

New Zealand.

## ANALYSIS.

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1927, No. 23.—*Local and Personal.*

Title.

AN ACT to increase the Membership of the Napier Harbour Board, to enable the Board to borrow Moneys, and to enable the Board to execute and construct certain Harbour and other Works, and to expend certain Moneys on such Works. [5th December, 1927.]

Preamble.

WHEREAS by the Napier Harbour Board Empowering and Loan Act, 1914 (hereinafter referred to as the said Act), the Napier Harbour Board (hereinafter called the Board) was empowered, subject to the provisions of the said Act and of the Harbours Act, 1908, to construct harbour-works for the completion, development, and improvement of the Inner Harbour portion of the Harbour of Napier, and was further empowered to borrow a sum or sums of money not exceeding in the aggregate three hundred thousand pounds to be applied in and about the construction, execution, and carrying-out of the said harbour-works: And whereas pursuant to the provisions of the said Act the Board has constructed or is constructing certain of the said harbour-works, and of the said sum or sums of three hundred thousand pounds has borrowed the sum of two hundred and forty-seven thousand one hundred pounds, a portion of which amount has not yet been expended: And whereas the Board did in the year nineteen hundred and twenty-six promote a Bill intituled the Napier Harbour Board Empowering and Loan Bill for the purpose of obtaining authority for the Board to carry out and execute the reclamation of six hundred and ninety-five acres of the Board's endowments as therein defined, and to borrow certain sums amounting in the aggregate to seventy-five thousand pounds to be applied in and about the execution of such reclamation-works: And

whereas a recommendation was made by a Select Committee of the House of Representatives that the said Bill should not be allowed to pass, and that a Commission should be appointed to inquire into and report upon the Board's affairs: And whereas the said Commission was duly appointed and, having taken evidence upon all questions upon which it was required to report, has duly submitted its report, and it is desirable and expedient that legislative effect should immediately be given to certain of the recommendations contained therein:

BE IT THEREFORE 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 Napier Harbour Board Empowering, Loan, and Constitution Amendment Act, 1927. Short Title.

2. This Act shall be deemed to be a special Act within the meaning of the Harbours Act, 1923, which Act is hereby incorporated in this Act. Special Act.

3. Section seven of the said Act, except in so far as it relates to harbour-works or portions thereof already constructed under the authority of the said Act or authorized by the Governor-General in Council to be constructed, is hereby repealed. Repeal.

4. Notwithstanding anything to the contrary in any other Act, it shall not be lawful for the Board to further exercise the borrowing authority conferred by section eight of the said Act, except in so far as the borrowing of further moneys is sanctioned by the Local Government Loans Board in pursuance of the Local Government Loans Board Act, 1926, and such sanction shall not be granted by the Local Government Loans Board except in respect of moneys required for the construction, execution, and carrying-out of such harbour-works as have been previously approved by the Governor-General in Council in pursuance of the Harbours Act, 1923. Borrowing-powers limited.

5. It shall be lawful for the Board, subject to the provisions of the Harbours Act, 1923, to construct such harbour or other works as are specifically shown and described in the First Schedule hereto, and the provisions of sections one hundred and seventy-one to one hundred and seventy-seven inclusive of the Harbours Act, 1923, shall apply as if the other works in this section mentioned were also harbour-works within the meaning of that Act. Board may construct works.

6. Notwithstanding anything to the contrary contained in section eight of the said Act or in this Act, it shall be lawful for the Board to apply to the completion, construction, and execution of the works enumerated in the First Schedule hereto, certain of which works are more particularly described in the Second and Third Schedules hereto, such portions of the unexpended balance of the amount borrowed under the authority of the said section as are respectively enumerated in the said First Schedule, and also to pay out of the said unexpended balance the fees, costs, charges, and expenses incurred by the Board on its own behalf in connection with the said Commission; and if such fees, costs, charges, and expenses shall already have been paid by the Board, then with such unexpended balance as far as it will go to recoup the fund or funds out of which such payments shall have been made: Power with regard to unexpended loan-moneys.

Provided, however, that where the amount of moneys specified in the First Schedule hereto against any particular work is more than

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

Unexpended balance of loan-moneys to be invested as a reserve fund.

7. The remainder of the unexpended balance of the loan-moneys raised over and above the total of the sums enumerated in the First Schedule hereto and of the fees, costs, charges, and expenses of the Board in connection with the said Commission shall, as soon as possible after the passing of this Act, and any portion of the said total allocated to the said works but subsequently found to be not required therefor shall, as soon as possible after the completion of such works, be invested by the Board as a reserve fund in the manner provided by section ninety-five of the Harbours Act, 1923, until such time as the Board is authorized by the Governor-General in Council to proceed with the expenditure thereof on such works as may be authorized pursuant to the Harbours Act, 1923.

Constitution of Board.

8. (1) From and after the passing of this Act the Board shall consist of fourteen members instead of thirteen. Two of such members shall be elected by the electors of the Borough of Hastings, and that portion of the First Schedule to the Harbours Act, 1923, relating to the Board is hereby amended accordingly.

Election of additional member.

(2) The electors of the said borough shall, on a day to be fixed by the Governor-General by Order in Council and in accordance with the provisions of the Harbours Act, 1923, hold an election of the additional member of the Board, and by the same or any subsequent Order in Council the Governor-General may make all such provision as he deems necessary for the purpose of that election.

Board to be deemed a local authority.

9. For the purpose of enabling or assisting the Board to borrow or reborrow and raise any moneys which the Board by any Act is authorized to borrow or reborrow and raise the Board shall, for the purposes of section thirty-two of the Local Bodies' Loans Act, 1926, be deemed to be a local authority within the meaning of that Act, and the Napier Harbour Rating District shall be deemed to be a district within the meaning of that Act:

Provided always that nothing herein contained shall prejudice or affect the right of the Board to borrow or reborrow and raise any moneys in any manner in which it is by any Act authorized to borrow or reborrow and raise moneys.

Power to borrow money to pay expenses of raising loans.

10. (1) It shall be lawful for the Board to borrow such a sum or respective sums of money not exceeding in the whole twelve thousand three hundred pounds, at a rate of interest not exceeding six pounds per centum per annum, as shall be required to enable the Board to defray all costs, outlay, and expenses incurred and to be incurred by the Board in and about and incidental to the raising by the Board of loans for the purpose of the redemption of loans of the Board falling due on the first day of January, nineteen hundred and twenty-eight.

(2) Any premium which shall be received by the Board upon the raising of the loan hereinafter mentioned in section eleven hereof shall be applied by the Board in and towards such costs, outlay, and expenses.

(3) Moneys authorized to be borrowed as aforesaid may, if the Board thinks fit, but not to the exclusion of other lawful ways, be raised in the manner described by section thirty-two of the Local Bodies' Loans Act, 1926, as if the Board were a local authority and the Napier Harbour Rating District were a "district" within the meaning of that Act.

(4) The certificate under the common seal of the Board that the amount therein mentioned is within the limits of the amount authorized to be borrowed as aforesaid shall be conclusive evidence to the lenders and to all other persons that the Board is authorized to borrow that amount, and no persons lending moneys under the authority of these provisions shall be concerned to see or to inquire as to the application or be responsible for the misapplication thereof.

(5) The securities for all moneys borrowed under the authority of these provisions shall rank *pari passu* as between themselves though borrowed at different times.

(6) These provisions shall be subject to the provisions of the Local Government Loans Board Act, 1926.

11. The Board having raised in London a loan of two hundred and sixty-five thousand pounds, being seven hundred pounds in excess of the aggregate of the sums of one hundred and fifty-five thousand eight hundred pounds and one hundred and eight thousand five hundred pounds sanctioned by the Local Government Loans Board, as appearing in Orders in Council published in the *New Zealand Gazette* Number seventy-nine, of the seventeenth day of November, nineteen hundred and twenty-seven, the said loan is hereby validated in respect of such excess, and the Board is hereby authorized to give the same security for such excess and the interest and sinking fund in respect of the same as for the remainder of the said loan, and shall apply such excess towards defraying the costs, outlay, and expenses referred to in subclause one of the last preceding section.

Validating excess borrowed on certain loans, and providing for application thereof.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

	£	£
<b>INNER HARBOUR—</b>		
Eastern Mole .. .. .	14,084	
Western Mole .. .. .	8,500	
West Quay .. .. .	15,300	
Dredge J.D.O. boiler (part) .. .. .	1,000	
		38,884
<b>OUTER HARBOUR—</b>		
Breakwater Apron .. .. .	1,500	
Railway material .. .. .	595	
"E" Shed, 70 ft. addition .. .. .	1,250	
Electric runway .. .. .	400	
Dredge J.D.O. boiler (part) .. .. .	1,500	
		5,245
Reclamation, subdivision, and roading of 28 acres of endowment land as described in the Second Schedule hereto .. .. .		7,700
Reclamation, subdivision, and roading of 50 acres of endowment land as described in the Third Schedule hereto .. .. .		15,000
Reclamation plant and machinery .. .. .		4,000

## SECOND SCHEDULE.

ALL that piece or parcel of land situate in the Hawke's Bay Land District, being parts of the Te Whare-o-Maraenui and Ahuriri Lagoon Reserve, and also being part of Lot No. 1 on a plan deposited in the Land Transfer Office at Napier numbered 4206, containing 28 acres, more or less, and bounded as follows: commencing at the intersection of the south-eastern side of the Napier-Taradale Road and the right bank of the Tutaekuri River; thence north-easterly by that side of that road to the southern side of the East Coast Railway Reserve; thence generally easterly by that side of the said railway reserve to the north-eastern boundary of the before-mentioned Lot 1 on deposited plan numbered 4206; thence south-easterly by that boundary and the south-western side of George's Drive to its intersection with the right bank of the Tutaekuri River; thence generally north-westerly by that bank of that river to the point of commencement.

## THIRD SCHEDULE.

ALL that piece or parcel of land situate in the Hawke's Bay Land District, being part of Te Whare-o-Maraenui Block, and containing 50 acres, more or less, and bounded as follows: commencing at a point on the north-eastern side of the Maraenui Road intersected by a right line being an extension of the north-western side of Winifred Street; thence in a north-easterly direction by that line bearing  $47^{\circ} 30'$  a distance of 25 chains to the left bank of the Tutaekuri River; thence south-easterly by that bank of that river 22 chains; thence south-westerly by a right line bearing  $47^{\circ} 30'$  a distance of  $21\frac{1}{2}$  chains to the north-eastern side of the Maraenui Road; and thence north-westerly by that side of that road to the commencing-point: be all the aforesaid distances more or less: as the same is more particularly delineated and shown outlined in red on plan marked M.D. 6430, and deposited in the office of the Marine Department, Wellington.

Refer: Amdt Act, 1930 No. 11 (L.A.):—  
Petone & Lr Hutt Boroughs excluded.  
Preservation of special rate powers etc.

Face.

1927 p. 817.