

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE.]

House of Representatives, 22nd October, 1913.

Mr. Campbell.

NAPIER HARBOUR BOARD EMPOWERING AND LOAN.

[LOCAL BILL.]

ANALYSIS.

- | | |
|---|---|
| <p>Title.</p> <p>1. Short Title.</p> <p>2. Special Act.</p> <p>3. Interpretation.</p> <p>4. Power to construct harbour-works.</p> <p>5. Power to borrow moneys.</p> | <p>6. Local Bodies' Loans Act to apply.</p> <p>7. Poll of ratepayers and preparation of roll.</p> <p>8. Debentures, how secured.</p> <p>9. Sinking fund to be provided.</p> <p>10. Reclamations previously authorized.</p> <p>Schedule.</p> |
|---|---|

A BILL INTITULED

AN ACT to enable the Napier Harbour Board to execute and construct Harbour-works and to borrow Money for carrying out such Works. Title.

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

1. This Act may be cited as the Napier Harbour Board Empowering and Loan Act, 1913. Short Title.

10 2. This Act shall be deemed to be a special Act within the meaning of the Harbours Act, 1908, which Act and the Amendments thereof are hereinafter referred to as the said Act, and are hereby incorporated in this Act. Special Act.

3. In this Act—

15 "The Board" means the Napier Harbour Board:

"The Chairman" means the Chairman of the Board for the time being:

20 "The district" means the Napier Harbour Rating District as constituted and defined by the Napier Harbour Board Empowering and Loan Act, 1884, and shall include all boroughs and town districts now or hereafter for the time being existing which at the time of the passing of such Act may have formed part of any of the ridings set out in the Fourth Schedule thereto. Interpretation.

25 4. It shall be lawful for the Board, subject to the provisions of the said Act and of this Act, to construct such works as are defined by the words "harbour works" in the said Act as shall by the Board Power to construct harbour-works.

be considered necessary for the requirements of the Harbour of Napier in and about the construction, completion, development, and improvement of the Inner Harbour portion of the said harbour, such Inner Harbour portion being wholly or mainly comprised within the areas (being endowments of the Board) mentioned in the Schedule hereto, but nevertheless without restricting the operations of the Board within such areas if it shall be necessary that any such operations shall extend to any waters or locality outside such limits but within the jurisdiction of the Board; and also (but without limiting the generality of the foregoing provisions) to erect and construct all such cranes, sheds, weirs, embankments, flood-gates, dams, and works for the improvement of the said harbour or the carrying-out of the operations or safeguarding the interests of the Board as shall be judged necessary and proper by the Board for the safety, convenience, or reception of vessels resorting to the said harbour, and for the more convenient loading and unloading of such vessels, or for the safety and protection of any works constructed or proposed to be constructed by the Board, or of any contiguous or adjacent lands of the Board or of any other person or persons.

Power to borrow
moneys.

5. The Board shall have power to borrow, in addition to the sums authorized by any previous Acts, subject to the provisions of the said Act and of this Act, any sum or respective sums not exceeding in the aggregate three hundred thousand pounds, at any rate of interest not exceeding five pounds per centum per annum, to be applied in and about the construction, execution, and carrying-out of the works mentioned in the *last preceding* section hereof.

Local Bodies' Loans
Act to apply.

6. All moneys hereby authorized to be raised may be raised in the manner prescribed by the Local Bodies' Loans Act, 1908, and the amendments thereof; and the provisions of such Acts shall, where not inconsistent with this Act, apply as if the Board were a local authority within the meaning of Part I of that Act, subject, however, to the modification that where anything is required to be done by special order it may be done by the Board by resolution; and subject, also, to the provisions contained in the *next following succeeding* section hereof.

Poll of ratepayers
and preparation of
roll.

7. The poll of ratepayers of the district required to be taken by section eleven of the Local Bodies' Loans Act, 1908, and the amendments of that section shall be taken in manner following:—

(a.) A roll for the district shall be prepared and delivered to the Returning Officer in manner provided by clauses three and four of the First Schedule to the Napier Harbour Board Loan Act, 1909, and the said clauses three and four of the said First Schedule to that Act are hereby incorporated herein.

(b.) The poll of the ratepayers of the district shall (subject to the variations hereafter mentioned) be taken in manner provided by clause five of the said First Schedule to the Napier Harbour Board Loan Act, 1909, and the said clause five of the said First Schedule to that Act and also the Second Schedule to that Act are hereby incorporated herein, subject to the following variations; that is to say: The said clause five shall be altered by eliminating in paragraph (a) thereof the words "of the said

meetings," and substituting therefor the words "publication of the notice mentioned in section eight of the Local Bodies' Loans Act, 1908; and by substituting the words "Returning Officer" for the words "Presiding Officer" wherever such last-mentioned words occur.

5

(c.) Each ratepayer shall be entitled to one vote and no more.

Debentures, how secured.

8. The debentures issued under the authority of this Act, and the interest thereon, shall be a first charge on the Harbour Fund of the Board, subject, however, to the priority of all existing charges thereon, whether by way of debentures or otherwise.

10

Sinking fund to be provided.

9. For the purpose of providing for the repayment of the moneys hereby authorized to be borrowed the Board shall permanently appropriate and set apart as a sinking fund a sum equal to ~~ten shillings~~ *one-half* per centum per annum on the aggregate amount of debentures which shall for the time being be issued under this Act, and the same shall be paid to Commissioners to be appointed for the purpose in accordance with the provisions in that behalf contained in the Harbours Act, 1908; and the provisions of that Act in relation to the appointment, removal, powers, and duties of Sinking Fund Commissioners, and otherwise in relation to sinking funds and the investment and application thereof, shall apply to this Act. All vacancies occurring in the office of Sinking Fund Commissioners owing to death, mental incapacity, absence from the Dominion of New Zealand, refusal to act, removal, or otherwise, shall be filled up as they arise by new appointments to be made by the Board, and a resolution of the Board declaring the office of Sinking Fund Commissioner held by any person to be vacant shall be conclusive proof of such vacancy having occurred.

15

20

25

10. Without prejudice to the generality of the powers hereinbefore conferred, the Board shall have the power to expend any part of the moneys hereby authorized to be borrowed in and about the filling-up and reclamation of all or any part or parts of all or any of the areas described in the Third Schedule to the Napier Harbour Board Amendment and Endowment Improvement Act, 1912, and by that Act authorized to be filled up and reclaimed.

35

Reclamations previously authorized.

SCHEDULE.

Schedule.

That area comprising 7,900 acres, more or less, described in the Second Schedule to the Napier Harbour Board Amendment and Endowment Improvement Act, 1887.

That area of 835 acres 3 roods 27 perches, more or less, comprised in certificate of title, issued to the Napier Harbour Board, registered in Register-book Volume 36, folio 18, of the Land Transfer Office, at Napier.

That area of 260 acres, more or less, described in the Schedule to the Napier Harbour Board Act, 1876, at pages 604 and 605.