

*Mr Kirk*

**LYTTELTON HARBOUR BOARD LOAN AND  
EMPOWERING**

[LOCAL]

ANALYSIS

- Title  
1. Short Title  
2. Special Act  
3. Interpretation  
4. Authority to borrow  
5. Vesting of land

6. Power to raise further loan for  
harbour works authorised in  
1955  
7. Amending section 6 of the Lyttel-  
ton Harbour Board Loan and  
Empowering Act 1955  
Schedule

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A BILL INTITULED

An Act to authorise the Lyttelton Harbour Board to construct certain harbour works, to borrow money for the purpose of the construction of such harbour works, to vest certain  
5 land in the Lyttelton Harbour Board, to vest certain land in the Lyttelton Borough Council, and to amend the Lyttelton Harbour Board Loan and Empowering Act 1955

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

**1. Short Title**—This Act may be cited as the Lyttelton Harbour Board Loan and Empowering Act 1962.

**2. Special Act**—This Act shall be deemed to be a special Act within the meaning of the Harbours Act 1950.

2     *Lyttelton Harbour Board Loan and Empowering*

**3. Interpretation**—In this Act, unless the context otherwise requires, the term “Board” means the Lyttelton Harbour Board.

**4. Authority to borrow**—It shall be lawful for the Board from time to time to borrow, in addition to the sums authorised by any previous Acts, subject to the provisions of the Harbours Act 1950 and of the Local Authorities Loans Act 1956, any sum or sums of money not exceeding in the aggregate the sum of two million five hundred thousand pounds to be applied for the purpose of carrying out, subject to the provisions of the Harbours Act 1950, the works specified in the Schedule to this Act: 5  
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Provided that where the amount specified in the said 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 Schedule if the amount appropriated to any such work is not sufficient for its completion. 15

**5. Vesting of land**—Whereas Lots 1, 3, 5, 7, 9, and 11 on the plan attached to Proclamation 11 for the Canterbury Land District, published in *Gazette*, No. 69, dated the fifteenth day of July, eighteen hundred and eighty, and described in the Second Schedule thereto, are vested in the Lyttelton Harbour Board by virtue of section 3 of the Lyttelton Harbour Board Land Act 1877, which lots comprise part of the land described in the First Schedule to the said Act: And whereas Lots 1, 3, 5, 7, and 9 on the plan attached to Proclamation 11 and that part of Lot 11 on such plan described in paragraph (g) of subsection (1) of this section form part of Godley Quay, Lyttelton, as shown on all subsequent plans and it is expedient that these pieces of land be vested in the Mayor, Councillors, and Citizens of the Borough of Lyttelton for street purposes: And whereas the Lyttelton Harbour Board is desirous of acquiring from the Mayor, Councillors, and Citizens of the Borough of Lyttelton that portion of Godley Quay, Lyttelton, described in subsection (3) of this section: And whereas Lots 2, 4, 6, 8, and 10 on the plan attached to Proclamation 11 and described in the First Schedule thereto are vested in fee simple in Her Majesty to be used for harbour works having been taken for harbour works by Proclamation 11: And whereas that part of Lot 2 on the plan attached to Proclamation 11 and described in 20  
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paragraph (b) of subsection (1) of this section forms part of the roadway of Godley Quay, and it is expedient that the said piece of land be vested in the Mayor, Councilors, and Citizens of the Borough of Lyttelton for street purposes: and  
5 whereas it is expedient that Lots 4, 6, 8, and 10 and the balance of Lot 2 on the plan attached to Proclamation 11 be vested in the Lyttelton Harbour Board for harbour purposes:  
Be it therefore enacted as follows:

10 (1) The following pieces of land are hereby declared to be vested in the Mayor, Councillors, and Citizens of the Borough of Lyttelton for street purposes:

15 (a) Lot 1 on the plan attached to Proclamation 11 for the Canterbury Land District, published in *Gazette*, No. 69, dated the fifteenth day of July, eighteen hundred and eighty, having an area of one perch and seventeen-hundredths of a perch, more or less:

20 (b) That part of Lot 2 on the plan attached to Proclamation 11, having an area of three perches and nine-tenths of a perch, more or less, as shown on plan marked S.O. 10018, deposited in the office of the Department of Lands and Survey at Christchurch, and thereon coloured orange:

(c) Lot 3 on the plan attached to Proclamation 11, having an area of one perch, more or less:

25 (d) Lot 5 on the plan attached to Proclamation 11, having an area of two perches, more or less:

(e) Lot 7 on the plan attached to Proclamation 11, having an area of three perches and eight-tenths of a perch, more or less:

30 (f) Lot 9 on the plan attached to Proclamation 11, having an area of three perches and six-tenths of a perch, more or less:

35 (g) That part of Lot 11 on the plan attached to Proclamation 11, having an area of one rood and twenty-four perches, more or less, as shown on the plan marked S.O. 10018, deposited in the office of the Department of Lands and Survey at Christchurch, and thereon coloured orange.

40 (2) The following pieces of land are hereby declared to be vested in the Lyttelton Harbour Board for harbour purposes:

45 (a) That part of Lot 2 on the plan attached to Proclamation 11 for the Canterbury Land District, published in *Gazette*, No. 69, dated the fifteenth day of July, eighteen hundred and eighty, having an area of one

4 *Lyttelton Harbour Board Loan and Empowering*

rood and nineteen perches, more or less, as shown on the plan marked S.O. 10018, deposited in the office of the Department of Lands and Survey at Christchurch, and thereon coloured red:

- (b) Lot 4 on the plan attached to Proclamation 11, having an area of fourteen perches, more or less: 5
- (c) Lot 6 on the plan attached to Proclamation 11, having an area of three perches and seven-tenths of a perch, more or less:
- (d) Lot 8 on the plan attached to Proclamation 11, having an area of ten perches, more or less: 10
- (e) Lot 10 on the plan attached to Proclamation 11, having an area of ten perches and eight-tenths of a perch, more or less.

(3) That portion of the street known as Godley Quay, 15  
Lyttelton, having an area of nine perches and eight-tenths of a perch, more or less, as shown on the plan marked S.O. 10018, deposited in the office of the Department of Lands and Survey at Christchurch, and thereon coloured green, is hereby declared to be closed and to be vested in the Lyttelton Har- 20  
bour Board for harbour purposes.

(4) The District Land Register for the Land Registration District of Canterbury is hereby authorised to deposit such plans, to accept such documents for registration, to make such entries in the register book, and to do all such other things as 25  
may be necessary to give effect to the provisions of this section.

**6. Power to raise further loan for harbour works authorised in 1955—**(1) For the purpose of completing any of the works specified in the First Schedule to the Lyttelton Harbour Board Loan and Empowering Act 1955, it shall be lawful for the 30  
Board from time to time, as it may require, to borrow, in accordance with the provisions of the Harbours Act 1950 and of the Local Authorities Loans Act 1956, a sum or sums (in addition to any money authorised to be borrowed by the Board under or by virtue of this Act or any other Act) not 35  
exceeding in respect of those works one million one hundred and thirteen thousand pounds.

(2) The First Schedule to the Lyttelton Harbour Board Loan and Empowering Act 1955 is hereby consequentially amended as follows: 40

- (a) By omitting the figures “£1,289,000”, and substituting the figures “£2,260,000”:

(b) By omitting the figures “£1,385,000”, and substituting the figures “£1,726,000”:

(c) By omitting the figures “£323,000”, and substituting the figures “£124,000”:

5 (d) By omitting the figures “£3,550,000” (being the total shown), and substituting the figures “£4,663,000”.

(3) Section 4 of the Lyttelton Harbour Board Loan and Empowering Act 1955 is hereby consequentially amended by omitting the words “three million five hundred and fifty  
10 thousand pounds”, and substituting the words “four million six hundred and sixty-three thousand pounds”.

**7. Amending section 6 of the Lyttelton Harbour Board Loan and Empowering Act 1955**—(1) Subsection (3) of section 6 of the Lyttelton Harbour Board Loan and Empowering Act 1955 is hereby amended by omitting the words  
15 “including any amount to be payable by either party in respect of the work”.

(2) Section 6 of the Lyttelton Harbour Board Loan and Empowering Act 1955 is hereby further amended by insert-  
20 ing, after subsection (3), the following subsection:

“3A. Where in the course of any arbitration carried out under subsection (3) of this section any decision is made which will involve the payment by either party to the other of any amount, the determination of that amount shall not be  
25 deemed part of the reference of the arbitration, but the amount shall be deemed to be compensation payable under the Public Works Act 1928; and if the parties are unable to agree on the amount it shall be determined in the manner specified in Part III of the Public Works Act 1928.”

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6 *Lyttelton Harbour Board Loan and Empowering*

Section 4

SCHEDULE

HARBOUR WORKS

The widening of No. 7 Wharf, and the construction of a transit shed thereon .....	£ 294,000
The demolition of No. 5 Wharf, the widening of No. 6 Wharf, and the construction of a transit shed on No. 6 Wharf .....	495,000
The demolition of No. 4 Wharf, the widening of No. 3 Wharf, and the construction of a transit shed on No. 3 Wharf .....	490,000
The widening of the breastworks for wharves Nos. 3, 6, and 7 .....	241,000
The extension of the Oil Wharf .....	80,000
The construction of a new harbour for small craft .....	400,000
The provision of specialised meat-loading equipment .....	500,000
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	£2,500,000
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