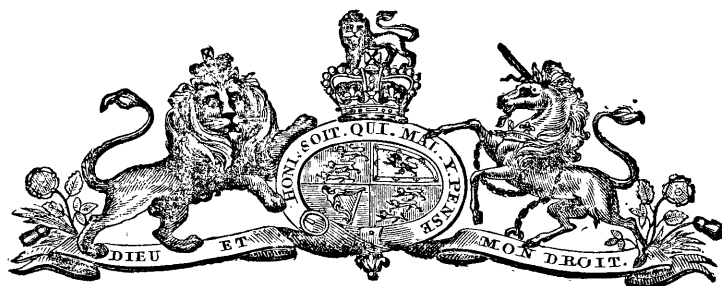


OTAGO, N. Z.



OTAGO HARBOUR BOARD ORDINANCE 1874 AMENDMENT ORDINANCE, 1875.

IN THE THIRTY-EIGHTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XXXIV. No. 472.

ANALYSIS.

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| <p>Title.
Preamble.
1. Short Title.
2. Repeal.
3. Harbour of Otago to be read "Port of Dunedin."
4. Constitution of Board.
5. Superintendent to act with advice of Executive in making appointments.
6. Members first appointed to hold office till 30th June 1876 then fourth to retire.
7. Annual retirement from office how regulated.</p> | <p>8. Retiring members eligible for re-appointment.
9. Vacancies.
10. Power to extend leases and grant valuation:
11. Debentures may be sold under par on certain conditions.
12. Power to hypothecate debentures.
13. Ordinance to be read as part of Ordinance 1874. 1
14. Harbour of Otago and Port of Dunedin to be synonymous terms.
15. This Ordinance and recited Ordinance to be subject to Harbour Works Act 1874,</p> |
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*An Ordinance to amend the "Otago Harbour Board Ordinance, 1874" Title.
and to declare the Harbour Board of Otago a Harbour Board for
the Port of Dunedin in the Province of Otago.*

[RESERVED FOR THE SIGNIFICATION OF THE GOVERNOR'S PLEASURE THEREON, 19TH JUNE, 1875.]

WHEREAS an Ordinance was passed in the Thirty-third Session of the Preamble.
Provincial Council of Otago intituled the "Otago Harbour Board
Ordinance, 1874:" And whereas a Board was elected in accordance with
the provisions of said Ordinance: And whereas doubts have arisen or been
expressed as to whether some of the terms and provisions of the said "Otago
Harbour Board Ordinance, 1874" are such as to give the Board constituted
under said Ordinance a proper legal status as a Board within the meaning
and provisions of "The Harbour Boards Act, 1870:" And whereas serious
inconvenience and injury may arise or accrue unless such doubts are set at
rest and it is therefore expedient to set such doubts at rest: And whereas
it is expedient to provide that the Otago Harbour Board constituted under the
Otago Harbour Board Ordinance 1874 shall be the Harbour Board for the
Port of Dunedin in the Province of Otago pursuant to the power in that
behalf conferred by "The Harbour Boards Act 1870" and pursuant to every
other power enabling the Superintendent and Provincial Council in that
behalf:

BE IT THEREFORE ENACTED by the Superintendent of the Province of
Otago by and with the advice and consent of the Provincial Council thereof
as follows:—

Short Title.

1. This Ordinance shall be termed and may for all purposes be cited and referred to as the "Otago Harbour Board Ordinance 1874 Amendment Ordinance, 1875."

Repeal.

2. From and after the date of passing of this Ordinance sections four five six eight nine ten eleven twelve thirteen and fourteen of the "Otago Harbour Ordinance, 1874" shall be and the same are hereby repealed.

Harbour of Otago to be read "Port of Dunedin."

3. It is hereby expressly declared that the words "Harbour of Otago" in the third section of the "Otago Harbour Board Ordinance, 1874" shall be taken and held to be read as if printed "Port of Dunedin" and the Otago Harbour Board shall be the Harbour Board for the said Port and the limits of the said Port shall be those which have been or may yet be defined under or in pursuance of "The Marine Act, 1867" or any amendment thereof.

Constitution of Board.

4. From and after the date of the passing of this Ordinance the Otago Harbour Board shall consist of the Superintendent of the Province of Otago for the time being and eight members to be appointed by warrant under the hand of the Superintendent.

Superintendent to act with advice of Executive in making appointments.

5. The Superintendent in making every appointment of a member of the said Board shall act only by and with the advice and consent of his Executive Council for the time being.

Members first appointed to hold office till 30th June 1876 then fourth to retire.

6. The first members of the said Board to be appointed as in the fourth section of this Ordinance mentioned shall hold office until the thirtieth day of June one thousand eight hundred and seventy-six when one fourth of such members shall retire and the members to retire shall be determined by the members of the Board themselves by lot.

Annual retirement from office how regulated.

7. On the thirtieth day of June in every succeeding year one fourth of the whole number of the members of the said Board shall retire from office and the members so to retire shall be the members who shall have been the longest time in office without re-appointment and in any case where by reason of two or more members having become members at the same time it shall not be apparent which of such last-mentioned members ought at any time to go out of office then the Board shall itself determine by lot in what order and which of such members shall go out of office.

Retiring member eligible for re-appointment.

8. Any member who shall retire from office either by rotation or in consequence of its being determined by lot that he shall retire shall be eligible for re-appointment.

Vacancies.

9. Whenever any vacancies shall occur in the Board by the death resignation or absence from the Colony of any member without leave of the Board or if any member shall absent himself from five consecutive meetings of the Board without the leave of the Board the Superintendent shall thereupon appoint a fit and proper person to fill up such vacancy and such person shall hold office for the same time as the member in whose room he shall have been appointed would in the ordinary course have held office.

Power to extend leases and grant valuation.

10. It shall be lawful for the Board in granting leases as provided for by the thirty-third section of the "Otago Harbour Board Ordinance, 1874" to provide for the renewal of such leases on such terms and conditions as the Board may deem fit or for granting valuation for buildings or other improvements if the Board should determine not to renew said leases provided always that no such renewal shall be for any time exceeding twenty-one years after the determination of the then existing lease.

11. Debentures issued under the "Otago Harbour Board Ordinance, 1874" may be sold by public tender at a price which will not yield to the purchaser thereof a higher rate of interest by the year than seven pounds for every hundred pounds purchase money given for each debenture. Debentures may be sold under par on certain conditions.

12. It shall be lawful for the Board from time to time to borrow and raise money by the hypothecation or mortgage of its debentures upon such terms and conditions as the Board may think fit: Provided that the sum to be so borrowed or raised shall not exceed the sum of fifty thousand pounds. Power to hypothecate debentures.

13. This Ordinance and its provisions shall be taken and read as part and parcel of the "Otago Harbour Board Ordinance, 1874" and all acts performed and all contracts and obligations entered into and all debentures issued by the Otago Harbour Board constituted under the said "Otago Harbour Board Ordinance 1874" are hereby declared to have been and shall continue to be as valid and binding as if they had been performed entered into or issued after the passing of this Ordinance. Ordinance to be read as part of Ordinance 1874.

14. In the reading of the "Otago Harbour Board Ordinance, 1874" and of this Ordinance the words "Harbour of Otago" and "Port of Dunedin" shall be deemed to be synonymous terms. Harbour of Otago and Port of Dunedin to be synonymous terms.

15. The provisions of this Ordinance and of the "Otago Harbour Board Ordinance, 1874" shall be subject to the provisions of the Act passed by the General Assembly of New Zealand intituled "The Harbour Works Act, 1874." This Ordinance and recited Ordinance to be subject to Harbour Works Act, 1874.

DUNEDIN, NEW ZEALAND:

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