

Mr. Mackintosh.

RIVERTON HARBOUR BOARD EMPOWERING.

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A BILL INTITULED

5 AN ACT to empower the Corporation of the Borough of Riverton to vest all their Rights, Powers, Property, and Privileges as a Harbour Board in an Incorporated Company or body of persons for a term of years, for the purpose of securing the Construction of further Harbour Works at the Port of Riverton by private enterprise. Title.

10 WHEREAS by an Ordinance of the Superintendent and Provincial Council of the Province of Otago, the Short Title of which is "The Riverton Harbour Ordinance, 1874," a Harbour Board for the Port of Riverton, in the then existing Province of Otago, was constituted pursuant to the powers in that behalf conferred by "The Harbour Boards Act, 1870," the limits of the said port being defined under the powers in that behalf contained in "The Marine Act, 1867," Preamble.

15 which said powers were exercised by a warrant of His Excellency the Governor of New Zealand, dated the twentieth day of November, one thousand eight hundred and sixty-eight, published in the New Zealand Government *Gazette* of the twenty-third day of November in the same year: And whereas by "The Riverton Harbour Endowment

20 and Borrowing Act, 1878," certain lands were set aside as an endowment for the said Harbour Board: And whereas by "The Riverton Corporation Empowering Act, 1889," the said Harbour Board was dissolved, and all the powers and property of the said Board were vested in the Corporation of the Borough of Riverton: And whereas

25 the said Corporation are desirous of constructing, and it is expedient that they shall construct or procure the construction of, further

harbour works: And whereas they propose and it is expedient that such works shall be constructed by private enterprise: And whereas it is contemplated that a company or body of persons shall be formed to construct, maintain, and manage the said works: And whereas it is necessary for the attainment of the said object that the powers and property of the said Corporation should be vested in such company or body of persons, and the Board or governing body thereof, for a term of years: 5

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

Short Title.

1. The Short Title of this Act is “The Riverton Harbour Board Empowering Act, 1894.”

Interpretation.

2. In the construction of this Act the following words shall have the meanings herein assigned thereto:— 15

“Board” shall have the meaning given to it by “The Harbours Act, 1878,” and shall apply to the governing body of the company or body of persons hereinafter referred to:

“Corporation” means the Municipal Corporation of Riverton as constituted by law: 20

“Council” means the Council thereof exercising the powers thereof both as a Municipal Council and a Harbour Board.

Council authorised to negotiate with any company or body of persons.

3. The Council may upon the passing of this Act negotiate with any company or body of persons incorporated or thereafter to become incorporated, either in the Colony of New Zealand or the United Kingdom, and duly empowered and entitled to carry on business in New Zealand, for the construction of further harbour works in the said Port of Riverton by such company or body of persons as aforesaid; and the said Council may, in consideration of such company or body constructing or agreeing to construct such harbour works as the said Council may desire, and upon such company or body of persons giving to the said Corporation proper security for the ultimate construction and maintenance of such works, transfer to and vest in such company or body of persons all rights, powers, property, and privileges of the said Corporation or of the said Council which it acquired in virtue of “The Riverton Corporation Empowering Act, 1889,” or otherwise in virtue of its office of Harbour Board, or which it may hereafter acquire by reason of its being the governing body of the said harbour, for any term not exceeding fifty years, upon such terms and conditions as to the said Council may seem proper: Provided that such lease shall provide for the taking over by the Government of New Zealand at any time after the expiration of a period of not less than ten years after the execution of such lease, if they think proper, of such harbour works as may be constructed by such company or body of persons. 30 35 40 45

Rights, powers, properties, &c., to be transferred by deed under seal of Corporation.

4. Such company or body of persons shall hold such rights, powers, property, and privileges upon the same trusts and for the same purposes as the same are now held by the said Corporation, and the same shall be transferred by the said Corporation to the said company or body of persons by deed under the common seal of the said Corporation. 50

5. Before the formation of such company or body of persons, the Corporation may enter into an agreement to transfer the same to such company or body of persons when formed, such agreement to be with persons not less than six in number, called the trustees:
- 5 Provided that such agreement shall only become valid upon the same being approved by the Governor.
6. Upon the formation of such company or body of persons, and upon the same duly acquiring power to carry on business in New Zealand, the trustees may by deed transfer the benefit of the said
- 10 agreement to such company or body of persons.
7. Upon the approval of the Governor of such transfer being notified in the New Zealand Government *Gazette*, the said company or body of persons shall be invested with all the rights of the trustees, who shall thereupon cease to have any authority or status.
- 15 8. Any harbour works to be undertaken or constructed by such company or body of persons shall first be sanctioned by special Act of Parliament obtained in manner required by "The Harbours Act, 1878," and the Acts amending the same.
- 20 9. When such company or body of persons shall have had by such deed of transfer vested in it the rights, powers, property, and privileges now vested in the said Corporation in virtue of the said "Riverton Corporation Empowering Act, 1889," it shall be obligatory upon it to enter upon, prosecute, complete, and manage such harbour works as shall have been authorised by such special Act.
- 25 10. The Board of Directors or Executive Committee, by whatsoever name it shall be known, of such company or body of persons shall be appointed in manner provided by its constitution, but there shall be added thereto the Mayor of Riverton and the Chairman of the Wallace County Council for the time being; and such Board of
- 30 Directors or Executive Committee may employ all such servants, agents, and persons as may be considered necessary for carrying on its works and business.
- Corporation may enter into agreement to transfer rights.
- Benefit of agreement may be transferred by deed.
- Rights to be vested in company.
- All harbour works must be sanctioned by special Act.
- Obligations of transferees.
- Board of Directors or Executive Committee shall include Mayor of Riverton and Chairman of Wallace County Council.