

*Mr. Connolly*

## OTAGO HARBOUR BOARD EMPOWERING

[LOCAL BILL]

### ANALYSIS

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|--------------------|---|
| Title.             | 4. Diversion of Loan-money.                     |
| 1. Short Title.    | 5. Surrender of lease to Otago Education Board. |
| 2. Interpretation. | 6. Power to accept surrender of leases.         |
| 3. Special Act.    |   |

### A BILL INTITULED

AN ACT to vest Further Powers in the Otago Harbour Board. Title.

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 Otago Harbour Board Empowering Act, 1944. Short Title.
2. In this Act, if not inconsistent with the context, "Board" means the Otago Harbour Board. Interpretation.
3. This Act shall be deemed to be a special Act within the meaning of the Harbours Act, 1923. Special Act.
4. Whereas by the Otago Harbour Board Empowering Act, 1938 (in this section called the principal Act), the Board was authorized, subject to the conditions therein set out, to borrow any sum or sums of money not exceeding in the whole four hundred thousand pounds, and it was provided that the moneys borrowed under the authority of the principal Act should be

applied and expended in constructing or carrying into effect the harbour-works specified in the Schedule thereto: And whereas it is deemed expedient by the Board to widen the channel in the Otago Harbour at Goat Island: And whereas it is also deemed expedient 5 by the Board to provide additional wharf sheds at Dunedin: And whereas it is considered by the Board that the two last-mentioned harbour-works are more urgent than some of the harbour-works specified in the Schedule to the principal Act: Be it therefore enacted 10 as follows:—

The Schedule to the principal Act is hereby amended as follows:—

(a) By omitting therefrom the following words and figures, namely:— 15

“ Cost of working second shift of dredges ‘ Ota- kou ’ and ‘ Vulcan ’ and of new system of floating pipe-line for purpose of expediting harbour improvements 38,500 ”; 20

“ New cargo-shed with overhead cranes at Birch Street Wharf, Dunedin .. .. 37,000 ”; and 25

“ Purchase and installation of ten capstans .. 4,500 ”;

(b) By inserting therein the following words and figures, namely:— 30

“ New cargo-sheds at Dunedin 78,000 ”

“ Widening of Channel at Goat Island .. .. 50,000 ”;

(c) By omitting, in respect of the purchase and erection of wharf cranes for Dunedin and 35 Port Chalmers wharves, the figures “ 95,000 ”, and substituting the figures “ 47,000 ”.

5. Whereas the Board (in this section called the Harbour Board) is registered as the proprietor of an estate in fee-simple in those pieces of land being, first, 40 all that parcel of land containing 16·02 poles, more or less, situated in the City of Dunedin, being Allotment 3 on plan deposited in the Lands Registry Office at

Dunedin as Number 3128, and being part of the land comprised in certificate of title, Register Book Volume 205, folio 211; and, secondly, all that parcel of land containing 1 rood, more or less, situated in the City of

5 Dunedin, being Section Numbered 8, Block LXIX, on plan deposited in the Lands Registry Office at Dunedin as Number 1104, and being part of the land comprised in the aforesaid certificate of title; and, thirdly, all that parcel of land containing 18·97 poles, more or less,

10 situated in the City of Dunedin, being that part of Section Numbered 5, Block LXIX, on the aforesaid plan shown as Allotment Numbered 1 on plan deposited in the Lands Registry Office at Dunedin as Number 3128, and being part of the land comprised in the aforesaid

15 certificate of title: And whereas on the sixteenth day of December, nineteen hundred and forty-two, the Harbour Board, in pursuance of the powers vested in it by the Public Bodies' Leaseholds Act, 1886, and an Order in Council made on the seventeenth day of

20 November, eighteen hundred and eighty-six, offered for sale by public auction the right to separate leases of the aforesaid pieces of land for a term of fourteen years from the first day of January, nineteen hundred and forty-three: And whereas the Education Board of

25 the District of Otago (in this section called the Education Board) became the purchaser of the right to the aforesaid leases at the said auction sale and thereby entered into three separate agreements (evidenced by written agreements bearing date the sixteenth day of

30 December, nineteen hundred and forty-two) with the Harbour Board whereby the Harbour Board agreed to grant and the Education Board agreed to take a lease of each of the said pieces of land for a term of fourteen years from the first day of January, nineteen hundred

35 and forty-three, upon the terms and conditions contained in the said agreements: And whereas the Harbour Board, in pursuance of the said agreements by memorandum of lease bearing date the seventeenth day of November, nineteen hundred and forty-three,

40 leased the said pieces of land to the Education Board for the aforesaid term and upon the said terms and conditions: And whereas, by virtue of the powers conferred on it by section nine of the Otago Harbour Board

Empowering Act, 1939, the Harbour Board leased to the Education Board by memorandum of lease bearing date the nineteenth day of December, nineteen hundred and forty, an area of land contiguous to the aforesaid pieces of land for a term expiring on the thirty-first day of August, nineteen hundred and eighty-seven: And whereas the Harbour Board and the Education Board have agreed, subject to the necessary power being conferred by legislation, that the Education Board shall surrender the said first-mentioned lease of the aforesaid pieces of land in return for a single lease of the said pieces of land for a term expiring on the thirty-first day of August, nineteen hundred and eighty-seven, and upon such other terms and conditions as may be agreed upon between the said two Boards: Be it therefore enacted as follows:—

(1) The Education Board is hereby empowered to surrender the said first-mentioned lease of the aforesaid pieces of land, and the Harbour Board is hereby empowered to accept such surrender.

(2) The Harbour Board is hereby empowered to lease to the Education Board and the Education Board is hereby empowered to accept a lease of the aforesaid pieces of land for a term expiring on the thirty-first day of August, nineteen hundred and eighty-seven, at such rent and with upon and subject to such terms, conditions, and provisions as may be agreed upon between the Harbour Board and the Education Board, including provisions for payment of valuation for improvements and for renewal for one or more recurring periods.

Power to  
accept  
surrender  
of leases.

**6.** Whereas the Board has no power to accept a surrender of any lease or agreement to lease, and whereas the Board is desirous of acquiring such power subject to the conditions set forth in this section: Be it therefore enacted as follows:—

(1) The Board is hereby empowered to accept a surrender of any lease now or hereafter granted by the Board under any statutory authority whatever.

(2) In place of such surrendered lease the Board shall grant and the lessee shall accept a new lease of the land comprised in such surrendered lease at such rental and for such term as may be agreed upon and

otherwise upon and subject to the same terms, provisions, and conditions as were contained in such surrendered lease:

5 Provided, however, that the term of such new lease shall not be longer than twenty-one years.

(3) When a lessee of the Board is the lessee of adjoining areas of land vested in the Board the Board may accept a surrender of two or more leases and grant one lease to the lessee of the whole of the land comprised in such surrendered leases upon and subject to the conditions contained in subsection *two* hereof.

10 (4) The powers conferred on the Board by this section may be exercised for the purpose of correcting the area or boundaries of the land comprised in any lease granted by the Board by bringing such area or boundaries into agreement with the area or boundaries of the land actually occupied by the lessee under such lease.

15 (5) In this section the term "lease" includes an agreement to lease, and the term "lessee" has a corresponding meaning.

20 (6) The provisions of the Servicemen's Settlement and Land Sales Act, 1943, and the Economic Stabilization Emergency Regulations 1942 shall not apply to leases granted by the Board under the provisions of this section.