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Mr. Barnard.

NAPIER HARBOUR BOARD LOANS ENABLING.

[LOCAL BILL.]

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A BILL INTITULED

AN ACT to enable the Napier Harbour Board to borrow Moneys for Title.  
the Purpose of Repayment of Loans.

WHEREAS by the Napier Harbour Board Empowering and Loan Preamble.  
5 Act, 1914 (hereinafter called the principal Act), the Napier Harbour  
Board (hereinafter called the Board) was empowered to borrow moneys  
not exceeding in the whole the sum of three hundred thousand pounds  
at any rate of interest not exceeding five pounds per centum per annum :  
And whereas by the Napier Harbour Board Empowering and Loan  
10 Amendment Act, 1920 (hereinafter called the 1920 Act), the Board was  
empowered to borrow the sum of two hundred and fifty thousand pounds,  
being the balance of the sum of three hundred thousand pounds  
authorized to be raised by the principal Act after deducting therefrom  
15 raise and did raise under the authority of the Napier Harbour Board  
Empowering and Vesting Act, 1917, at any rate of interest not exceed-  
ing five pounds ten shillings per centum per annum, and to issue  
debentures therefor or for any part or respective parts thereof providing  
for repayment thereof on such dates or respective dates prior to the  
20 first day of October, nineteen hundred and fifty, as the Board might by  
resolution decide : And whereas on or about the first day of October,  
nineteen hundred and twenty, the Board borrowed the sum of ten  
thousand pounds, being part of the said sum of two hundred and  
fifty thousand pounds, in manner aforesaid : And whereas by Order  
25 in Council duly gazetted on the sixth day of October, nineteen  
hundred and twenty-one, in the *New Zealand Gazette* Number 89, at

page 2447, the Board was empowered to borrow the sum of two hundred and forty thousand pounds, being the balance of the said sum of two hundred and fifty thousand pounds, and to issue debentures therefor at any rate of interest not exceeding six pounds ten shillings per centum per annum : And whereas by Order in Council duly gazetted on the thirteenth day of October, nineteen hundred and twenty-one, in *New Zealand Gazette* Number 90, at page 2488, the Board was empowered to borrow the sum of forty thousand pounds, being a part of the said sum of two hundred and forty thousand pounds, and to issue debentures therefor at any rate of interest not exceeding seven pounds per centum per annum : And whereas in exercise of the authorities contained in the principal Act, in the 1920 Act, and in the said Orders in Council dated respectively the sixth day of October, nineteen hundred and twenty-one, and the thirteenth day of October, nineteen hundred and twenty-one, the Board has borrowed various sums of money amounting in the aggregate to one hundred and ninety-seven thousand one hundred pounds, and issued debentures for the sums so borrowed, bearing interest at the rates prescribed by the 1920 Act or by the said Orders in Council, and secured as therein appearing, and by the principal Act authorized, which debentures are repayable at varying dates between the first day of October, nineteen hundred and thirty, and the first day of October, nineteen hundred and fifty : And whereas, in exercise of the authorities contained in the Local Bodies' Finance Act, 1921-22 (hereinafter called the 1921-22 Act), the Board has borrowed the sum of thirteen thousand eight hundred pounds for the purpose of liquidating the antecedent liability of the Board as at the thirty-first day of December, nineteen hundred and twenty-two, and has issued debentures for the sum so borrowed, bearing interest at the rate of five pounds ten shillings per centum per annum, and secured as therein appearing, which debentures are repayable on the twentieth day of September, nineteen hundred and forty-three : And whereas in the case of each of the before-recited loans the Board has established and maintained a sinking fund in accordance with the requirements of the Act authorizing the loan to which such respective sinking fund pertains : And whereas in no case will the sinking fund established and maintained be sufficient to repay the whole of the loan to which it pertains when that loan falls due : And whereas it is expedient that provision should be made to enable the Board to reborrow sufficient moneys to enable it to repay, as the respective loans raised under the authority of the principal Act, the 1920 Act, and the 1921-22 Act respectively fall due, such portion of each such loan as the sinking fund established and maintained in respect of such loan is insufficient to meet, and also to vest in the Board such other powers and authorities as are herein contained :

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

Short Title.

1. This Act may be cited as the Napier Harbour Board Loans Enabling Act, 1930.

Special Act.

2. This Act shall be deemed to be a special Act within the meaning of the Harbours Act, 1923, which Act is hereby incorporated in this Act in so far as it is not repugnant to or inconsistent with this Act.

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3. In this Act "the Board" means the Napier Harbour Board :

Interpretation.

"The principal Act" means the Napier Harbour Board Empowering and Loan Act, 1914 :

"The 1920 Act" means the Napier Harbour Board Empowering and Loans Amendment Act, 1920 :

"The 1921-22 Act" means the Local Bodies' Finance Act, 1921-22.

4. The Board shall have power by resolution of the Board to reborrow under the authority of the principal Act, the 1920 Act, and the 1921-22 Act respectively, and of this Act, the whole or any part and from time to time respective parts, of such a sum of money as shall be required, at the time when any part of the principal of the loans respectively raised under the authority of the said Acts becomes payable, to repay so much of the said principal as is not provided for by the accumulated sinking fund held by the Sinking Fund Commissioners for the payment of such loan, but so that, in the event of there being more than one such reborrowing in relation to the same loan the amount so reborrowed shall not exceed the amount of principal then outstanding in respect of the original loan ; and, in any case where the Act under which the original loan was raised required that the preliminary steps therein set out should be taken as conditions precedent to the raising of the loan, it shall not be necessary for the Board to take such preliminary steps as conditions precedent to the reborrowing of the moneys hereby authorized to be reborrowed, or any other preliminary steps whatsoever *other than such as are required by the Local Government Loans Board Act, 1926.*

Power to reborrow moneys.

5. (1) The Board may enter into, make, and give, by way of security for moneys reborrowed under the authority of this Act and the interest thereon, the same security as is authorized by the principal Act, or the 1921-22 Act respectively, as modified or amended by this Act, which authorized the raising of the original loan in relation to which such reborrowing is effected ; and, without prejudice to the generality of the foregoing, the Board and the Receiver shall have power in cases where the principal or original Act gives the same power, to make and levy a special rate in accordance with the authority and for the purposes, *mutatis mutandis*, conferred by and contained in the principal or original Act as modified by this Act.

Security for moneys reborrowed.

(2) In all cases where there shall be more than one reborrowing in relation to the loan raised under the same Act the securities for all such reborrowing shall rank *pari passu*.

*Struck out.*

6. Without prejudice to anything in this Act hereinbefore contained, the Board shall have power to reborrow, in manner provided by section *four* hereof, in one consolidated loan, the whole or any part, or from time to time respective parts, of such a sum of money as shall be required, at the time when the principal of the respective loans raised under the authority of the principal Act, the 1920 Act, and the 1921-22 Act becomes payable, to repay the aggregate of the principal moneys which is not provided for by the aggregate accumulated sinking funds held by the Sinking Fund Commissioners for the payment of the respective loans ; and the provisions of sections *four* and *five* of this Act shall, *mutatis mutandis*, apply to the reborrowing of such consolidated loan ;

Power to consolidate loans.

*Struck out.*

and, without prejudice to the generality of the foregoing, the moneys reborrowed in respect of such consolidated loan and the interest thereon shall be entitled *pro rata*, and in accordance with the amounts of principal moneys not provided for as aforesaid in respect of the respective Acts aforesaid, to the benefit of the security which may be entered into, made, and given by the Board, as provided by section *five* hereof for moneys reborrowed in respect of the said respective Acts.

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Periods of currency  
of loans of money  
reborrowed.

7. In each case in which the Board shall reborrow moneys as authorized by this Act the Board may fix

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*New.*

(but subject to the powers conferred upon the Governor-General in Council by the Local Government Loans Board Act, 1926, so long as that Act shall remain in force)

such period 15

for the currency of the loan as it shall think fit, not being a longer period than is allowed by the Harbours Act, 1923.

Sinking fund.

8. Notwithstanding anything contained in the principal Act, the 1920 Act, or the 1921-22 Act, the Board shall

*New.*

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(but subject to the powers conferred upon the Governor-General in Council by the Local Government Loans Board Act, 1926, so long as that Act shall remain in force) in respect of all moneys reborrowed under the authority of this Act, and for the purpose of providing for the repayment thereof, permanently appropriate and set apart as a sinking fund such a sum in each year as in the opinion of the Board will be sufficient to provide for such repayment at maturity, and the same shall be paid to Commissioners to be appointed for the purpose in manner provided in the principal Act or in the Harbours Act, 1923.

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Protection of  
lenders.

9. (1) The certificate under the seal of the Board that the amount therein mentioned is the principal amount which in terms of this Act the Board is authorized to reborrow in respect of any loan to which this Act applies shall be conclusive evidence to persons lending moneys to the Board and to all other persons that the Board is authorized to reborrow the amount so mentioned.

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(2) No person lending moneys to the Board under the authority of this Act shall be bound or concerned to see or inquire as to the application of such moneys or be responsible for the misapplication thereof.

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(3) The securities for any moneys reborrowed by the Board under the authority of this Act in respect of any loan shall be entitled and subject to the same priorities as regards the securities for any other loan or loans of the Board, whether original or by way of reborrowing, as the securities for the original loan with respect to which such moneys were so reborrowed were entitled and to which they were subject.

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