

New Zealand.



ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Repeal. Accounts to be kept by the Board. 3. Section 94 of principal Act amended. 4. Repeal. Annual statement and account. 5. Section 100 of principal Act amended. 6. Provisions as to hypothecation of debentures. 7. Repeal. | <ol style="list-style-type: none"> 8. Additional powers to make by-laws. 9. Board may authorize an Imprest Account. 10. Board may enter into special agreement to provide storage for fruit. 11. Declaratory provision as to leasing-powers of Boards. 12. Permit to occupy foreshore for certain purposes may be granted by Minister. |
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1925, No. 43.

Title. AN ACT to amend the Harbours Act, 1923.
[1st October, 1925.]

BE IT 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 Harbours Amendment Act, 1925, and shall be read together with and deemed part of the Harbours Act, 1923 (hereinafter referred to as the principal Act).

Repeal. 2. Section ninety-three of the principal Act is hereby repealed, and the following section substituted therefor:—

Accounts to be kept by the Board. “93. There shall be kept in connection with the Harbour Fund the following cash accounts:—

“(a.) The General Cash Account, which shall be debited with all moneys received and not hereby required to be carried into any other account, and shall be credited with all the ordinary payments of the Board and with any of the advances the Board thinks fit to make to the other accounts:—

“(b.) Special Fund Cash Accounts, each of which in respect of the special purpose to which it relates shall be debited with all moneys received for that purpose, whether by way of a loan or of rates or otherwise, or appropriated by the Board for that purpose, and shall be credited with the costs and charges of raising such loan, or the levying and collection of such rates, or otherwise, and with the payments on account of such purpose:—

“(c.) Interest Cash Accounts, each of which in respect of the loan to which it relates shall be debited with all moneys on account of interest on the loan received by way of special rates (if any) or transferred from the General Cash Account for the purpose, and shall be credited with the interest paid on such loan :

“(d.) Sinking Fund Cash Accounts, each of which in respect of the loan to which it relates shall be debited with the sums provided for the repayment of such loan, either by way of sinking fund or by way of periodical drawings and repayment of debentures, and shall be credited with all moneys invested or paid in repayment of such debentures.”

3. Section ninety-four of the principal Act is hereby amended by omitting from subsection one thereof the words “General Account” wherever they occur in the subsection, and substituting the words “General Cash Account.”

Section 94 of principal Act amended.

4. (1.) Section ninety-seven of the principal Act is hereby repealed, and the following section substituted therefor :—

Repeal.

“97. Every Harbour Board shall in every year cause its accounts to be balanced to the thirtieth day of September in that year, and a true statement and account to be prepared in the form prescribed—

Annual statement and account.

“(a.) Of all contracts entered into during the year ;

“(b.) Of all moneys received and paid during the year ;

“(c.) Of the income and expenditure of the Board for the year ;
and

“(d.) Of all the assets and liabilities of the Board at the said thirtieth day of September.”

(2.) This section shall come into force on the first day of January, nineteen hundred and twenty-six. The first statement and account to be prepared pursuant to this section after the coming into force thereof shall be for the period of nine months ending on the thirtieth day of September, nineteen hundred and twenty-six.

5. Section one hundred of the principal Act is hereby amended by omitting from subsection one thereof the words “at noon on the third Monday.”

Section 100 of principal Act amended.

6. Where a Harbour Board exercises the power of hypothecation or mortgage of debentures conferred by section one hundred and nine of the principal Act the following provisions shall apply and have effect :—

Provisions as to hypothecation of debentures.

Cf. 1921, No. 10, sec. 4

(a.) The person lending money on the security of such hypothecation or mortgage shall be entitled to possession of the debentures hypothecated or mortgaged until his advances, interest, and charges shall have been repaid :

(b.) The debentures hypothecated or mortgaged may exceed in face value by any amount the sum borrowed :

(c.) The Harbour Board may, by the deed or agreement of hypothecation or mortgage, confer on the lender a power of sale of all or any of the debentures hypothecated or mortgaged, and such power may be exercised by the lender in such manner and to such extent as may be provided in such deed or agreement.

Repeal.

7. Section two hundred and eighteen of the principal Act is hereby repealed.

Additional powers to make by-laws.

8. Section two hundred and twenty-six of the principal Act is hereby amended by adding, after paragraph thirty-five, the following paragraphs:—

“(35A.) Prohibit the discharge or flow into the harbour from any tank, store-ship, pipe-line, barge, lighter, or vessel of any oil, or tar, or of any water containing or mixed with any such material; regulate the discharge into the harbour of the contents of ballast-tanks on vessels; and regulate and control the storage, loading, and discharge of any oil or tar in, into, or from any tank, store-ship, pipe-line, barge, lighter, or vessel:

“(35B.) Regulate and control the use of any anchorage (enclosed or otherwise) for yachts, boats, launches, and other small craft, and of any buildings or equipment provided by the Board in connection therewith; provide for the proper conduct of persons using or frequenting such anchorage; and fix fees for moorings, mooring-sites, sheds, or other structures provided or erected in connection with such anchorage.”

Board may authorize an Imprest Account.

9. (1.) A Harbour Board may by resolution establish an Imprest Account, to be kept at the bank in which the Harbour Fund is kept, in the name of the Treasurer and of one other person to be appointed in that behalf by the Board. The last-mentioned person shall be either a responsible officer of the Board or a member of the Board.

(2.) The Board shall from time to time, by resolution, fix the maximum amount that may be held at any time in the Imprest Account.

(3.) Moneys in the Imprest Account shall be available only for the payment of casual wages and of emergency expenditure. A statement of all payments made from the Imprest Account shall be submitted to the Board for approval at its first ordinary meeting thereafter. The payment of moneys out of the Imprest Account for any purpose not hereby authorized shall be deemed to be the misappropriation of the funds of the Board.

(4.) The provisions of section fifty-three of the principal Act shall be read subject to the provisions of this section.

Board may enter into special agreement to provide storage for fruit.

10. Notwithstanding anything contained in the principal Act or in any by-law thereunder, a Harbour Board may enter into an agreement in writing with any corporate body composed of or representing producers of fruit to provide cool or refrigerated storage or accommodation for fruit, whether intended for export or not, which is delivered to the Board for storage or accommodation in terms of such agreement by such corporate body or any persons described in the agreement. Such agreement may fix the charges to be paid for such storage or accommodation, and may contain generally the terms, conditions, stipulations, and restrictions on which such storage or accommodation will be provided by the Board and on which it may be used by the corporate body or persons entitled to use the same.

Declaratory provision as to leasing-powers of Boards.

11. By virtue of the powers conferred on Boards by section one hundred and thirty-eight of the principal Act and by the corresponding provisions of section thirty-eight of the Harbours Amendment Act,

1910, a Board is hereby declared to have and always to have had as from the date of the commencement of such last-mentioned Act power to lease lands vested in it, but subject always to any special provisions of the principal Act, or the Harbours Act, 1908, or any special Act, as the case may be, regarding any such lands.

12. (1.) The Minister may, with respect to any part of the foreshore vested in the Crown, grant to any person a permit to occupy such part, and to erect thereon and use a boatshed, landing-place, or wharf, as set out in such permit.

Permit to occupy foreshore for certain purposes may be granted by Minister.

(2.) A permit under this section shall not be granted unless the boatshed, landing-place, or wharf is required solely for the private use of the person applying for the permit and the Minister is satisfied that no public right of navigation will be unduly interfered with or restricted, and that no public inconvenience will result.

(3.) The provisions of sections one hundred and fifty to one hundred and fifty-seven and sections one hundred and sixty-nine to one hundred and seventy-six of the principal Act shall not apply with respect to any permit granted under this section or to any work constructed under the authority thereof, but the Minister may impose such terms and conditions and fix such rental or other charge as he thinks fit.

(4.) A permit shall not be granted for a longer term than fourteen years. If at any time during the currency of a permit the foreshore to which it relates is required for harbour or other public purposes the Minister may cancel the permit without payment of compensation or liability to any action or claim for damages in respect of such cancellation. The Minister may also cancel a permit if the grantee thereof fails to observe any of the terms or conditions of the permit.