

Reprint
as at 1 November 2010

Auckland Harbour Board Act 1885

Local Act 1885 No 2
Date of assent 22 September 1885

Auckland Harbour Board Act 1885: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

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An Act to reconstitute the Auckland Harbour Board

1 Short Title

The Short Title of this Act is The Auckland Harbour Board Act 1885.

2 Incorporation

This Act shall be and be deemed to be a special Act within the meaning of the Harbours Act 1950 which Act and all the Acts amending the same shall be incorporated with this Act so far as the provisions thereof are not inconsistent herewith or repugnant hereto.

A reference to the Harbours Act 1908 was substituted, as from 4 August 1908, for a reference to the Harbours Act 1878 pursuant to section 1(2) Harbours Act 1908 (1908 No 75). That reference was in turn substituted, as from 1 January 1924, by a reference to section the Harbours Act 1923 pursuant to section 259(1) Harbours Act 1923 (1923 No 40). That reference was in turn substituted, as from 15 October 1950, by a reference to the Harbours Act 1950 pursuant to section 269(1) Harbours Act 1950 (1950 No 34). The term special Act was omitted from the Harbours Act 1950, as from 1 December 1961, by section 2 Harbours Amendment Act 1961 (1961 No 114).

3 Interpretation

In this Act, if not inconsistent with the context,—

The Board means the Auckland Harbour Board

The said Act means The Harbours Act 1878, and all Acts amending the same

Chamber of Commerce means the present association in the City of Auckland known as the Auckland Chamber of Commerce

Local body and **district** have respectively the meanings assigned to them by The Regulation of Local Elections Act 1876.

4 Board constituted

[Repealed]

Sections 4 to 13, 16 to 19 and 23 were repealed, as from 1 January 1911, by section 27 Harbours Amendment Act 1910 (1910 No 47).

5 Term of office

[Repealed]

Sections 4 to 13, 16 to 19 and 23 were repealed, as from 1 January 1911, by section 27 Harbours Amendment Act 1910 (1910 No 47).

6 Reconstitution of Board

[Repealed]

Sections 4 to 13, 16 to 19 and 23 were repealed, as from 1 January 1911, by section 27 Harbours Amendment Act 1910 (1910 No 47).

7 Members appointed by Governor

[Repealed]

Sections 4 to 13, 16 to 19 and 23 were repealed, as from 1 January 1911, by section 27 Harbours Amendment Act 1910 (1910 No 47).

8 Elective members

[Repealed]

Sections 4 to 13, 16 to 19 and 23 were repealed, as from 1 January 1911, by section 27 Harbours Amendment Act 1910 (1910 No 47).

9 Members appointed by local body or Chamber of Commerce

[Repealed]

Sections 4 to 13, 16 to 19 and 23 were repealed, as from 1 January 1911, by section 27 Harbours Amendment Act 1910 (1910 No 47).

10 Returning Officer

[Repealed]

Sections 4 to 13, 16 to 19 and 23 were repealed, as from 1 January 1911, by section 27 Harbours Amendment Act 1910 (1910 No 47).

11 List of owners of vessels

[Repealed]

Sections 4 to 13, 16 to 19 and 23 were repealed, as from 1 January 1911, by section 27 Harbours Amendment Act 1910 (1910 No 47).

12 List of payers of dues

[Repealed]

Sections 4 to 13, 16 to 19 and 23 were repealed, as from 1 January 1911, by section 27 Harbours Amendment Act 1910 (1910 No 47).

13 Such lists to be election roll

[Repealed]

Sections 4 to 13, 16 to 19 and 23 were repealed, as from 1 January 1911, by section 27 Harbours Amendment Act 1910 (1910 No 47).

14 Issue of new pilotage-exemption certificates

The holder of any pilotage-exemption certificate granted under the provisions of the said Act, or of The Marine Act 1867, or The Marine Act Amendment Act 1870, in respect of the Auckland Harbour shall, upon application, be entitled to receive in exchange for the same from the Board, and free of charge, a pilotage-exemption certificate under The Harbours Act 1878 Amendment Act 1883, subject to the provisions thereof, for vessels of the tonnage of those specified in such first-named certificate, or of any indorsement thereon.

15 Pilotage rates and dues payable to Treasurer

All pilotage rates or dues leviable under the authority of the said Act shall be payable to the Treasurer of the Board, at the office of the Board.

16 Leasing powers

[Repealed]

Sections 4 to 13, 16 to 19 and 23 were repealed, as from 1 January 1911, by section 27 Harbours Amendment Act 1910 (1910 No 47).

17 As to surrender of leases

[Repealed]

Sections 4 to 13, 16 to 19 and 23 were repealed, as from 1 January 1911, by section 27 Harbours Amendment Act 1910 (1910 No 47).

18 As to compensation for buildings erected

[Repealed]

Sections 4 to 13, 16 to 19 and 23 were repealed, as from 1 January 1911, by section 27 Harbours Amendment Act 1910 (1910 No 47).

19 Leases must be by deed or memorandum of lease

[Repealed]

Sections 4 to 13, 16 to 19 and 23 were repealed, as from 1 January 1911, by section 27 Harbours Amendment Act 1910 (1910 No 47).

20 Sailors' Home

Section 2 of The Auckland Harbour Act 1874 Amendment Act 1883, is hereby repealed, and in lieu thereof it is hereby enacted as follows:—

It shall be lawful for the Board, out of the endowments vested in them for the Harbour of Auckland, and not at present leased, to set apart a site for a Sailors' Home, and to hold the same upon trust for that purpose, or to transfer, convey, or demise the same to Trustees, or to a corporation, to be held upon trust for a Sailors' Home, and for no other purpose, subject to such terms and conditions (and, in case of a lease, for such term) as the Board may think fit.

21 Land set apart for Sailors' Home ceasing to be used for that purpose to revert to Board

If the said site, or any building erected thereon, shall at any time after being set apart, transferred, or conveyed, or demised as aforesaid, be used or occupied for any other purpose or purposes than a Sailors' Home, or shall cease to be used for that

purpose for six successive calendar months, then the said site and any buildings thereon shall become and be the property of the said Board, and shall be held by them upon trust as a site for a Sailors' Home or upon the original trust, as an endowment of the Port of Auckland, as the said Board may think fit.

22 Permission of Auckland City Council to be obtained to streets

It shall not be lawful for the said Board or any person to lay out or make any street, or use, allow, permit, or suffer to be used as a street, or to grant or reserve, or use or permit, allow, or suffer to be used in common with any owner or occupier of lands or buildings adjacent thereto, any right-of-way or passage on or over any land reclaimed by the said Board, or by its order, or with its consent, from the southern side of the Waitemata Harbour, and abutting upon the northern boundary of the Borough of the City of Auckland, except by permission of the body corporate called the Mayor, Councillors, and citizens of the City of Auckland, hereinafter called **the Council**; and every such street shall be at least sixty-six feet wide, measured at right angles to the course thereof; and the Council may impose upon the said Board, or the person laying out or desiring to lay out such street, or laying out, making, granting, or reserving or using, permitting, allowing, or suffering to be used as aforesaid such right-of-way or passage, such conditions as to width, entrances, course, formation of footways, cost of formation, and otherwise in all respects whatsoever as the Council shall think fit; and if the said Board or any person lays out, or makes or permits to be opened for the use of the public any street, or lays out, makes, grants, or reserves, or uses, permits, allows, or suffers to be used as aforesaid, any right-of-way or passage contrary to the provisions of this Act or the said Act, it or he shall be liable to a penalty of not more than twenty dollars for every day during which such street is so laid out, or made, or open to the use of the public, or such right-of-way or passage is so laid out, or made or suffered to be used as aforesaid, or such grant or reservation remains uncanceled after the day on which it or he receives notice from the Council that such street, or right-of-way, or passage, is contrary to this Act. No

plan, deed, or instrument of any kind whereby any street or right-of-way or passage contrary to the provisions of this Act shall be created, recognized, referred to, granted, or reserved, shall be received for deposit or registration under the Deeds Registration Acts, or under the Land Transfer Act for the time being in force.

The word **street** means the whole of any public highway hereafter to be laid out on the said reclaimed land by or with the sanction of the said Board, and includes every public square or places therein, and every bridge, ford, and ferry on the line of a street.

Right-of-way means any way or passage whatsoever over any part of the said reclaimed land, the right to use which is confined or intended to be confined to certain persons or classes of persons, and which is not open or intended to be open to the use of the public generally.

Nothing in this section contained shall be construed to apply to or shall in any way affect any property belonging to or vested in Her Majesty the Queen or to any Government work executed or being executed under The Public Works Act 1882, or any Act amending the same.

The words “twenty dollars” were substituted, as from 10 July 1967, for the words “ten pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

23 Part of principal Act

[Repealed]

Sections 4 to 13, 16 to 19 and 23 were repealed, as from 1 January 1911, by section 27 Harbours Amendment Act 1910 (1910 No 47).

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Notes**1 General**

This is an eprint of the Auckland Harbour Board Act 1885. The eprint incorporates all the amendments to the Act as at 1 November 2010. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the eprint are also included, after the principal enactment, in chronological order.

2 About this eprint

This eprint has not been officialised. For more information about eprints and officialisation, please *see* <http://www.pco.parliament.govt.nz/eprints/>.

3 List of amendments incorporated in this eprint (most recent first)

Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37): section 113(1)
