



**THE HARBOUR AND CONTAINER WORKS CAPITAL  
EXPENDITURE REGULATIONS 1980**

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RONALD DAVISON  
Administrator of the Government

ORDER IN COUNCIL

Present:

At the Government House at Wellington this 28th day of October 1980

HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN COUNCIL

PURSUANT to section 20 (b) of the New Zealand Ports Authority Act 1968, His Excellency the Administrator of the Government, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Harbour and Container Works Capital Expenditure Regulations 1980.

(2) These regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

**2. Interpretation**—In these regulations, unless the context otherwise requires,—

“The Act” means the New Zealand Ports Authority Act 1968:

“Authority” means the New Zealand Ports Authority constituted under the Act:

“Container works”, “designated item”, and “harbour works” have the same meanings as in section 13 (1) of the Act (as substituted by section 6 (1) of the New Zealand Ports Authority Amendment Act 1978).

**3. Notice of applications for consent to capital expenditure**—  
(1) unless the Authority, on application by a Harbour Board, body, or person, otherwise resolves, every Harbour Board, body, or person shall, before applying to the Authority for its consent under section 13 of the Act to any proposed capital expenditure on any harbour works or container works give notice in accordance with the succeeding provisions of these regulations of its intention to make such an application.

(2) Every notice required by subclause (1) of this regulation shall indicate clearly the location, cost, nature, extent, and timing of each of the stages of the proposed harbour works or container works.

(3) Where any such notice is given by a Harbour Board, that notice shall—

(a) State fully each method by which the proposed harbour works or container works is to be financed, and, where a loan is to be raised, shall state the sources from which loan charges will be met; and

(b) State the date (being not less than 14 days after the date of the second publication of the notice under regulation 5 (b) of these regulations) of the meeting of the Board at which the motion to make the application will be considered; and

(c) Invite objections and comments relating to the proposed application to be submitted to the Board in writing within 14 days after the second publication of the notice, or such further period as the Board may specify.

(4) Where any such notice is given by a body or person other than a Harbour Board, that notice shall invite objections and comments relating to the proposed application to be submitted to the body or person in writing within 14 days after the date of the second publication of the notice under regulation 5 (b) of these regulations, or such further period as the body or person may specify.

**4. Notice of application for consent to use designated item—**(1) Unless the Authority, on application by a Harbour Board, body, or person, otherwise resolves, every Harbour Board, body, or person shall, before applying to the Authority for its consent under section 13 of the Act to the use of any designated item within the limits of any harbour, wharf, or inland container terminal, give notice in accordance with the succeeding provisions of these regulations of its intention to so use any designated item.

(2) Every notice required by subclause (1) of this regulation shall—

(a) Indicate clearly the period within which the designated item is to be used and the uses to which it is to be put:

(b) Invite objections and comments relating to the proposed application to be submitted to the Board, body, or person in writing within 14 days after the date of the second publication of the notice under regulation 5 (b) of these regulations, or such further period as the Board, body, or person may specify.

**5. Publication of notice—**Every notice required by regulation 3 or regulation 4 of these regulations shall,—

(a) Be sent by post to every Harbour Board specified in the First Schedule to the Harbours Act 1950; and

(b) Be published at least once in each of 2 successive weeks, and at least 6 clear days apart, in some newspaper circulating in the area or areas in which the harbour works or container works would be carried out or the designated item used; and

(c) Be published in such other newspapers and sent to such other persons as the Authority may, in any particular case, direct.

**6. Information to accompany applications**—Every Harbour Board, body, or person making an application under section 13 of the Act shall include with the application—

- (a) A statement of the newspapers in which notice of the proposed application was published, the names of those Harbour Boards and other persons who were given notice of the proposed application, and the dates on which such publication was made and such notices were sent; and
- (b) A copy of every objection and comment received in accordance with subclause (3) or subclause (4) of regulation 3 or subclause (2) of regulation 4 of these regulations.

**7. Revocation**—The Harbour Boards Capital Expenditure Regulations 1970\* are hereby revoked.

A. C. McLEOD,  
Acting for Clerk of the Executive Council.

\*S.R. 1970/109

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#### EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations replace the Harbour Boards Capital Expenditure Regulations 1970.

The principal changes are as follows:

- (a) The regulations now apply to applications for the consent of the New Zealand Ports Authority made by other persons or bodies as well as Harbour Boards;
  - (b) The regulations now apply to applications for consent to the use of designated items as well as consent to capital expenditure;
  - (c) Public notice of proposed applications must give details of what is proposed;
  - (d) As well as public notification, notice must also be sent to every Harbour Board, and such other persons as the Authority may direct.
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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 30 October 1980.

These regulations are administered in the Ministry of Transport.