

## New Zealand.



### ANALYSIS.

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### 1909, No. 41.—*Local.*

Title. AN ACT to give Power to the Napier Harbour Board to carry out certain Harbour-works and Improvements, and to give Borrowing-powers for carrying out such Works. [24th December, 1909.

Preamble. WHEREAS by the Napier Harbour Board Loan Act, 1906 (hereinafter referred to as the said Act), the Napier Harbour Board (in the said Act and hereinafter referred to as the Board) was empowered to borrow the sum of two hundred thousand pounds in manner and for the purposes in the said Act appearing: And whereas no money whatsoever has been borrowed by the Board under the authority of the said Act: And whereas it is expedient to enable the Board to borrow the sum of three hundred thousand pounds in lieu of the sum of two hundred thousand pounds, and otherwise to amend the said Act in manner herein appearing:

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

Short Title.

1. This Act may be cited as the Napier Harbour Board Loan Act, 1909.

Amended constitution of Board.

2. (1.) The Board shall be constituted as follows:—

Two members appointed by the Governor in Council, one residing in the Borough of Napier and one residing within the rating area outside the Borough of Napier:

That portion of Hawke's Bay County within the Napier Harbour Rating District, also the Riding of Mohaka, in the County of Wairoa, to have four members:

Borough of Hastings, one member :

Borough of Napier, three members :

So much of the Counties of Waipukurau, Patangata, and Waipawa as are within the Napier Harbour Rating District, inclusive of the Waipukurau Town District, the Waipawa Borough, and Kaikora North Town District, to have three members :

Payers of dues on goods, one member :

Payers of dues on ships, one member.

(2.) The new Board shall be elected on the day appointed by the Harbours Act, 1908, for the election of members of Boards.

(3.) Section four of the Napier Harbour Board Loan Act, 1906, is hereby repealed, and the Second Schedule of the Harbours Act, 1878, is modified accordingly.

3. This Act shall be deemed to be a special Act within the meaning of the Harbours Act, 1908, which Act is hereby incorporated with this Act. Special Act.

4. Section six, and sections nine to twenty-one, and the First, Second, and Third Schedules of the said Act are hereby repealed. Repeal.

5. (1.) The Board shall have power to borrow, in addition to the sums authorised by any previous Acts, subject to the provisions of the Harbours Act, 1908, and to the provisions of this Act, any sum not exceeding three hundred thousand pounds, to be applied in and about the construction, completion, and carrying-out of the works on the breakwater portion of the Napier Harbour mentioned in section five of the said Act. Power to borrow.

(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 per centum per annum.

6. Section seven of the said Act is hereby amended by inserting in subsection one thereof the words "three hundred thousand pounds" in lieu of the words "two hundred thousand pounds," and the words "one thousand nine hundred and forty-six" in lieu of the words "one thousand nine hundred and forty-two"; by reading the words "The Local Bodies' Loans Act, 1908, and the amendments thereof" (with necessary consequential amendments) in lieu of the words "'The Local Bodies' Loans Act, 1901,'" in subsection two of the said section seven; and by adding to the said subsection two the following provisoes—"Provided that nothing herein shall authorise the Board to make and levy any special rate as a security for the said loan: And provided further that the provisions of Part I of the Local Bodies' Loans Act, 1908 (having reference to preliminary steps to be taken and the poll of ratepayers), shall be read subject, and be modified according, to the provisions set out in the First Schedule hereto." Section 7 of Napier Harbour Board Loan Act, 1906, amended.

7. Section eight of the said Act is hereby amended by omitting all words after the words "entitled to," and substituting the words "one vote and no more." Section 8 of said Act amended.

8. The Board may out of loan-moneys pay the preliminary expenses incurred in connection with the scheme for which the loan was raised, and refund to the Harbour Fund all moneys expended Preliminary expenses, &c., payable out of loan.

out of that fund on works authorised by the said Act since the said Act came into force.

Debentures charged on Harbour Board.

9. The debentures issued under the said Act and this Act, and the interest thereon, shall be a first charge on the Harbour Fund of the Board as defined by the Harbours Act, 1908, subject, however, to the priority of all existing charges thereon, whether by way of debentures or otherwise, including the charges thereon imposed by the Napier Harbour Board Empowering and Loan Act, 1884, and the Napier Harbour Board Loan Act, 1892.

Debentures, how executed.

10. Every debenture shall be sealed with the seal of the Board, and signed by the Chairman and countersigned by the Treasurer.

Debentures to be numbered, and coupons attached.

11. The debentures shall be numbered consecutively, commencing with number one, and shall have coupons attached thereto, signed by the Chairman and countersigned by the Treasurer, for every half-year's interest, payable to bearer.

Debentures to rank *pari passu*.

12. The holder of any debenture shall not have any preference by reason of any priority of date or otherwise, but all debenture-holders shall rank alike and be entitled to equal rights and remedies.

Sinking fund to be provided.

13. For the purpose of providing a sinking fund for the liquidation of the loan authorised by the Act there shall, on the first day of January in each and every year after the raising of moneys under this Act, be set apart by the Board a sum not exceeding one pound per centum per annum on the aggregate amount for which debentures shall at that time be issued.

Schedules.

## SCHEDULES.

### FIRST SCHEDULE.

Meetings of ratepayers.

(1.) THE Chairman shall, by not less than seven clear days' public notice in some newspaper circulating in the district, convene meetings of the ratepayers to be held within the several boroughs, town districts, and ridings comprising the district, to consider the proposal. Such notice shall specify the time (not being more than fourteen days after the last publication of the notice referred to in section 8 of the Local Bodies' Loans Act, 1908) and place in the several boroughs, town districts, and ridings at which such meetings are to be held.

The Chairman shall appoint one of the members of each Borough Council, Town Board, and of the County Council elected for each riding in the district to preside at each meeting within the borough, town district, or riding which such member represents, if such member is willing to act, and if such member is unwilling to act, or becomes incapacitated from any cause from acting, then such other person as the Chairman thinks fit. The member or person so appointed shall be called "the Presiding Officer," and he shall preside at the meeting to be held in the borough, town district, or riding for which he has been appointed, and shall also preside at the taking of any poll as hereinafter provided in such borough, town district, or riding, unless he is unwilling so to do or is incapacitated from any cause from so doing, in which event the Chairman shall appoint such other person as he thinks fit. After the consideration and discussion of the proposal the Presiding Officer shall declare that a poll will be taken, but his omission so to do shall not invalidate the proceedings at such meeting or any poll thereafter to be taken.

Chairman may cause poll to be taken.

(2.) After the holding of such meetings the Chairman may, if he thinks fit, and shall if requested by resolution passed at any one or more meetings, cause a poll of the ratepayers to be taken upon the proposal, as hereinafter provided.

Voting-roll.

(3.) It shall be the duty of the Secretary to the Board, at the request of the Chairman, to prepare a roll for the district (hereinafter referred to as "the roll")

setting forth the names of all ratepayers within the district. Such roll shall consist of a collection of the respective valuation-rolls for the time being in force for the respective boroughs, town districts, and ridings comprising the district, brought up, so far as the data in possession of the Board will allow, to a date not earlier than eight weeks before the date fixed for the poll. The Chairman shall place a copy of such roll, signed by him or two members of the Board, in the office of the Board at Napier, and in each of the offices of the counties, boroughs, and town districts within the said harbour district; and, on or as soon as possible after the date of the first publication of the notice referred to in section 8 of the Local Bodies' Loans Act, 1908, shall publish in some newspaper circulating in the district a notice that such roll is open for inspection by the ratepayers at the office of the Board aforesaid. After the publication of such notice, and up to the time hereinafter fixed for the closing of the roll, any person may lodge with the Board an objection in writing under his hand to the roll on any of the following grounds:—

- (a.) That any person whose name is on the roll in respect of any qualification does not possess such qualification at the time when the objection is lodged:
- (b.) That any person whose name is not on the roll possesses the necessary qualification at the time when the objection is lodged, and is entitled to have his name inserted.

Any two or more members of the Board (of whom the Chairman may be one) appointed in writing by the Chairman shall, as soon as possible after the receipt of any such objection, inquire into the same at the office of the Board aforesaid, and their decision shall be final. Any alteration of the roll consequent upon any such objection or otherwise may be made in writing, initialled by the Chairman or by the Secretary of the Board.

The roll shall be deemed to be closed at 4 o'clock in the afternoon of the fourteenth day preceding, and exclusive of, the day appointed for the poll to be taken, and no objection received thereafter shall be considered.

If any person whose name appears on the roll has at the time of the closing of the roll failed for two years or upwards to pay rates due by him to the Board, there shall be marked against his name in red ink, in the margin of the roll, over the initials of the Chairman or the Secretary of the Board or any two members of the Board, the word "Arrears," with the addition of the amount so owing by him; and such person's vote shall not be received at the poll unless he produces at the same time the receipt of the Board for such arrears, bearing a date or other matter indicating that such receipt represents the arrears so marked against his name as aforesaid.

(4.) A sufficient number of rolls completed as aforesaid shall be delivered to the Returning Officer, and shall be the rolls upon which the poll shall be taken.

Roll to be delivered to Returning Officer.

(5.) The poll shall be taken as follows:—

(a.) The Chairman shall publish a notice setting forth the day, not less than one and not more than three weeks from the day of the last of the said meetings, on which the poll will be taken.

Taking of poll.

(b.) The Chairman shall give notice to the Presiding Officer requiring him to take the poll upon the day appointed.

(c.) The Presiding Officer shall on the day so appointed proceed to take the poll in the manner (subject to this Act) provided for the regulation of polls other than elections by the Local Elections and Polls Act, 1908, and shall provide voting-papers and all things necessary for taking the poll.

(d.) The voting-papers shall be printed in the form in the Second Schedule to this Act, with the words "I vote for the above proposal" and "I vote against the above proposal" legibly printed at the foot of each voting-paper.

(e.) The voter shall erase one or other of the said lines, and his vote shall be deemed to be given according to the one of the said lines which he leaves un erased.

(f.) All the provisions of the Local Elections and Polls Act, 1908, as regards taking a poll shall, as far as they are applicable, and except as by this section otherwise provided, apply to the taking of a poll on the proposal to raise a special loan.

(g.) A separate poll shall be taken in the boroughs, town districts, and the several ridings comprised in the district.

(h.) Any ratepayer may vote at any polling-place in the district.

## SECOND SCHEDULE.

## FORM OF VOTING-PAPER FOR SPECIAL LOAN.

PROPOSAL to raise a special loan, upon which a poll will be taken on the day of , 19 .

*[Insert notice required by section 8 of the Local Bodies' Loans Act, 1908, or a statement giving the purport and effect of that notice.]*

- (1.) I vote for the above proposal.
- (2.) I vote against the above proposal.