

Taranaki Harbours Board Empowering Act 1908

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**An Act to enable the Taranaki Harbours Board to borrow Six
Hundred Thousand Dollars.**

The reference to “six hundred thousand dollars” was substituted, as from 10 July 1967, for the reference to “three hundred thousand pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

Preamble

WHEREAS the Taranaki Harbours Board, in the year eighteen hundred and seventy-nine, under the provisions of the New Plymouth Harbour Ordinance 1875 Amendment Act 1877, borrowed a sum of four hundred thousand dollars, and it is estimated that when the time for repayment thereof arrives the sum of two hundred and seventy thousand dollars in addition to the accumulated sinking fund set aside in respect thereof will be required to pay off the same: And whereas the said Board is desirous of borrowing sufficient money to provide for payment of the balance of the said former loan, and also to provide for the further construction of harbour-works for the improvement of the harbour of New Plymouth:

References to “four hundred thousand dollars” and “two hundred and seventy thousand dollars” were substituted, as from 10 July 1967, for references to “two hundred thousand pounds” and “one hundred and thirty-five thousand pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

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

1 Short Title

This Act may be cited as the Taranaki Harbours Board Empowering Act 1908.

2 Special Act

This Act shall be deemed to be a special Act within the meaning of the Harbours Act 1950 which Act is hereby incorporated with this Act.

3 Interpretation

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

Board means the Taranaki Harbours Board

Harbour district means the area described in Schedule 1 to the Taranaki Harbours Board Act 1965

Harbour district: this definition was substituted, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)).

Harbour district: reference to “Schedule 1 to the Taranaki Harbours Board Act 1965” substituted for reference to “Schedule 4 to the Taranaki Harbour Board Act 1954”, being the corresponding provision, as from 1 September 1965, pursuant to section 16(c) Taranaki Harbours Act 1965 (1965 No 4).

Rating Area No 1 means the area described in Schedule 1 to the Taranaki Harbours Board Empowering Act 1955

Rating Area No 1: this definition was inserted, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)).

Rating Area No 2 means the area described in Schedule 2 to the Taranaki Harbours Board Empowering Act 1955

Rating Area No 2: this definition was inserted, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)).

Rating Area No 3 means the area described in Schedule 3 to the Taranaki Harbours Board Empowering Act 1955.

Rating Area No 3: this definition was inserted, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)).

Returning Officer*[Repealed]*

Returning Officer: this definition was repealed, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)).

[Repealed]

4 Returning Officer

[Repealed]

Section 4 was repealed, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)).

5 Power to borrow

It shall be lawful for the Board to borrow from time to time such sum or sums of money as the Board deems fit, at a rate of interest not exceeding five per centum per annum, but so that the total of the amounts so borrowed does not exceed six hundred thousand dollars; and the Board may borrow such sum or sums of money as aforesaid for such period or periods as it may think fit, and may renew or again borrow any or all of such sum or sums of money as they fall due for such further or other period or periods as the Board may think fit.

The reference to “six hundred thousand dollars” was substituted, as from 10 July 1967, for the reference to “three hundred thousand pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

6 How money borrowed to be expended

(1) The moneys so borrowed shall be applied by the Board—as to part thereof, in providing such a capital sum as shall be required, in addition to any unexpended balance and accumulated sinking fund of the said loan of four hundred thousand dollars borrowed in the year eighteen hundred and seventy-nine, to discharge and pay off the debentures of the said loan when the same mature; as to the remaining part thereof, in the construction of such works as are defined by the word **harbour-works** as interpreted by the Harbours Act 1908, and also in the purchase, erection, and construction of all such tugs, dredges, cranes, sheds, and works for the improvement of the New Plymouth Harbour as are deemed necessary and proper by the Board for the purpose of the construction of such harbour-works, and for the safety, convenience, or reception of vessels resorting to the said harbour, and for the more convenient loading and unloading of such vessels, and for the safety and protection of any works constructed or proposed to be constructed by the Board, and for providing proper access to and from any such works.

(2) The Board may out of any loan-moneys pay the preliminary expenses incurred in connection with the borrowing of the moneys so borrowed and the first year's interest of the loan during the construction of any works for which the loan is raised.

The reference to "four hundred thousand dollars" was substituted, as from 10 July 1967, for the reference to "two hundred thousand pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

7 Security for loan

The repayment of all moneys so borrowed, together with interest, shall be secured upon the rents, profits, and dues chargeable and receivable by the Board, and upon the rate hereinafter mentioned to be made and levied under the authority of this Act.

Section 7 was amended, as from 1 April 1963, by section 14(4)(a) and section 14(6) Reserves and Other Lands Disposal Act 1962 (1962 No 49) by omitting the words "upon the land revenue receivable by the Board pursuant to the Taranaki Harbours Board Endowment Act 1874, and".

8 Consent of ratepayers required before any loan raised

[Repealed]

Section 8 was repealed, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)).

9 Notices of poll

[Repealed]

Section 9 was repealed, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)).

10 Meetings of ratepayers to consider loan proposals

[Repealed]

Section 10 was repealed, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)).

11 Roll of ratepayers

[Repealed]

Section 11 was repealed, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)).

12 Roll to be signed and handed to Returning Officer

[Repealed]

Section 12 was repealed, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)).

13 How poll to be taken

[Repealed]

Section 13 was repealed, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)).

14 Result of poll

[Repealed]

Section 14 was repealed, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)).

15 Result of poll to be advertised

[Repealed]

Section 15 was repealed, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)).

16 Result of poll to be gazetted

(1)

As soon as conveniently may be after the poll, the Chairman shall send to the Minister of Internal Affairs, for publication in the *Gazette*, a notice of the number of votes recorded for or against the proposal, and in such notice shall declare the proposal to be carried or rejected, as the case may be.

(2)

If in the notice so published in the *Gazette* it is declared that the proposal was carried, such notice so published shall be conclusive evidence that the raising of the loan has been duly authorised, and that all proceedings and things required by this Act as conditions precedent to the exercise by the Board of the borrowing-powers hereby conferred have been duly and lawfully taken and done, and that the Board is fully empowered and authorised to borrow any sum or sums of money not exceeding in the aggregate the sum of six hundred thousand dollars.

(3)

Subsection (2): the reference to “six hundred thousand dollars” was substituted, as from 10 July 1967, for the reference to “three hundred thousand pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

Subsection (3) was repealed, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)).

17 Levy of special rate

If the proposal is declared to be carried, a special rate upon all rateable property in the harbour district for the purpose of providing the annual charges upon moneys to be borrowed under the authority of this Act may be made and levied by the Board in manner provided by law and in accordance with the provisions of the Rating Act 1908.

18 Limit and proportion of special rate in parts of district

The special rate to be levied under the authority of this Act shall not exceed five-sixteenths of a cent in the dollar upon the capital value of all rateable property in Rating Area No 1, and shall not exceed five twenty-fourths of a cent in the dollar upon the capital value of all rateable property in Rating Area No 2, and shall not exceed five forty-eighths of a cent in the dollar upon the capital value of all rateable property in Rating Area No 3; and all rates levied by the Board shall be levied in the like proportions, that is to say:—

Twice as high a rate shall be levied within Rating Area No 2 as that within that portion of the district described in Schedule 4 hereto; and three times as high a rate shall be levied within Rating Area No 1 as that within Rating Area No 3.

References to “five-sixteenths of a cent in the dollar”, “five twenty-fourths of a cent in the dollar”, and “five forty-eighths of a cent in the dollar” were substituted for references to “three-farthings in the pound”, “one halfpenny in the pound”, and “one farthing in the pound”, respectively, as from 10 July 1967, pursuant to section 7(2) Decimal Currency Act 1964 (1964 No 27).

Section 18 was amended, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)) by substituting the words “Rating Area No 1” for the words “the area described in Schedule 2 hereto”, and by substituting the words “Rating Area No 1” for the words “that portion of the district described in Schedule 2 hereto”.

Section 18 was further amended, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)) by substituting the words “Rating Area No 2” for the words “the area described in Schedule 3 hereto”, and by substituting the words “Rating Area No 2” for the words “that portion of the district described in Schedule 3 hereto”.

Section 18 was further amended, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)) by substituting the words “Rating Area No 3” for the words “the area described

in Schedule 4 hereto”, and by substituting the words “Rating Area No 3” for the words “that portion of the district described in Schedule 4 hereto”, and by substituting the words “Rating Area No 3” for the words “that portion of the district described in Schedule 4”.

19 Land in Schedule 4 to be exempted from future loan
If any further loan is required by the Board beyond the amount authorised to be raised under the provisions of this Act, the area described in Schedule 4 hereto shall be exempted from any liability in respect of such further loan.

20 Amount of rate
The amount of the rate to be levied by the Board in each year shall not exceed such amount as is required to provide for the payment of the annual charges on the amount borrowed under the authority of this Act, after taking into account (b) the net annual revenue of all land endowments owned by the Board, and (c), to the extent of nine thousand dollars per annum, the net annual revenue of the Board from harbour dues as defined by the Harbours Act 1908, other than rates levied under the authority of this Act.

The reference to “nine thousand dollars” was substituted, as from 10 July 1967, for the reference to “four thousand five hundred pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

Section 20 was amended, as from 1 April 1963, by section 14(4)(a) and section 14(6) Reserves and Other Lands Disposal Act 1962 (1962 No 49) by omitting the words “(a) the amount annually receivable by the Board pursuant to the Taranaki Harbours Board Endowment Act 1874.”.

21 Sinking fund
For the purpose of providing a sinking fund for the liquidation of the loan authorised by this Act the Board shall pay to the Commissioners appointed under section 197 of the Harbours Act 1908, in every year a sum equal to one per centum on the moneys borrowed, or so much thereof as is for the time being outstanding.

22 Fund for the liquidation of annual charges on money borrowed
For the purpose of providing a fund for the liquidation of the annual charges on the money borrowed under this Act, the

Board shall each year, and whether the same are required for that year or not, appropriate and set apart all moneys received by the Board for interest on the unexpended balance of loan-moneys and the annual revenue of all land endowments owned by the Board, and (to the extent of nine thousand dollars) the annual revenue of the Board from harbour dues as aforesaid, and all interest from time to time accruing to the Board on moneys so set apart.

The reference to “nine thousand dollars” was substituted, as from 10 July 1967, for the reference to “four thousand five hundred pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

Section 22 was amended, as from 1 April 1963, by section 14(4)(a) and 14(6) Reserves and Other Lands Disposal Act 1962 (1962 No 49) by omitting the words “, and all revenue received by the Board pursuant to the Taranaki Harbours Board Endowment Act 1874.”.

23 Estimate of revenue and expenditure

- (1) The Board shall in each year cause an estimate to be prepared, in such manner and according to such principle and method as the Board approves, of the anticipated revenue of the year (exclusive of any rate to be levied under this Act), and of the anticipated expenditure of the year (including the annual charges upon the moneys borrowed under the authority of this Act, but exclusive of capital expenditure on loan account), and shall upon such estimate determine the deficiency of such revenue to meet such expenditure.
- (2) The Board may direct the levy in each year of such part of the said special rate as is sufficient to provide such deficiency.
- (3) The Board may for the purposes of such direction and levy adopt some convenient fraction of a cent, notwithstanding that the sum produced thereby may exceed such deficiency.

Subsection (3): the reference to “cent” was substituted, as from 10 July 1967, for the reference to “penny” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

24 Differential dues may be levied

Notwithstanding any provision 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 upon lands outside the harbour district, and in

respect of goods shipped on behalf of persons 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 shipped on behalf of persons resident within the harbour district:

Provided that such excess dues shall be chargeable 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 persons on whose behalf the same are shipped may reside:

Provided that such excess dues shall not be chargeable in respect of goods required by law to be graded before export.

25 Powers of Board

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

26 Rate levied not to be invalidated

No rate or levy made under this Act shall be set aside or quashed by any proceeding in any Court or otherwise, and no defect in the same, or the making thereof, or in any direction for levy, shall be set up as a defence to any action which may be brought to recover the same.

27 Power to alter boundaries of wards of harbour district

[Repealed]

Section 27 was repealed, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)).

28 Repeal

The New Plymouth Harbour Ordinance 1875 Amendment Act 1877, is hereby repealed:

Provided that such repeal shall not affect the rights and remedies of any debenture-holder or other creditor of the Board:

Provided further that such repeal shall not have effect until the Governor in Council is satisfied that an amount equal to the balance remaining due of the loan authorised by the repealed Act has been raised under the authority of this Act, and by Order in Council gazetted declares that such repeal shall have effect.

**Schedule 1
Boundaries of the New Plymouth harbour
district.**

[Repealed]

Schedules 1, 2, 3 and 4 were repealed, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)).

2*[Repealed]*

Schedules 1, 2, 3 and 4 were repealed, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)).

*[Repealed]***3***[Repealed]*

The First, Second, Third and Fourth Schedules were repealed, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)).

*[Repealed]***4***[Repealed]*

The First, Second, Third and Fourth Schedules were repealed, as from 21 October 1955, by section 10(1) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)).

[Repealed]