



ANALYSIS

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(77) 1958 p. 815

FURTHER AMENDMENT ACT:—
1977 No. 15 (L).

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

1. Short Title and commencement—(1) This Act may be cited as the Marlborough Harbour Act 1958.

(2) Except as otherwise provided herein, this Act shall come into force on the first day of December, nineteen hundred and fifty-eight.

2. Special Act—This Act shall 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 Marlborough Harbour Board constituted under this Act:

“Harbour” means the ports and harbours described in the First Schedule to this Act:

“Harbour district” means the area defined in section four of this Act.

4. Harbour district constituted—The area comprising the Counties of Marlborough, Awatere, and Sounds (except the Croisilles - French Pass Road District as defined by Order in Council dated the twenty-third day of September, nineteen hundred and fifty-three, and published in the *Gazette* of the twenty-fourth day of the same month, at page 1551), the East Coast Riding of the County of Kaikoura, and the Boroughs of Picton and Blenheim is hereby constituted a district under the name of the Marlborough Harbour District.

5. Constitution of Board—(1) There is hereby constituted for the harbour a Harbour Board to be known as the Marlborough Harbour Board.

(2) The Board shall consist of the number of members specified in the First Schedule to the Harbours Act 1950 (as amended by subsection three of this section), who shall be elected in accordance with the provisions of that Act by the persons specified in that Schedule (as so amended), together with any additional member or members for the time being holding office under subsection four of this section.

(3) The First Schedule to the Harbours Act 1950 is hereby amended by inserting, after the reference to the Lyttelton Harbour Board, the following words:

“Marlborough Harbour Board. Ten members Three by the electors of the County of Marlborough, of whom one shall be elected by the electors of the Pelorus Riding of the County, and the other two shall be elected by the electors of the remainder of that county; four by the electors of the Borough of Blenheim; one by the electors of the Borough of Picton; and two by the electors of the County of Awatere and of the East Coast Riding of the County of Kaikoura.”

(4) Notwithstanding anything in section fifteen of the Harbours Act 1950, or in the First Schedule to that Act (as amended by subsection three of this section), for the purpose of providing representation on the Board of the Sounds County (being a county in which the Counties Act 1956 is not in force) and the Kenepuru Road District, the Governor-General may from time to time if he thinks fit, having regard to the populations of that county and road district, appoint to the Board a representative or representatives of that county and of that road district, to hold office as a member or members for such term as he thinks fit. Any person may be so appointed and hold office as a member of the Board notwithstanding that he is not an elector, or does not possess a qualification as an elector, of a constituent district within the Board's district. In the event of an extraordinary vacancy in the office of a member appointed under this subsection, the Governor-General may appoint a representative to fill the vacancy, and the person so appointed shall hold office as a member for the unexpired portion of the term of office of his predecessor. Every member appointed under this subsection shall continue in office until his successor is appointed, notwithstanding that the term for which he holds office has expired.

(5) Until a quorum is fixed by bylaw of the Board, five members of the Board shall form a quorum.

6. Power to borrow—It shall be lawful for the Board from time to time, as it may require, to borrow, subject to the provisions of the Harbours Act 1950, a sum or sums not exceeding in the whole seventy thousand pounds for the purpose of carrying out, subject to the provisions of the said Act, the works specified in the Second Schedule to this Act.

7. Security for loan—The Board may make as security for the money authorised to be borrowed under this Act a special rate on all rateable property in the harbour district not exceeding one-eighth of a penny in the pound on the capital value of all rateable property in the harbour district.

8. Ratepayers' roll—(1) For the purposes of any poll to be taken under the Local Authorities Loans Act 1956, the Secretary of the Board shall prepare a roll of those ratepayers in the Sounds County (except the Kenepuru Road District) who are entitled to vote at such a poll; and that roll together with

the rolls of ratepayers of every other county or part of a county, and of every borough and road district, comprised in the harbour district shall be deemed to be the roll of ratepayers of the harbour 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 harbour 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 harbour 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.

(4) At any such poll as aforesaid every ratepayer of the harbour district shall have one vote only.

9. 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, except in the case of that portion of the Sounds County other than the Kenepuru Road District, 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.

10. Abolition of Kenepuru Harbour Board and vesting of assets in the Board. Commencement—(1) The Kenepuru Harbour Board is hereby abolished.

(2) All the real and personal property, including all buildings, wharves, and jetties, and all money in any bank account, belonging to the Kenepuru Harbour Board as constituted by Order in Council, dated the third day of December, nineteen hundred and thirty-five (giving the Kenepuru Road Board the powers of a Harbour Board), and all the assets and liabilities, rights, powers, functions, duties, and authorities of that Harbour Board, are hereby vested in the Marlborough Harbour Board without the necessity of any further or other transfer or assurance.

(3) Where by virtue of this section any land becomes vested in the Board without conveyance or assignment, and the Kenepuru Harbour Board is registered as the proprietor of that land under the Land Transfer Act 1952, the District Land Registrar shall, at the request of the Marlborough Harbour Board, and on being satisfied by statutory declaration or otherwise of the title of that Board, register that Board as the proprietor of that land instead of the Kenepuru Harbour Board.

(4) The Harbours Act 1950 is hereby amended by omitting^{REP. 196} from the Second Schedule the words "Kenepuru Harbour^{No. s.} Board".

(5) The Order in Council dated the third day of December, nineteen hundred and thirty-five, and published in the *Gazette* of the fifth day of the same month at page 3583, conferring the powers of a Harbour Board on the Kenepuru Road Board and defining the limits of the Harbour of Kenepuru, is hereby revoked.

(6) This section shall come into force on the date of the coming into force of the Order in Council referred to in subsection one of section eleven of this Act.

11. Provision for vesting in Board of certain assets at Picton—(1) The Governor-General may at any time, by Order in Council, declare to be vested in the Board the wharf owned by the Crown at Picton, and such lands, easements, or interests

in land owned or held by the Crown and used for or in connection with the said wharf, and such machinery, plant, equipment, or other chattels so used, as he thinks fit.

(2) The District Land Registrar is hereby authorised and directed, on the deposit with him of such plans and documents as he may require, to issue to the Board a certificate of title in respect of any land so vested in the Board and to make such entries in the register books and do all such things as may be necessary to give effect to the provisions of any Order in Council under this section.

12. Security to be given as consideration for vesting of assets at Picton—(1) On the vesting of any real or personal property in the Board under section eleven of this Act, the Board shall execute, in favour of the Crown or of some person or body of persons to be nominated by the Minister of Finance a debenture or other suitable security, securing such sum or sums as may be determined by that Minister.

(2) The debenture or other security shall be given in such form and upon and subject to such terms and conditions as may be approved by the Minister of Finance, and shall be secured over and create a first charge on all real and personal property at any time owned by the Board, including all revenues of the Board from any source and all rates payable to the Board, except any special rate made by the Board as security for any special loan raised by it.

(3) Subject to the provisions of subsection two of this section, every debenture or other security given under this section shall be deemed to be a debenture issued by the Board pursuant to Part III of the Local Authorities Loans Act 1956, and the provisions of that Part relating to default shall apply, so far as they are applicable and with the necessary modifications.

13. Abolition of rating powers of Havelock and Wairau Harbour Boards. Commencement—(1) The following enactments are hereby repealed, namely:

- (a) Section nine of the Havelock Harbour Board Act 1905:
- (b) The Havelock Harbour Board Amendment Act 1910:
- (c) Sections four, five, seven, and eight of the Wairau Harbour Board Empowering Act 1922.

(2) This section shall come into force on the date of the coming into force of the Order in Council referred to in subsection one of section eleven of this Act.

14. Power of Governor-General in Council to unite Havelock and Wairau Harbour Boards with Marlborough Harbour Board—(1) This section shall apply with respect to the Havelock Harbour Board and the Wairau Harbour Board.

(2) The Governor-General may at any time by Order in Council, on the recommendation of the Minister of Marine made at the joint request of the Marlborough Harbour Board and of any Board to which this section applies,—

(a) Abolish the last-mentioned Board:

(b) Vest all the assets, liabilities, rights, powers, functions, duties, and authorities of the abolished Board in the Marlborough Harbour Board.

(3) By the same or any subsequent Order in Council the Governor-General may—

(a) Amend the First Schedule to the Harbours Act 1950 by omitting so much thereof as relates to the abolished Board, and, if he thinks fit, by altering the constitution of the Marlborough Harbour Board:

(b) Amend the First Schedule to this Act by adding thereto the name or description of any port or harbour under the jurisdiction of the abolished Board:

(c) Make such provision as he deems necessary or expedient to give effect to such abolition and vesting as aforesaid and to any of the other purposes of this section.

15. Transitional provisions—(1) Until the date of the coming into force of the Order in Council referred to in subsection one of section eleven of this Act, the Board shall not exercise any powers, functions, duties, or authorities in respect of Picton Harbour; and until that date Picton Harbour shall be deemed to continue to be a harbour to which sections six and seven of the Harbours Act 1950 apply:

Provided that nothing in this subsection shall be construed to affect the power of the Board to take all steps necessary to obtain any sanction or consent required under the Local Authorities Loans Act 1956 for the purposes of any loan proposed to be raised by the Board under section six of this Act.

(2) All bylaws and scales of rates and charges in force in respect of Picton Harbour and Kenepuru Harbour on the said date shall continue in force after that date, as if they were made by bylaws of the Board, until bylaws are made by the Board in substitution therefor, and shall after that date be enforceable by the Board accordingly.

SCHEDULES

REP. 19
No. 34
Substituted.

Section 3

FIRST SCHEDULE

PORTS AND HARBOURS UNDER THE JURISDICTION OF THE MARLBOROUGH
HARBOUR BOARD

PICTON, being all those waters of Queen Charlotte Sound inside a straight line north (true) from Dieffenbach Point to the opposite shore.

KENEPURU, being—

(a) All those waters of Kenepuru Sound inside a straight line drawn from the northern extreme of Putahuia Point to Koutawai; as the same is delineated on a plan marked M.D. 7405, deposited in the office of the Marine Department at Wellington, and thereon coloured blue; and

(b) All those waters of Manaroa Sound and Karepo Sound inside a line drawn from the northernmost point of Opani-aputa Point to the westernmost point of Tawhinu Point; as the same is more particularly shown and delineated on the said plan M.D. 7405 and thereon coloured pink.

Section 6

SECOND SCHEDULE

HARBOUR WORKS

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Extension to wharf at Picton	36,000
Erection of offices	5,000
Erection of store	8,000
Erection of all-weather loaders	9,000
Dredging in Picton Harbour	6,000
Contingencies	6,000
			<u>£70,000</u>