

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

*House of Representatives, 31 October 1962*

Words struck out by the Local Bills Committee are shown in italics within bold round brackets, or with black rule at beginning and after last line of struck out matter; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line of new matter.

*Mr Kirk*

## LYTTELTON HARBOUR BOARD LOAN AND EMPOWERING

[LOCAL]

### ANALYSIS

Title	6. Power to raise further loan for harbour works authorised in 1955
1. Short Title	7. Amending section 6 of the Lyttel- ton Harbour Board Loan and Empowering Act 1955
2. Special Act	Schedule
3. Interpretation	
4. Authority to borrow	
5. Vesting of land	

### A BILL INTITULED

An Act to authorise the Lyttelton Harbour Board to construct certain harbour works, to borrow money for the purpose of the construction of such harbour works, to vest certain  
5 land in the Lyttelton Harbour Board, to vest certain land in the Lyttelton Borough Council, and to amend the Lyttelton Harbour Board Loan and Empowering Act 1955

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

**1. Short Title**—This Act may be cited as the Lyttelton Harbour Board Loan and Empowering Act 1962.

**2. Special Act**—This Act shall be deemed to be a special Act within the meaning of the Harbours Act 1950.

**3. Interpretation**—In this Act, unless the context otherwise requires, the term “Board” means the Lyttelton Harbour Board.

**4. Authority to borrow**—It shall be lawful for the Board from time to time to borrow, in addition to the sums authorised by any previous Acts, subject to the provisions of the Harbours Act 1950 and of the Local Authorities Loans Act 1956, any sum or sums of money not exceeding in the aggregate the sum of two million five hundred thousand pounds to be applied for the purpose of carrying out, subject to the provisions of the Harbours Act 1950, the works specified in the Schedule to this Act:

Provided that where the amount specified in the said Schedule against any particular work is more than sufficient for that particular work and leaves a surplus remaining after the completion of that particular work, the surplus may be applied in the completion of any other of the said works specified in the said Schedule if the amount appropriated to any such work is not sufficient for its completion.

**5. Vesting of land—** 20

*Struck Out*

Whereas Lots 1, 3, 5, 7, 9, and 11 on the plan attached to Proclamation 11 for the Canterbury Land District, published in *Gazette*, No. 69, dated the fifteenth day of July, eighteen hundred and eighty, and described in the Second Schedule thereto, are vested in the Lyttelton Harbour Board by virtue of section 3 of the Lyttelton Harbour Board Land Act 1877, which lots comprise part of the land described in the First Schedule to the said Act:

*New*

Whereas Lots 1, 3, 5, 7, 9, and 11 on the plan attached to Proclamation 11 for the Canterbury Land District dated the thirteenth day of July, eighteen hundred and eighty, and published in the *Gazette* of the fifteenth day of that month, and described in the Second Schedule thereto, are vested in the Lyttelton Harbour Board in fee simple in trust for the purpose of managing and improving the Harbour of Lyttelton pursuant to the provisions of section 3 of the Lyttelton Harbour Board Land Act 1877, and comprise part of the land described in the First Schedule to that Act:

And whereas Lots 1, 3, 5, 7, and 9 on the plan attached to Proclamation 11 and that part of Lot 11 on such plan described in paragraph (g) of subsection (1) of this section form part of Godley Quay, Lyttelton, as shown on all subsequent plans and it is expedient that these pieces of land be vested in the Mayor, Councillors, and Citizens of the Borough of Lyttelton for street purposes: And whereas the Lyttelton Harbour Board is desirous of acquiring from the Mayor, Councillors, and Citizens of the Borough of Lyttelton that portion of Godley Quay, Lyttelton, described in subsection (3) of this section: And whereas Lots 2, 4, 6, 8, and 10 on the plan attached to Proclamation 11 and described in the First Schedule thereto are vested in fee simple in Her Majesty to be used for harbour works having been taken for harbour works by Proclamation 11: And whereas that part of Lot 2 on the plan attached to Proclamation 11 and described in paragraph (b) of subsection (1) of this section forms part of the roadway of Godley Quay, and it is expedient that the said piece of land be vested in the Mayor, Councillors, and Citizens of the Borough of Lyttelton for street purposes: And whereas it is expedient that Lots 4, 6, 8, and 10 and the balance of Lot 2 on the plan attached to Proclamation 11 be vested in the Lyttelton Harbour Board for harbour purposes: Be it therefore enacted as follows:

(1) The following pieces of land are hereby (*declared to be*) vested in the Mayor, Councillors, and Citizens of the Borough of Lyttelton for street purposes:

(a) Lot 1 on the plan attached to Proclamation 11 for the (*Canterbury Land District, published in Gazette, No. 69, dated the fifteenth day of July, eighteen hundred and eighty*) Canterbury Land District dated the thirteenth day of July, eighteen hundred and eighty, and published in the Gazette of the fifteenth day of that month, having an area of one perch and seventeen-hundredths of a perch, more or less:

(b) That part of Lot 2 on the plan attached to Proclamation 11, having an area of three perches and nine-tenths of a perch, more or less, as shown on plan marked S.O. 10018, deposited in the office of the Department of Lands and Survey at Christchurch, and thereon coloured orange:

(c) Lot 3 on the plan attached to Proclamation 11, having an area of one perch, more or less:

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- (d) Lot 5 on the plan attached to Proclamation 11, having an area of two perches, more or less:
- (e) Lot 7 on the plan attached to Proclamation 11, having an area of three perches and eight-tenths of a perch, more or less: 5
- (f) Lot 9 on the plan attached to Proclamation 11, having an area of three perches and six-tenths of a perch, more or less:
- (g) That part of Lot 11 on the plan attached to Proclamation 11, having an area of one rood and twenty-four perches, more or less, as shown on the plan marked S.O. 10018, deposited in the office of the Department of Lands and Survey at Christchurch, and thereon coloured orange. 10
- (2) The following pieces of land are hereby declared to be vested in the Lyttelton Harbour Board for harbour purposes: 15
- (a) That part of Lot 2 on the plan attached to Proclamation 11 for the *(Canterbury Land District, published in Gazette, No. 69, dated the fifteenth day of July, eighteen hundred and eighty)* Canterbury Land District dated the thirteenth day of July, eighteen hundred and eighty, and published in the Gazette of the fifteenth day of that month, having an area of one rood and nineteen perches, more or less, as shown on the plan marked S.O. 10018, deposited in the office of the Department of Lands and Survey at Christchurch, and thereon coloured red: 25
- (b) Lot 4 on the plan attached to Proclamation 11, having an area of fourteen perches, more or less: 30
- (c) Lot 6 on the plan attached to Proclamation 11, having an area of three perches and seven-tenths of a perch, more or less:
- (d) Lot 8 on the plan attached to Proclamation 11, having an area of ten perches, more or less: 35
- (e) Lot 10 on the plan attached to Proclamation 11, having an area of ten perches and eight-tenths of a perch, more or less.
- (3) Notwithstanding anything in the Municipal Corporations Act 1954, or in any other Act, that portion of the street known as Godley Quay, Lyttelton, having an area of nine perches and eight-tenths of a perch, more or less, as shown on the plan marked S.O. 10018, deposited in the office of the Department of Lands and Survey at Christchurch, and 45

thereon coloured green, is hereby *(declared to be closed and to be vested)* closed and vested in the Lyttelton Harbour Board for harbour purposes.

(4) The District Land Register for the Land Registration District of Canterbury is hereby authorised to deposit such plans, to accept such documents for registration, to make such entries in the register book, and to do all such other things as may be necessary to give effect to the provisions of this section.

**6. Power to raise further loan for harbour works authorised in 1955—**(1) For the purpose of completing any of the works specified in the First Schedule to the Lyttelton Harbour Board Loan and Empowering Act 1955, it shall be lawful for the Board from time to time, as it may require, to borrow, in accordance with the provisions of the Harbours Act 1950 and of the Local Authorities Loans Act 1956, a sum or sums (in addition to any money authorised to be borrowed by the Board under or by virtue of this Act or any other Act) not exceeding in respect of those works one million one hundred and thirteen thousand pounds.

(2) The First Schedule to the Lyttelton Harbour Board Loan and Empowering Act 1955 is hereby consequentially amended as follows:

- (a) By omitting the figures “£1,289,000”, and substituting the figures “£2,260,000”:
- (b) By omitting the figures “£1,385,000”, and substituting the figures “£1,726,000”:
- (c) By omitting the figures “£323,000”, and substituting the figures “£124,000”:
- (d) By omitting the figures “£3,550,000” (being the total shown), and substituting the figures “£4,663,000”.

(3) Section 4 of the Lyttelton Harbour Board Loan and Empowering Act 1955 is hereby consequentially amended by omitting the words “three million five hundred and fifty thousand pounds”, and substituting the words “four million six hundred and sixty-three thousand pounds”.

**7. Amending section 6 of the Lyttelton Harbour Board Loan and Empowering Act 1955—**

*Struck Out*

(1) Subsection (3) of section 6 of the Lyttelton Harbour Board Loan and Empowering Act 1955 is hereby amended by omitting the words “including any amount to be payable by either party in respect of the work”.

*Struck Out*

(2) Section 6 of the Lyttelton Harbour Board Loan and Empowering Act 1955 is hereby further amended by inserting, after subsection (3), the following subsection:

“3A. Where in the course of any arbitration carried out under subsection (3) of this section any decision is made which will involve the payment by either party to the other of any amount, the determination of that amount shall not be deemed part of the reference of the arbitration, but the amount shall be deemed to be compensation payable under the Public Works Act 1928; and if the parties are unable to agree on the amount it shall be determined in the manner specified in Part III of the Public Works Act 1928.”

*New*

(1) Section 6 of the Lyttelton Harbour Board Loan and Empowering Act 1955 is hereby amended—

- (a) By inserting in subsection (1), after the words “Lyttelton Borough Council”, the words “or if it is necessary for the Board to acquire any land, buildings, or property for the time being vested in the said Corporation”:
- (b) By omitting from subsection (1) the words “of carrying out such work as may be necessary as aforesaid”:
- (c) By inserting in subsections (3) and (4), after the word “work” in each place where it appears, the words “or acquisition”.

(2) Subsection (3) of section 6 of the Lyttelton Harbour Board Loan and Empowering Act 1955 is hereby further amended by adding the following proviso:

“Provided that,—

- “(a) If as a result of the exercise of the powers given to the Board by this Act, the Council is injuriously affected by, or suffers any particular damage from the loss of any service or amenity or interference with any service or amenity provided or controlled by the Council, the Council shall, notwithstanding the provisions of paragraph (b) of this subsection, be entitled to compensation with respect to that loss or interference:

*New*

5 “(b) In determining the amount to be payable by either  
party in respect of any of the matters referred to  
in this section, the arbitrators shall act in accord-  
10 ance with the rules for determining the amount of  
compensation contained in the Public Works Act  
1928 as far as they are applicable, and in so far as  
the said rules do not apply to the loss of or inter-  
ference with any service or amenity as set out in  
paragraph (a) of this subsection or to any other  
item the arbitrators shall award such additional sum  
in respect of that loss, interference, or other item  
as they think fit.”

15 **8. Supply of fresh water**—Section 8 of the Lyttelton Har-  
bour Board Loan and Empowering Act 1955 is hereby  
amended by adding to paragraph (a) of subsection (1) the  
following proviso:

20 “Provided that in the event of any dispute between the  
Corporation and the Board as to whether—

“(a) The Board in requiring the Corporation to perform  
any act under this subsection is acting reasonably; or

25 “(b) The Board in refusing to be satisfied with the standard  
of performance of any act done by the Corporation  
under this subsection is acting reasonably; or

“(c) In all the circumstances the incidence of payment for  
any such installation, maintenance, repair and supply  
should be borne by the Board or the Borough or by  
both equally or in proportions—

30 the dispute shall be referred to arbitration and for that pur-  
pose this proviso shall be deemed to be a submission within the  
meaning of the Arbitration Act 1908 and the reference shall  
be to two arbitrators.”

35 **9. Application of provisions of 1955 Act to works authorised  
by this Act**—Section 6 of the Lyttelton Harbour Board Loan  
and Empowering Act 1955 shall apply to the harbour works  
authorised by this Act.

## 8 *Lyttelton Harbour Board Loan and Empowering*

Section 4

### SCHEDULE

#### HARBOUR WORKS

The widening of No. 7 Wharf, and the construction of a transit shed thereon .....	£ 294,000
The demolition of No. 5 Wharf, the widening of No. 6 Wharf, and the construction of a transit shed on No. 6 Wharf .....	495,000
The demolition of No. 4 Wharf, the widening of No. 3 Wharf, and the construction of a transit shed on No. 3 Wharf .....	490,000
The widening of the breastworks for wharves Nos. 3, 6, and 7 .....	241,000
The extension of the Oil Wharf .....	80,000
The construction of a new harbour for small craft .....	400,000
The provision of specialised meat-loading equipment .....	500,000
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	£2,500,000
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