

New Zealand.



ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Harbours Act incorporated. 3. Interpretation. 4. Constitution of Board. 5. First election of members. 6. First election. 7. Harbour district constituted. 8. Power to borrow money for construction of harbour-works. | <ol style="list-style-type: none"> 9. Power to levy special rate. 10. Limit of special rate. 11. Sinking fund. 12. Have power of Rating Act. 13. Annual estimate to be prepared. 14. Differential dues may be levied. 15. Wharves, &c., to vest in Board. 16. Board may purchase Railway Wharf at Opuia. Schedule. |
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1920, No. 16.—*Local and Personal.*

AN ACT to constitute a Harbour District and a Harbour Board for the Harbour of Bay of Islands. [28th October, 1920.]

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 Bay of Islands Harbour Act, 1920. Short Title.
2. This Act shall be deemed to be a special Act within the meaning of the Harbours Amendment Act, 1910. Harbours Act incorporated.
3. In this Act, if not inconsistent with the context,—
 - “Board” means the Harbour Board constituted under this Act:
 - “Harbour” means the Port and Harbour of Bay of Islands as defined in the Schedule hereto:
 - “Harbour district” means the Bay of Islands Harbour District as constituted under this Act:
 - “The said Act” means the Harbours Act, 1908.Interpretation.
4. (1.) A Harbour Board is hereby constituted for the Harbour of Bay of Islands. Such Board shall consist of seven members, of whom four shall form a quorum. Constitution of Board.
 - (2.) Two members shall be appointed by the Governor-General.
 - (3.) Five members shall be elected by the electors of the County of Bay of Islands.
5. (1.) The first election of members shall be held in the same manner as members of the County Council are elected, save that each elector shall have and may exercise one vote and no more. First election of members.

(2.) The first members of the Board shall take office on a date to be appointed by the Governor-General.

(3.) The first elective members of the Board shall hold office until the next general election of County Councillors, when they shall retire; and thereafter elections of members shall be held at the times and in the manner prescribed by the Harbours Amendment Act, 1910.

First election.

6. The Governor-General shall appoint a day for the election of the first members of the Board, and for the time and place for the first meeting of the Board, and shall also appoint some fit person as Returning Officer.

Harbour district constituted.

7. The Bay of Islands Harbour District is hereby constituted, and shall comprise the County of Bay of Islands as at present constituted.

Power to borrow money for construction of harbour-works.

8. (1.) Subject to the provisions of the said Act and to the previous approval of the Governor-General of a plan of the works proposed to be constructed, the Board may borrow moneys, not exceeding in the whole the sum of fifty thousand pounds, for the construction or completion of harbour-works within the meaning of the said Act.

(2.) No money shall be borrowed under the authority of this Act which shall produce to the lender a higher rate of interest than five pounds ten shillings per centum per annum.

(3.) No money shall be borrowed under the authority of this Act except with the consent of the ratepayers of the harbour district previously obtained in manner prescribed by the Local Bodies' Loans Act, 1913, and the provisions of that Act shall apply as if the Board were a local authority and the said works were public works within the meaning of Part I of that Act.

Power to levy special rate.

9. For the purpose of providing the annual charges upon moneys to be borrowed under the authority of the last preceding section the Board may make and levy a special rate upon all rateable property within the harbour district in manner provided by law and in accordance with the provisions of the Rating Act, 1908.

Limit of special rate.

10. The special rate to be levied under the authority of this Act shall not exceed three-farthings in the pound upon the capital value of all rateable property within the said harbour district.

Sinking fund.

11. For the purpose of providing a sinking fund for the liquidation of any loan authorized by this Act the Board shall in every year pay to the Commissioners appointed under section one hundred and ninety-seven of the said Act a sum equal to one-half per centum on the moneys borrowed or so much thereof as is for the time being outstanding.

Have power of Rating Act.

12. For the purpose of making, levying, and recovering the said rates the Board shall have and may exercise all the powers of making, levying, and recovering rates in the harbour district as are conferred on local authorities by the Rating Act, 1908, and for such purpose the Rating Act, 1908, and its amendments are incorporated herewith.

Annual estimate to be prepared.

13. (1.) The Board shall in each year cause an estimate to be prepared, in such manner and according to such method as the Board approves, of the anticipated revenue of the year and of the anticipated expenditure of the year (exclusive of capital expenditure on loan account).

(2.) The Board shall be empowered to make and levy a rate not exceeding one-farthing in the pound on the capital value of all rateable property within the harbour district sufficient to provide for the excess, if any, of the estimated expenditure over the estimated revenue.

14. Notwithstanding any provisions contained in the Harbours Act, 1908, it shall be lawful for the Board to make and levy harbour dues to be charged and collected in respect of goods produced or manufactured outside and brought into the harbour district for any person (not being an elector of the harbour district) residing outside the harbour district, and in respect of goods shipped on behalf of any person (not being an elector as aforesaid) residing outside the harbour district, in excess of the dues to be made and levied in respect of the same goods if produced or manufactured within the harbour district or brought into the same for, or shipped on behalf of, any person residing within the harbour district:

Differential dues may be levied.

Provided that such excess dues shall be payable equally in respect of the same description of goods wheresoever outside the harbour district the same are produced or manufactured and wheresoever outside the harbour district the person on behalf of or for whom the same are brought into the harbour district or shipped may reside.

15. All wharves and jetties (including all sheds and buildings thereon) within the harbour district at the date of the first meeting of the Board under the control of the Bay of Islands County Council in its capacity as a Harbour Board, and all the assets and liabilities, rights, powers, functions, duties, and authorities of that Council in its capacity as aforesaid, are hereby vested in the Board as from the date of its first meeting without the necessity of any further or other transfer or assurance.

Wharves, &c., to vest in Board.

16. It shall be lawful for the Board, at any time within twelve months of the date of its first meeting, to purchase from His Majesty the King the Railway Wharf at Opuā, together with the buildings and erections thereon (but not including the rails and other materials forming part of the railway permanent-way), and such portion of the railway reserve at Opuā appurtenant to such wharf as may be agreed upon between the Board and His Majesty the King, acting by and through the Minister of Railways, at such price, not exceeding the sum of ten thousand pounds, and on such terms and conditions as may be agreed upon by the parties aforesaid.

Board may purchase Railway Wharf at Opuā.

17. Nothing in this Act shall affect any rights or powers of the Crown in respect of any railway or otherwise howsoever.

SCHEDULE.

Schedule

ALL that area bounded—commencing at ordinary high-water mark of the northern extreme of Cape Wiwiki; thence by a right line to the eastern extreme of the Nine Pin; thence by a right line to the northern extreme of Richards Peninsula at ordinary high-water mark; thence following the coast-line at ordinary high-water mark to the commencing-point: including within such area all bays, tidal streams, rivers, and inlets flowing into the said harbour up to the ordinary high-water mark, and the foreshore of all islands within the said area.