

New Zealand.



ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. Incorporation of "The Harbours Act, 1878." 2. Interpretation. 3. Harbour Board for Nelson constituted. 4. Endowments of Board. 5. Subsidy payable to Board. 6. Annual compensation of £500 to be paid to the Board. | <ol style="list-style-type: none"> 7. Nelson Harbour District. 8. Electors. 9. Local Elections Act applied. 10. Borrowing-powers. 11. Board may make special rate. 12. Governor may order discontinuance of works. 13. Repeal. <p>Schedules.</p> |
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1905, No. 36.—*Local.*

- Title.** AN ACT to consolidate certain Acts of the General Assembly relating to the Nelson Harbour Board. [23rd October, 1905.]
- 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. (1.) The Short Title of this Act is "The Nelson Harbour Act, 1905."
- Incorporation of "The Harbours Act, 1878."** (2.) This Act shall be deemed to be a special Act within the meaning of "The Harbours Act, 1878," and shall be read subject thereto.
- Interpretation.** 2. In this Act—
 "Board" means the Harbour Board constituted under this Act:
 "District" means the Nelson Harbour Board District:
 "Harbour" means the Port and Harbour of Nelson:
 "The said Act" means "The Harbours Act, 1878."
- Harbour Board for Nelson constituted.** 3. A Harbour Board is hereby constituted under the said Act for the Harbour of Nelson, consisting of ten members, of whom six shall form a quorum, who shall be appointed and elected as follows:—
- (a.) Three members shall be appointed by the Governor;
 - (b.) Three members shall be elected by the electors of the City of Nelson;
 - (c.) Three members shall be elected by the electors of that part of the County of Waimea included in the harbour district hereinafter mentioned; and
 - (d.) One member shall be elected by the electors of the Borough of Richmond.

4. The Board is hereby endowed with—

(a.) The foreshore of the Nelson Harbour, the Waimea Mud-flats, and the flats within the harbour as described in the First Schedule of this Act;

(b.) All pilotage and port charges in the Harbour of Nelson.

Endowments of Board.

5. (1.) There shall be payable to the Board during each year ending the thirty-first day of March a subsidy of one thousand five hundred pounds, diminished by one pound for every pound by which the Board's revenue derived from pilotage and port charges during the year exceeds the sum of one thousand five hundred and fifty pounds (being the estimated yearly revenue derived from these sources at the Port of Nelson at the time of the passing of "The Nelson Harbour Board Act, 1900").

Subsidy payable to Board.

(2.) The subsidy for each year shall be payable by such instalments during the year as the Colonial Treasurer thinks fit.

(3.) The subsidy shall be payable out of the Consolidated Fund without further appropriation than this Act.

(4.) The subsidy shall in no case continue to be payable after the maturity of the first debentures issued by the Board, being not more than thirty years after the passing of "The Nelson Harbour Board Act, 1900."

6. There shall also be paid annually to the Board by the Colonial Treasurer, without further appropriation than this Act, the sum of five hundred pounds, in lieu of the rents and profits of the lands excluded from the endowments of the Board by "The Nelson Harbour Board Amendment Act, 1901," and of the lands comprised within the foreshore leases numbered 5, 6, 7, 8, and 9, adjoining the Haven Road, Nelson Harbour, which last-mentioned lands have been acquired by the Governor by Proclamation under "The Public Works Act, 1894."

Annual compensation of £500 to be paid to the Board.

7. The Nelson Harbour District shall comprise the Waimea County, except the Motueka Riding and that portion of the Moutere Riding now included in the Motueka Electoral District, and being the late Lower Moutere Road District as described in the *Gazette* dated the thirtieth day of April, one thousand eight hundred and eighty-three, together with the City of Nelson and the Borough of Richmond.

Nelson Harbour District.

8. Every person whose name at the time of any election of a member of the Board is on the electors roll in force in the respective city, borough, or county referred to in the last preceding section in respect of any property or other qualification within the harbour district shall be entitled to a vote at such election for the subdivision wherein his name is enrolled.

Electors.

9. The Board is hereby declared to be a local authority within the meaning of "The Local Elections Act, 1904."

Local Elections Act applied.

10. (1.) Subject to the provisions of the said Act, and to the Governor's previous approval of a plan of the works proposed to be constructed, the Board may from time to time borrow money (not exceeding thirty-five thousand pounds) on the security of its endowments for the construction or completion of harbour-works for the improvement of the harbour.

Borrowing-powers.

(2.) Such moneys may be raised in the manner prescribed by "The Local Bodies' Loans Act, 1901"; and the provisions of that Act shall apply as if the Board were a local authority, and the said works were public works within the meaning of Part I. of that Act.

(3.) In addition to the said sum of thirty-five thousand pounds, the Board may in like manner raise the sum of thirteen thousand eight hundred pounds, being the unraised portion of the loan authorised by the electors to be raised under "The Nelson Harbour Board Act, 1900":

Provided that it shall not be necessary to take the steps required by sections seven to thirteen of that Act.

Board may make special rate.

11. As further security for the money authorised to be borrowed as aforesaid the Board may make and levy a special rate not exceeding one penny in the pound in the year on all rateable property in the harbour district.

Governor may order discontinuance of works.

12. The Governor may at any time by Order in Council (notwithstanding that he may have previously approved of any plan of works proposed to be undertaken by the Board) prohibit the continuance of any work which in his opinion is likely to affect the Nelson Harbour injuriously, or may by such Order permit the continuance of such work subject to such conditions or modifications as he deems expedient.

Repeal.

13. The enactments mentioned in the Second Schedule hereto are hereby repealed: Provided that—

- (a.) The members of the Board in office on the passing of this Act shall be deemed to have been appointed and elected respectively under this Act; and
- (b.) Such repeal shall not affect the rights of any creditor of the Board; and all moneys raised and rates levied and all acts lawfully done under any Act hereby repealed shall be deemed to have been raised, levied, and done under this Act.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

ALL that area bounded by a line commencing at a point at high-water mark on the eastern shore of Tasman Bay, at the south-western boundary of the Wakapuaka Native Reserve; thence by the northern and western boundaries of Section 36, Block VI., Wakapuaka Survey District (Suburban North), the northern boundary of Sections 1 and 4, Block V., and the western boundary of the latter section to the Wakapuaka Road; thence by the said road to the western boundary of Section 7; thence by the western boundary of Sections 7, 17, and 16, Block V., again to the Wakapuaka Road; thence by the said road to Section 11A, Block IX.; thence by the western boundary of the said Section 11A to the Wakapuaka Road; thence by the said road to a road forming the western boundary of Section 1, Block IX., Wakapuaka Survey District (Suburban North); thence by the said road to the northern boundary of Section H 9, City of Nelson; thence by the said boundary for a distance of 626.2 links; thence by a line bearing $293^{\circ} 40' 20''$ a distance of about 4600 links; thence by a line bearing $220^{\circ} 18'$ a distance of about 4400 links to a point 50 links outside the railway breastwork, opposite the road lying between Sections 57 and 58, City of Nelson; thence by a line parallel to and 50 links outside the railway breastwork to the south-eastern boundary of Foreshore Lease No. 9; thence by the south-eastern boundary of No. 9 to the south-western corner of No. 9; thence by the south-western boundaries of Foreshore Leases Nos. 9, 8, 7, 6, and 5; thence 50 links along the north-western boundary of Lease No. 5; thence by lines parallel to and 50 links outside the railway breastwork and the north-

eastern and north-western sides of the Railway Wharf; thence by a line in prolongation of the line parallel to and 50 links outside the north-western boundary of the Railway Wharf to a point at which it intersects the prolongation of boundary-line between Sections 18 and 17, City of Nelson; thence to Wakefield Quay opposite the boundary-line between Sections 18 and 17, City of Nelson; thence by a line to form the north-western side of Wakefield Quay distant 1 chain from the north-western boundaries of Sections 17, 16, 15, 14, and 13, City of Nelson, to the Rocks Road breastwork; thence by the said breastwork to a point 7 chains distant in a northerly direction from the western boundary of the main road to Stoke; thence by high-water mark of Tasman Bay and the Waimea Mud-flat to a public road forming the south-western boundary of Section 62, Block III., Waimea Survey District (Suburban South); thence by a public road forming the boundary of Sections 77, 78, and 79, Block VII. (Waimea East), to the north-eastern boundary of Section 222 of the said Block VII.; thence by the said boundary and by the north-eastern and north-western boundaries of Section 221 again to a public road forming the south-western boundary of the last-mentioned section; thence by the said public road forming the north-eastern boundaries of Sections 220, 219, 218, 217, Block VII., Sections 216, 215, 214, 213, 212, 169, Block VI., Sections 198, 212, 211, 209, 208, and 207, Block II., to the mouth of the River Waimea; thence by a line across the said river to the northern boundary of Section 10, Block II. aforesaid (Waimea West); thence by high-water mark of the Waimea Mud-flat to the west side of the road forming the western boundary of Section 3, Block II. aforesaid (Waimea West); thence by the said road to the northern boundary of Section 13, Block I., Waimea Survey District; thence by high-water mark of the Waimea Mud-flat, Tasman Bay, and the Moutere Mud-flat to a public road forming the north-western boundary of Section 203, Block VIII., Motueka Survey District (Moutere); thence by the said road and a continuation thereof forming the boundary of Section 202, Block VII., to the mouth of the River Moutere; thence by a line across the said river to the road forming the eastern boundary of Section 172, Block VII. aforesaid (Moutere); thence by the said road to the southern boundary of Section 3 of 173; thence by the southern, eastern, and northern boundaries of the said section to a public road; thence by the said public road to the southern boundary of Section 3 of 170, Block VII. aforesaid (Motueka); thence by the southern and eastern boundaries of the said section to a public road; thence by a public road to Section 144, Block IV.; thence by the southern boundary of the said Section 144 to a public road forming the eastern boundary of the said section; thence by the said road forming the eastern boundary of Sections 144, 145, 146, 147, 143, 142, 141, 140, 139, 138, 137, 136, 135, and 132, Block IV., Motueka Survey District (Motueka), to a point on high-water mark of Tasman Bay formed by the production (in an easterly direction) of the northern boundary-line of the last-mentioned section; thence by a further production of the said section-line for a distance of three miles; thence by a line parallel to the general trend of the coast-line of Tasman Bay, and distant three miles therefrom, to a point made by the production of the south-western boundary-line of the Wakapuaka Native Reserve; and thence by the said produced line to the point of commencement:

Excepting and excluding therefrom Section 1132, Town of Nelson; reserve for lighthouse, Nelson Haven; Sections 1097, 1098, 1099, and 1100, City of Nelson; and Aboukir Battery and Fort Bastia Reserves, all on Haulashore Island; Oyster and Saxton's Islands; Waimea Islands Nos. 1, 2, 3, 4, and 5; and Section 1, Block II., Waimea Survey District, all in the Waimea Mud-flat; and Sections 1 and 2, Block IV., Motueka Survey District (Moutere), known as Giblin's Island; and all foreshore, mud-flats, and other lands (if any) within the Motueka Electoral District north of Section 90, Block II., Moutere Survey District.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

1900, No. 22 (Local).—"The Nelson Harbour Board Act, 1900."

1901, No. 64.—"The Nelson Harbour Board Amendment Act, 1901": Except sections 6 and 7.

1902, No. 26.—"The Nelson Harbour Board Amendment Act, 1902."