

Mr Lake

LYTTELTON HARBOUR BOARD LOAN AND EMPOWERING

[LOCAL BILL]

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A BILL INTITULED

5 AN ACT to authorize the Lyttelton Harbour Board to construct certain harbour works, to borrow money for the purpose of the construction of such harbour works, to repeal certain Acts affecting the Board, to confirm the vesting of lands, and to vest further powers in the Lyttelton Harbour Board. Title.

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- Short Title. 1. This Act may be cited as the Lyttelton Harbour Board Loan and Empowering Act 1955.
- Interpretation. 2. In this Act, unless the context otherwise requires,—
“Board” means the Lyttelton Harbour Board: 5
“Borough” includes a city:
“Chairman” means the Chairman of the Board for the time being, or any member of the Board for the time being performing the duties of the Chairman:
“Harbour district”, or “district”, means the Lyttelton Harbour District constituted by this Act: 10
“Secretary” means the Secretary of the Board for the time being, or any other person for the time being performing the duties of the Secretary.
- Special Act. 3. This Act shall be deemed to be a special Act within the meaning of the Harbours Act 1950. 15
- Constitution of Lyttelton Harbour District. 4. The area in the Canterbury Land District defined in the *First* Schedule to this Act is hereby constituted a district under the name “The Lyttelton Harbour District”.
- Power granted to Board to borrow £3,550,000 for works set out in *Second* Schedule. 5. (1) It shall be lawful for the Board to borrow, in addition to the sums authorized by any previous Acts, subject to the provisions of the Harbours Act 1950 and of this Act and of the Local Government Loans Board Act 1926 and of the Local Bodies’ Loans Act 1926, any sum or sums of money not exceeding in the aggregate 20 the sum of three million five hundred and fifty thousand pounds, to be applied for the purposes of carrying out, subject to the provisions of the Harbours Act 1950, the works specified in the *Second* Schedule to this Act: 25
Provided that where the amount specified in the said *Second* Schedule against any particular work is more than sufficient for that particular work and leaves a surplus remaining after the completion of that particular work, the surplus may be applied in the completion of any other of the said works specified in the said *Second* Schedule if the amount appropriated to any such work is not sufficient for its completion: 30
Provided also that the Board may raise the amount of the said loan by one or more loans in one sum or in different sums at different times as the Board thinks fit. 40
(2) The provisions of the Local Bodies’ Loans Act 1926 shall, as far as they are applicable, apply as if the Board were a local authority and the harbour district were a district and the said works were public works within the meaning of that Act. 45

6. The holder of any debenture issued in respect of any such loan shall not have any preference by reason of any priority of date or otherwise, but all debenture holders shall rank alike and be entitled to equal rights and remedies.

All debenture holders rank alike.

7. (1) If the prior consent of the ratepayers of the district is required or demanded or resolved to be obtained to the raising of the said loan pursuant to subsection one of section nine of the Local Bodies' Loans Act 1926, the provisions of this section shall apply.

Procedure if poll to be taken.

(2) The poll shall be taken on the approval or rejection of the loan proposal as follows:

(a) All the provisions of the Local Elections and Polls Act 1953 as regards taking a poll shall, as far as they are applicable, and except as by this section or otherwise provided, apply to the taking of a poll on the loan proposal to raise the said loan:

(b) The Secretary shall be the Returning Officer for the purpose of taking the poll, and as such Returning Officer shall appoint a Deputy Returning Officer for each borough, county, and town district within the harbour district:

Provided that a Deputy Returning Officer may be appointed for one or more boroughs, counties, and town districts within the harbour district:

(c) Each Deputy Returning Officer shall, on the day appointed by the Chairman, proceed to take the poll in the manner provided by the Local Elections and Polls Act 1953 for taking a poll at any election as if he were the Returning Officer for each borough, county, or town district in respect of which he is appointed, and shall accordingly provide voting papers and all things necessary for taking the poll. Rolls of the said ratepayers shall be provided or made up for the purpose, subject to the provisions of the enactments affecting the said boroughs, counties, and town districts respectively, as far as the same are applicable. Such rolls shall be provided or made up in each case by the proper officer of the local authority who prepares the roll for the election of members of the local authority, and in each case a reasonable fee shall be paid therefor:

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(d) The poll shall be taken at the polling places appointed in each borough, county, and town district as aforesaid and each ratepayer shall have and may exercise one vote and no more at the poll. 5

(3) If the total number of valid votes recorded at the poll in favour of the loan proposal exceeds the total number of valid votes recorded at the poll against it, then, and not otherwise, such proposal shall be deemed to be carried, and the Board may proceed with the proposal accordingly; but if there is not such a majority in favour of the proposal it shall be deemed to be rejected, and the Board shall not proceed with the proposal unless and until the proposal, in its original or some modified form, is again submitted to the ratepayers in manner hereinbefore provided and is carried by such majority as aforesaid. 10 15

Board may rate district for interest on loan and recover from local authorities a sum equivalent to annual rate.

8. In case the Harbour Fund of the Board shall be insufficient to pay the expenses incurred by the Board in the construction, completion, maintenance, and repair of its present and future harbour works, and all other current expenses, and the interest and sinking fund on previous loans and on the loan hereby authorized to be raised, or should the available income of the Board prove insufficient to meet such expenses and interest and sinking fund and the Board determines that it is desirable to make and levy a rate or rates, a rate or rates not exceeding in the aggregate three-eighths of a penny in the pound on the capital value of all rateable property in the harbour district, as appearing on the valuation rolls in force for the time being of the boroughs, town districts, and counties comprised within the harbour district, shall be levied by the Board, and the proceeds of such rate or rates shall be applied towards payment of the annual charges to accrue in respect of the loan to be raised under this Act: 20 25 30 35

Provided that, in lieu of levying such rate or rates as aforesaid, or, at any time after such rate or rates shall have been made, in lieu of continuing to levy the same, the Board may from time to time allocate and recover from the local authorities in the harbour district a sum equivalent to the annual amount of such rate or rates 40

to be apportioned in the proportion to the rateable value of all rateable property comprised within the boundaries of the boroughs, counties, and town districts in the harbour district, and may fix the time or times for the payment thereof, either in one sum per annum, or by two equal half-yearly instalments.

9. The amount to be levied or allocated by the Board in each year shall not exceed such amount as is required to provide for the payment of interest and sinking fund on the aggregate amount for which debentures shall at any time be issued under this Act, after taking into account whatever sum of money may be available from the revenue of the Board for the previous year for payment of interest on the loan hereby authorized to be raised after providing for all other charges.

Amount of rate of contribution.

10. Any such sum available from the revenue of the Board for the previous year shall be taken into account as aforesaid, and the balance required for interest on the loan and sinking fund shall then be levied or allocated in manner herein provided.

Sums available from revenue to be applied in payment of interest on loan.

11. For the purposes of the *last three preceding* sections the term "sinking fund" shall be deemed to include the total amount required annually to redeem any debentures issued by the Board.

Sinking fund to include amount required to redeem debentures.

12. No rate or allocation of contributions made under this Act shall be capable of being set aside or of being quashed by any proceedings of any Court or otherwise; and no defect in the same, or omission, error, or irregularity in respect thereof, shall be set up as a defence to any action which may be brought to recover the same.

No rate or allocation to be quashed.

13. For the purpose of making, levying, and recovering the rate or rates hereby authorized to be made and levied, the Board shall have and may exercise all the powers of making, levying, and recovering rates in each borough and town district and each county within the district which any local authority having rating powers within such borough, town district, or county shall or may have under the law for the time being in force regulating the making and recovery of rates therein respectively; and the provisions of the Acts for the time being in force in the boroughs, town districts, and counties included in the harbour district providing for levying rates for the payment of the annual charges on loans raised by

For the purpose of making and recovering rates Board may exercise powers of local body.

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such boroughs, town districts, or counties shall, so far as applicable, be deemed to apply to the rate or rates hereby authorized to be made and levied:

Provided that the period for which the said rate or rates shall be levied, or allocations of contributions shall be continued, shall be until the loan hereby authorized to be raised is paid off: 5

Provided also that during that period either of the two modes referred to may be adopted and varied from time to time as the Board may deem expedient. 10

Powers granted to Board for levying and collecting rates may be delegated.

14. All or any of the powers hereby granted to the Board as to making, levying, recovering, and collecting the rate or rates hereby authorized to be made may, by resolution of the Board (which may, however, from time to time be varied or rescinded) be delegated by the Board to the Councils of the boroughs, town districts, and counties included within the harbour district, or to one or more of them, so far as relates to rateable property situated within the boundaries of such boroughs, town districts, and counties respectively; and on receipt of notices in writing of such delegations signed by the Chairman of the Board, the Mayor of each borough, the Chairman of each Town Council, and the Chairman of each county shall forthwith cause all necessary steps to be taken for the performance of the acts in respect of which power may have been delegated as aforesaid. 15 20 25

Amounts levied but not collected deemed revenue.

15. All amounts levied by the Board against any local authority pursuant to this Act or any other Act during any financial year shall, for the purposes of paragraph (c) of subsection two of section three and subsection one of section nine of the Local Bodies' Finance Act 1921-22, be deemed to be revenue of the Board for that financial year, notwithstanding that the said amounts, or any portion thereof, may not be payable to the Board in the financial year of the Board in which the said amounts are levied. 30 35

Board may establish and conduct business as wharfingers and stevedores and may license wharfingers and stevedores.

16. The Board may establish and conduct business as wharfingers, stevedores, warehousemen, carters, and carriers, or any of such businesses, and may make such reasonable charges for any services rendered by the Board in any such business as may be prescribed by by-laws made under and pursuant to the provisions of section 40

two hundred and thirty-two of the Harbours Act 1950, or may, subject to by-laws made as aforesaid, license any persons to act as wharfingers, stevedores, warehousemen, carters, and carriers, or any of such businesses, and to
5 make such reasonable charges as may from time to time be approved by the Board for any services rendered in any such business.

17. Whereas by the Second Schedule to the Lyttelton Waterworks Transfer Act 1878 it was enacted that the
10 Board should have and be supplied by the Corporation of the Borough of Lyttelton with water for the purposes and use of the Board and not for sale, and without charge, and that at all times thereafter the charge to be made by the said Corporation to the shipping in the Harbour
15 of Lyttelton for such water as might be supplied should not exceed eight shillings per ton: Be it therefore enacted as follows:

Board may require Lyttelton Borough Council to supply harbour works with supply of fresh water.

(1) It shall be the duty of the Corporation of the Borough of Lyttelton—

20 (a) To provide, instal, repair, and maintain to the satisfaction of the Board, watermains and all other plant and equipment from time to time necessary to supply all existing and future harbour works and any extensions thereof with an
25 adequate and efficient supply of fresh water for general purposes, use, and protection against fire of the said harbour works and of the persons and shipping making use of the same:

30 (b) To submit all plans and specifications for such provision, installation, repair, and maintenance to the Board for its approval and to carry out the work at such times and in such manner as may be directed by the Board.

(2) The Corporation shall supply water as aforesaid
35 without charge to the Board.

(3) The Corporation shall be entitled to charge for
40 all water supplied to the shipping in the Harbour of Lyttelton by means of the said watermains and all other plant and equipment, and, notwithstanding the provisions of the Second Schedule to the Lyttelton Waterworks Transfer Act 1878, such charge shall be payable to the Corporation by and be recoverable by the Corporation from the persons liable to pay harbour dues under section one hundred and four of the Harbours Act 1950.

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Lands to vest
in Board.

18. (1) The lands described in the *Third* Schedule to this Act are hereby vested in the Board for an estate in fee simple in trust for harbour purposes.

(2) The District Land Registrar for the Land Registration District of Canterbury is hereby authorized and directed, on the deposit with him of a plan of the said lands, to issue to the Board a certificate of title in respect of the said lands, 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 this section. 5 10

Repeals.

19. (1) The enactments specified in the *Fourth* Schedule to this Act are hereby repealed.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal of any provision by this Act shall not affect any documents made or any thing whatsoever done under the provision so repealed or under any corresponding former provision. 15

(3) All lands set aside or authorized to be set aside under any of the enactments hereby repealed as endowments for the Board and remaining undisposed of or vested in the Board under any of the enactments hereby repealed shall be deemed to be set aside or may be set aside or shall be deemed to be vested under the Harbours Act 1950 for the same purposes for which the lands were respectively so set aside or authorized to be set aside or vested. 20 25

Schedules

Section 4

SCHEDULES

FIRST SCHEDULE

THE LYTTELTON HARBOUR DISTRICT

ALL that area in the Canterbury Land District comprising the City of Christchurch, the Boroughs of Akaroa, Ashburton, Kaiapoi, Lyttelton, Rangiora, and Riccarton, the Town Districts of Leeston, Southbridge, and Tinwald, and the Counties of Akaroa, Amuri, Ashburton, Ashley, Cheviot, Ellesmere, Eyre, Halswell, Heathcote, Kowai, Malvern, Mount Herbert, Oxford, Paparua, Rangiora, Selwyn, Springs, Tawera, Waimairi, Waipara, and Wairewa: the whole of the said area being more particularly delineated on the plan marked M.D. deposited in the Head Office of the Marine Department at Wellington, and thereon coloured red.

SECOND SCHEDULE

HARBOUR WORKS

Section 5

THE reclamation from the waters of Lyttelton Harbour of thirty-one acres, more or less, being the lands shown on the plan marked M.D. and thereon coloured purple and sepia, together with breakwater and all works necessary for or incidental to such reclamation	£ 1,289,000
The dredging of the area shown on the plan marked M.D. and thereon coloured yellow, and works necessary for or incidental to such dredging	553,000
The construction of berthage, contiguous to such reclamation as aforesaid, together with sheds, cranes, and all works or equipment necessary or incidental to such construction	1,385,000
Contingencies	323,000
Total	£3,550,000

THIRD SCHEDULE

LANDS TO VEST IN BOARD

Section 18

ALL that area situated in the Lyttelton Harbour containing 342 acres, more or less, and bounded as follows: commencing at mark XXX, Deposit Plan 8044-8045, being on the south-east boundary of Reserve 4167, being also on the south-east boundary of Lot 2, Deposit Plan 13580; thence proceeding south 2348 links, bearing 180 degrees; thence south-easterly 3681 links, bearing 102 degrees 45 minutes; thence north-easterly 6817 links, bearing 80 degrees 39 minutes; thence north-westerly 350 degrees 39 minutes to meet mean high-water mark on the shore of Lyttelton Harbour; thence generally south-westerly along mean high-water mark to meet the seaward boundary of Reserve 4244; thence south-westerly along the seaward boundary of Reserve 4244 to meet the boundary of the land vested in the Lyttelton Harbour Board by the Lyttelton Harbour Board Land Act 1877; thence generally westerly along the last-mentioned boundary to meet the south-eastern boundary of Reserve 4167, being also the south-eastern boundary of Lot 2, Deposit Plan 13580; thence south-westerly, bearing 233 degrees 45 minutes 45 seconds along the last-mentioned boundary to the commencing point; all in the Land District of Canterbury: the whole of the said area being more particularly delineated on the plan marked M.D. deposited in the Head Office of the Marine Department at Wellington, and thereon edged green.

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FOURTH SCHEDULE

Section 19

ENACTMENTS REPEALED

- 1877 (Local), No. 26—
The Lyttelton Harbour Board Land Act 1877.
- 1877 (Local), No. 87—
The Lyttelton Harbour Works Compensation Act 1877.
- 1878 (Local), No. 27—
The Lyttelton Harbour Board Amendment Act 1878.
- 1882 (Local), No. 17—
The Lyttelton Harbour Board Act 1882.
- 1897 (Local), No. 4—
The Lyttelton Harbour Board Loan Act 1897.
- 1905 (Local), No. 35—
The Lyttelton Harbour Board Land Act 1905.
- 1920 (Local), No. 5—
The Lyttelton Harbour Board Loan Act 1920.
- 1926 (Local), No. 18—
The Lyttelton Harbour Board Loan Act 1926.
- 1928 (Local), No. 8—
The Lyttelton Harbour Board Loan Enabling Act 1928.
- 1929 (Local), No. 2—
The Lyttelton Harbour Board Reclamation Validation Act 1929.