect to collect rate.

14. The liability to the penalty imposed by the last preceding section shall be in addition to and not in restriction of any other right or remedy which the Board may have against any such body in order to compel a compliance with the provisions of this Act.

Imposition of penalty not to restrict other rights or remedies of Board.

15. No loan to be raised under this Act shall be a charge upon the revenue of New Zealand.

Loans not to be a charge on revenue of New Zealand.