

Reprint
as at 1 November 2010

**Auckland Harbour Board
Empowering Act 1900**

Local Act 1900 No 19
Date of assent 20 October 1900

Auckland Harbour Board Empowering Act 1900: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).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 authorise the Auckland Harbour Board to alter the Allocation of the Sum of One Hundred and Eighty Thousand Dollars, part of the Sum of One Million Dollars authorised to be raised by The Auckland Harbour Board Loan Act 1886, and to authorise the Board to provide for the Payment to Lessees of the Board of Compensation for Buildings erected by such Lessees on Lands leased from the Board, to validate Leases granted by the Board, and to define the Means whereby Owners of Land deprived of Rights of Water-frontage may claim Compensation for Loss or Damage sustained by them.

The words “One Hundred and Eighty Thousand Dollars” and “One Million Dollars” were substituted, as from 10 July 1967, for the words “Ninety Thousand Pounds” and “Five Hundred Thousand Pounds” respectively pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

Preamble

WHEREAS by The Auckland Harbour Board Loan Act 1886, the Board was empowered to borrow the sum of one million dollars, whereof four hundred thousand dollars was to be applied and expended in the construction of the harbour-works mentioned in the Schedule thereto: And whereas of the said sum of four hundred thousand dollars the sum of two hundred and twenty thousand dollars has been borrowed and expended upon the objects authorised by the said Act or some of them: And whereas the unexpended balance of the said sum of four hundred thousand dollars, to wit, the sum of one hundred and eighty thousand dollars, is not required for the purposes in the said Act mentioned, but other expenditure is required in providing additional wharves and other permanent harbour-works for the convenience of shipping, and it is in the interests of the Port of Auckland and shipping that the Board should have power to alter the allocation of the said sum of one hundred and eighty thousand dollars from the

purposes mentioned in the Schedule to the said Act, and to apply the same for other purposes: And whereas the Board has granted certain leases containing covenants on the part of the Board to pay to the lessees compensation for the value or part of the value of buildings that may be upon the land at the expiration or determination of such leases, and it is necessary to make provision for the raising of the money from time to time required for the payment of such compensation: And whereas certain leases have been granted by the Board the validity of which may be doubted in consequence of the statutory provisions not having been strictly observed, and it is desirable that such leases should be validated:

The words “one million dollars”, “four hundred thousand dollars”, “two hundred and twenty thousand dollars” and “one hundred and eighty thousand dollars” were substituted, as from 10 July 1967, for the words “five hundred thousand pounds”, “two hundred thousand pounds”, “one hundred and ten thousand pounds” and “ninety thousand pounds” respectively pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

1 Short Title

The Short Title of this Act is The Auckland Harbour Board Empowering Act 1900.

2 Interpretation

In this Act **the Board** means the Auckland Harbour Board.

3 Powers to Board to raise \$180,000

It shall be lawful for the Board to apply when raised the said sum of one hundred and eighty thousand dollars, being the un-raised portion of the said sum of four hundred thousand dollars authorised to be raised by The Auckland Harbour Board Loan Act, 1886, in the construction of such wharves and permanent harbour-works as, subject to the provisions of the Harbours Act 1950 may be approved by the Board.

The words “one hundred and eighty thousand dollars” and “four hundred thousand dollars” were substituted, as from 10 July 1967, for the words “ninety thousand pounds” and “two hundred thousand pounds” respectively pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

The Harbours Act 1878 was consolidated, as from 4 August 1908, by section 1(2) Harbours Act 1908 (1908 No 75). That Act was repealed, as from 1 January 1924, by section 259(1) Harbours Act 1923 (1923 No 40). That Act was in turn

repealed, as from 15 October 1950, by section 269(1) Harbours Act 1950 (1950 No 34).

4 Board may issue debentures

The Board may issue debentures for the said sum of one hundred and eighty thousand dollars for such a term that they may be redeemable at the same time as debentures already issued under the said Act.

The words “one hundred and eighty thousand dollars” were substituted, as from 10 July 1967, for the words “ninety thousand pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

5 Provision for paying compensation to tenants of Board

The Board may, in order to provide the money required for the purpose of paying compensation to tenants of the Board for the value or part of the value, as the case may be, of the buildings on land leased or hereafter to be leased by the Board, raise such money by the issue of debentures, to an amount not exceeding forty thousand dollars, upon the security of the revenues of the Board, at the rate of interest hereinafter specified, for a term of not exceeding fifteen years; such debentures shall be in the form specified in the Schedule hereto; or the Board may, in reletting any such land, provide for the payment by the new tenant of the sum which the Board may be liable to pay to any outgoing tenant.

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

6 Rate of interest on loans not to exceed 4 per cent

Notwithstanding anything contained in any other Act, no money shall be borrowed or raised under the authority of this Act which shall produce to the lender a higher rate of interest than four dollars per centum per annum.

The words “four dollars” were substituted, as from 10 July 1967, for the words “four pounds” pursuant to section 7(2) Decimal Currency Act 1964 (1964 No 27).

7 Sinking fund

There shall be a sinking fund created for the redemption of the debentures issued under section five of this Act, which shall be under the control of the Board, and shall be equivalent to one per centum per annum on the amount of the loan.

8 Validity of leases

The validity of any lease heretofore made by the Board shall not be questioned nor be deemed to be affected by reason merely that the statutory provisions have not been strictly observed, and all obligations on the part of the Board and its lessees respectively therein contained shall be and be deemed to have been binding on the part of the Board and its lessees.

9 Owners of foreshore rights entitled to recover compensation

Every person entitled to recover compensation for deprivation of water-frontage under section eight of The Auckland Harbour Board Empowering Act, 1899, shall recover such compensation under The Public Works Act, 1894, but shall not be entitled to institute any other suit, action, or other proceeding against the Board in respect of such deprivation.

10 Repeal

Section nine of The Auckland Harbour Improvement Act 1888, is hereby repealed.

Schedule
Auckland harbour board loan, 1900.

No .

DEBENTURE for \$, payable in , issued by the Auckland Harbour Board under an Act of the General Assembly of New Zealand intituled "The Auckland Harbour Board Empowering Act 1900." Secured on the revenues of the Board.

(NB—The holder of this debenture has no claim in respect thereof on the public revenue of New Zealand or the General Government thereof.)

On presentation of this debenture at on or after the day of , 19 , the bearer thereof will be entitled to receive \$, and in the meantime interest thereon at the rate of by half-yearly payments payable at .

Interest on this debenture will cease after the day when the payment falls due, unless default be made in payment.

Issued under the seal of the Auckland Harbour Board.

, Chairman of the Board.
, Treasurer of the Board.
, Agent or Agents of the
Auckland Harbour Board.

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Notes

1 General

This is an eprint of the Auckland Harbour Board Empowering Act 1900. 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)
