

New Zealand



ANALYSIS

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1940, No. 1—*Local and Personal*

AN ACT to enable the Greymouth Harbour Board to borrow Moneys for the Purchase and Delivery of a Combined Sounding-launch and Tug. Title.

[30th August, 1940]

BE IT 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 Greymouth Harbour Board Loan Act, 1940. Short Title.

2. In this Act, unless such meanings shall be inconsistent with the context,— Interpretation.

“ Board ” means the Greymouth Harbour Board:

“ The Board’s rating-area ” means the Greymouth Harbour District as defined in a Proclamation published in the *New Zealand Gazette* on the thirty-first day of March, nineteen hundred and twenty-one, at page 784:

“ District ” means the district of a local authority:

“Local authority” has the meaning assigned thereto in section five of the Harbours Act, 1923:

“Year” means a period of twelve months ending on the thirty-first day of March.

Special Act.

3. This Act is a special Act within the meaning of the Harbours Act, 1923.

Power to borrow
£10,000.

4. It shall be lawful for the Board from time to time, as it may require, to borrow, subject to the provisions of the Harbours Act, 1923, a sum or sums of money, not exceeding in the aggregate the sum of ten thousand pounds, for the purchase and fitting-out of a combined sounding-launch and tug and the expenses of any voyage necessary for delivery of the same within the Port of Greymouth. The sanction of the ratepayers in the Board’s rating-area shall not be required as a condition precedent to the raising of such loan or the making, levying, and recovering of the rate hereinafter authorized.

Special rate to secure repayment of loan.

5. The repayment of all moneys borrowed under the authority of this Act, together with interest thereon, shall be secured by a special rate on the capital value of all rateable property in the Board’s rating-area, and the Board shall make and levy such rate or cause the same to be made and levied in accordance with the provisions in that behalf contained in the Harbours Act, 1923, and the Rating Act, 1925:

Provided, however, that it shall not be necessary to levy the rate or cause the same to be levied in respect of any period during which the Board is able to provide for the annual payments, whether of interest or principal or to sinking fund, out of its other revenues.

Restriction on annual amount to be raised by special rate.

6. The amount to be levied in each year by means of such rate shall not exceed by more than ten pounds per centum such amount as is required to provide for payment of—

- (a) The moneys which the Board shall have agreed to pay in respect of the loan; and
- (b) The expenses of making, levying, and recovering such rate after taking into account whatever sum of money may be available from the revenue of the Board for the previous year for payment of such charges.

7. (1) Any Receiver appointed as provided by section one hundred and twenty-two of the Harbours Act, 1923, shall have power by virtue of his office, and without any further authority than this Act, and without prejudice to any other remedies or securities available to him, to make and levy from time to time, and as often as occasion shall require, a special rate as mentioned in sections five and six of this Act:

Appointment of Receiver with power to make and levy special rate.

Provided that the Receiver may, in addition to the moneys hereinbefore mentioned, levy sufficient to cover his remuneration.

(2) For the purpose of making, levying, and recovering the special rate hereby authorized to be made and levied, the Receiver shall have and may exercise all the powers of making, levying, and recovering rates in each district and part of a district within the Board's rating-area which any local authority having rating-powers within such district or part of a district shall or may have under the law for the time being in force regulating the making, levying, and recovering of rates therein respectively; and the provisions of the Acts for the time being in force in the districts and parts of districts included in the Board's rating-area providing for making, levying, and recovering special rates for the payment of the annual charges on loans raised by the local authorities of such districts or parts of districts shall, so far as applicable and not inconsistent with the express provisions of this Act, and, *mutatis mutandis*, be deemed to apply to the rates hereby authorized to be made, levied, and recovered by the Receiver.

(3) No rate to be made in pursuance of the foregoing provisions shall be capable of being set aside or quashed by any proceedings in any Court or otherwise, and no defect in the same, or excessive amount of the same, shall be set up as a defence to any action to recover the same.

(4) Notwithstanding the withdrawal of the Receiver and that the functions and duties for which he was appointed shall be at an end, any rate made by him in pursuance of the foregoing provisions shall nevertheless be a good, valid, and subsisting rate, and may be

recovered by the Board as if the Board had been authorized by this Act to make, levy, and recover the same, and had made and levied the same accordingly.

(5) The provisions set out in the Schedule hereto shall apply in the case of every rate made and levied by the Receiver.

Schedule.

SCHEDULE.

(i) Any special rate to be made and levied by the Receiver shall have a currency of one year only, and may be made in one year and levied in the next succeeding year or made and levied in the one year.

(ii) It shall be applied by the Receiver for the purposes set out in section 5 of this Act and in payment of the expenses of making, levying, and recovering the same and of the Receiver's remuneration.

(iii) It shall be payable by equal half-yearly payments or by one yearly payment as the Receiver shall appoint in the notice next mentioned.

(iv) It shall be made by notice gazetted in the *New Zealand Gazette*, which notice shall be in the form or to the effect following, that is to say:—

“Notice is hereby given that, in pursuance and exercise of the powers vested in me in this behalf by the Greymouth Harbour Board Loan Act, 1940 (hereinafter called the said Act), I, the undersigned [*Name in full of Receiver*], being the Receiver appointed under the Harbours Act, 1923, on behalf of the debenture-holders under the said Act, hereby make and levy a special rate for the year commencing on the 1st day of April [*State year*] of [*State amount in the pound*] upon the capital value of all rateable property in the Greymouth Harbour District; and that the said special rate shall be payable by equal half-yearly payments on the last day of [*State month*] and the last day of [*State month*] in the year [*State year*] (or by one yearly payment on the last day of [*State month*] in the year [*State year*]).

“Dated at _____, this _____ day of _____, 19

[“*Signature of Receiver.*”]

(v) There shall be vested in the Receiver all such rights, powers, discretions, and remedies, not being inconsistent with this Act, for and incidental to the making, levying, and recovering of any such rate as would, but for the intervention of the Receiver, be vested in the Board for the making, levying, and recovering of the same; and the Receiver may

exercise any such rights, powers, discretions, and remedies as aforesaid either in his own name or in the name of the Board.

(vi) Without prejudice to the generality of anything hereinbefore contained, the Receiver shall have and may exercise in his own person all such powers, authorities, and discretions for and incidental to the making, publishing, and signing of a rate-book and otherwise as are by the Rating Act, 1925, vested in a local authority in the same manner and to as full an extent as if he were himself a local authority under that Act.

(vii) For the purpose of compiling a rate-book the Receiver may have recourse to any rate-book of the Board which may then be in force relating to any other special rate for the time being made and levied by the Board or by any Receiver having similar powers to this Receiver, and to the valuation rolls of the Valuer-General, and to the rate-books of any district or part of a district in the Board's rating-area, or to all or any of such sources of information; or he may, where he deems such course to be feasible, use and rely upon any such rate-book as aforesaid of the Board or any Receiver having similar powers to this Receiver, or the rate-books or respective rate-books of any such district or part of a district. And, in addition, the provisions contained in sections 84 to 88, inclusive, of the Harbours Act, 1923, shall apply, *mutatis mutandis*, in respect of the rate authorized to be made and levied by the Receiver as if the Receiver were the Board, and a letter under the hand of the Receiver, forwarded to the local authority of each district or part of a district in the Board's rating-area, directing such local authority to make, levy, and collect the rate in its district, and containing the information required by sections 84 and 85 of the Harbours Act, 1923, shall be a sufficient compliance with the requirements of those sections respectively so far as the Receiver is concerned.
