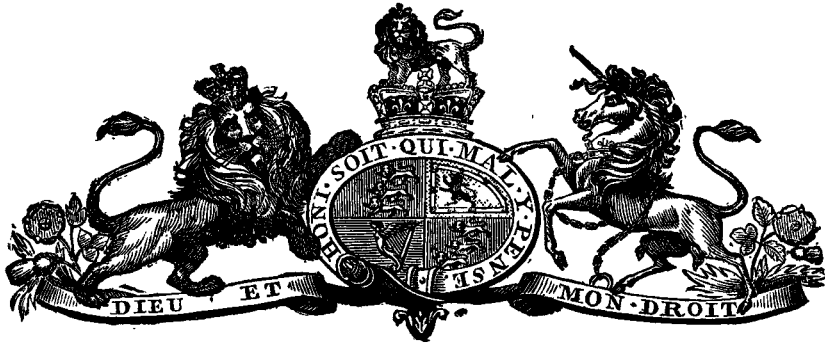


NEW ZEALAND.



TRICESIMO TERTIO ET TRICESIMO QUARTO

VICTORIÆ REGINÆ.

No. XLI.

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ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> <li>1. Short Title.</li> <li>2. Interpretation.</li> <li>3. Superintendent and Provincial Council empowered to make laws for constituting Harbour Boards providing for the appointment or election of such Boards and for vesting certain reserves in such Boards and for other purposes.</li> <li>4. Governor in Council empowered to make regulations providing what officers shall be members <i>ex officio</i> of any Board.</li> <li>5. Board to be body corporate.</li> <li>6. Proceedings of Board not invalidated by vacancy in the number of members.</li> <li>7. Proceedings valid notwithstanding defects in elections or appointments or by disqualification of members.</li> <li>8. Provincial laws to be reserved.</li> </ol> | <ol style="list-style-type: none"> <li>9. Governor in Council may delegate his powers under certain provisions of the Marine Act to Harbour Boards. Superintendents may delegate their powers under the Marine Act to Harbour Boards.</li> <li>10. Rules &amp;c. to be approved by the Governor in Council or Superintendent.</li> <li>11. License fees port charges &amp;c. to form part of funds of Harbour Board.</li> <li>12. Sections 35 36 37 of the Marine Act to apply to officers and works of Harbour Boards.</li> <li>13. Fines payable to Board.</li> <li>14. Harbour Board funds.</li> <li>15. When reclaimed land brought within city or town the Municipality may make grants to Harbour Board out of its funds.</li> <li>16. Existing regulations continued.</li> <li>17. Exemption from rates.</li> <li>18. Saving of Her Majesty's rights.</li> <li>19. Special provision as to County of Westland.</li> </ol> |
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AN ACT to provide for the constitution of Harbour Boards and other purposes. [12th September 1870.] Title.

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

1. The Short Title of this Act shall be "The Harbour Boards Act 1870." Short Title.

2. Save when there is something in the context repugnant thereto or inconsistent therewith the following words and expressions mean or include as is herein provided The term "the said Act" means "The Marine Act 1867" as amended by any Act for the time being in force the word "port" means and includes any port the limits whereof are for the time being defined under the said Act. Interpretation.

3. The Superintendent and Provincial Council of any Province may from time to time make laws for any or all of the following purposes— Superintendent and Provincial Council empowered to make laws for constituting Harbour Boards providing for the appointment or elec-

(1.) For providing for the constitution of a Harbour Board for any port or ports within such Province.

*Harbour Boards.*

tion of such Boards  
and for vesting certain  
reserves in such  
Boards and for other  
purposes.

- (2.) For giving a name to any such Board.
- (3.) For providing for the number of members of which any such Board shall consist.
- (4.) Providing for the election or appointment of members or for the election of a certain number and appointment of a certain number of such members the person or persons by whom such appointments (if any) shall be made the qualification of persons to elect such members the registration and revision of rolls of persons qualified to elect such members and providing for the period for which such members shall be elected or appointed the term and mode of first and subsequent elections or appointments the person by or before whom such elections shall be held and the regulation of such elections the events in which or acts by which vacancies shall occur in the seats of members elected or appointed whether by disqualification lapse of time or otherwise and for the filling up of such vacancies by re-election or appointment for imposing penalties on disqualified persons acting as members for the determining the validity of disputed elections and for fixing the time and place of the first meeting of the Board.
- (5.) The manner in which and person or persons by whom contracts shall be executed or entered into by or on behalf of any such Board.
- (6.) For empowering any such Board to make from time to time by-laws regulating the manner in which and times at which its meetings shall be called and held its place of meeting and the manner and person by whom its meetings shall be presided over for fixing the number of its members required to be present at the meetings for the exercise and performance of its powers and duties the appointment remuneration and duties of its officers and generally for regulating the conduct of its business and proceedings and the mode in which such by-laws shall be made.
- (7.) Providing for the custody and control of the funds of any such Board and the mode in which the same shall be issued from such custody and for what security shall be given by any officer or other person having such custody or control and for regulating the manner in which the accounts of such Board shall be kept and for the audit thereof by the Provincial Auditor or some other person.
- (8.) For authorizing the Superintendent of any Province to vest in any such Board having jurisdiction within such Province any reserves made or hereafter to be made under any law for the time being in force and granted to the Superintendent of such Province in trust for the endowment of or for purposes of public utility for any port or harbour subject to the jurisdiction of such Board or for vesting in any such Board any lands whatever lying below high water-mark within any such port or harbour and vested in such Superintendent or for authorizing any person or body in whom or which any such reserve or land shall for the time be vested upon any trusts under the powers contained in any Act or Ordinance of such Province made or passed under "The Public Reserves Act 1854" and "The Public Reserves Act Amendment Act 1862" or

*Harbour Boards.*

either of them Provided that all reserves and other lands so authorized to be vested in any such Board shall be vested in and be held by it subject to all contracts leases mortgages and other charges and debts for the time being affecting such lands and such Board shall be liable for the payment of such mortgages charges and other debts.

(9.) For authorizing any Board to reclaim from the sea any lands vested in it and regulating the manner in which such reclamation shall be conducted Provided that nothing herein contained shall authorize any Provincial Legislature to confer on any Board the power to take away or prejudice any rights of water frontage except upon payment of compensation to be ascertained in the manner provided by "The Lands Clauses Consolidation Act 1863."

(10.) For authorizing any such Board to let on lease or otherwise any lands vested in it for any term not exceeding a period to be fixed by such Provincial law but on such terms and conditions as the Board shall determine or to raise by mortgage of any such lands any sum not exceeding a sum to be fixed by such law in each case.

4. The Governor in Council may for each Province in New Zealand from time to time make alter and repeal regulations for providing whether any and what officers shall by virtue of their office be members of any such Board.

Governor in Council empowered to make regulations providing what officers shall be members *ex officio* of any Board.

5. Every such Board shall be a body corporate under a name to be given to it by any such Provincial law and by that name shall have perpetual succession and a common seal and be capable for the purposes and subject to the provisions of the Act of doing and suffering all such acts and things as bodies corporate may by law do and suffer.

Board to be body corporate.

6. No proceeding of any such Board or of any Committee thereof shall be invalidated or be illegal in consequence only of there being any vacancy in the number of members of the Board at the time of such proceeding.

Proceedings of Board not invalidated by vacancy in the number of members.

7. All proceedings of any such Board or of a Committee of such Board or of any person acting as a member thereof shall notwithstanding it be afterwards discovered that there was some defect in the election or appointment of the members or person acting as aforesaid or that they or any of them were incapable of being members be as valid as if every such person had been duly elected or appointed as the case may be and was capable of being a member of such Board.

Proceedings valid notwithstanding defects in elections or appointments or by disqualification of members.

8. Every such Provincial law as aforesaid passed by the Council of any Province shall unless the Superintendent of such Province withholds the assent of the Governor thereto be reserved for the signification of the Governor's assent but subject to the provisions of this Act any such law may be repealed or amended by such Council and every such repealing or amending Bill shall be reserved as aforesaid.

Provincial laws to be reserved.

9. The Governor may by Order in Council from time to time delegate to any such Harbour Board all or any of the powers and authorities vested in him by the provisions contained in the seventh and tenth sections of the said Act subject to any regulations restrictions or stipulations which may be specified in such order and every such delegation may from time to time alter or revoke Provided however that every such delegation shall be limited to the port or harbour for which such Board is constituted And the Superintendent of the Province within which any port for

Governor in Council may delegate his powers under certain provisions of the Marine Act to Harbour Boards.

Superintendents may

*Harbour Boards.*

delegate their power under Marine Act to Harbour Boards.

which a Harbour Board may be constituted hereunder is situate may from time to time by Proclamation published in the *New Zealand Gazette* delegate to such Harbour Board all or any of the powers and authorities vested in him by the said Act subject to any regulations restrictions or stipulations which may be specified in such Proclamation and every such Proclamation may from time to time alter or revoke Provided however that every such delegation by a Superintendent shall be limited to the port or harbour for which such Board is constituted.

Rules &c. to be approved by the Governor in Council or Superintendent.

**10.** No rules regulations or by-laws made by any such Board under any of the powers conferred by delegation under the last section of this Act shall have any force or effect until approved by the Governor in Council or Superintendent whichever may have delegated to such Board the authority under which such rules regulations or by-laws may have been made.

License fees port charges &c. to form part of funds of Harbour Board.

**11.** All license fees pilotage rates port charges harbour dues and other moneys which are leviable or chargeable under any of the powers which under this Act may be delegated to a Harbour Board shall be leviable and chargeable by any Harbour Board to whom any such powers are delegated hereunder and shall anything in the said Act to the contrary notwithstanding be paid to the Harbour Board and form part of its funds Provided that all pilotage and harbour dues shall continue as heretofore to be received and collected by the Collector of Customs and shall by him be paid over at the end of each month to the Board.

Sections 35 36 37 of the Marine Act to apply to officers and works of Harbour Boards.

**12.** The thirty-fifth section of "The Marine Act 1867" shall apply to officers employed by any Harbour Board and the thirty-sixth and thirty-seventh sections of the said Act shall apply to all works under the charge of any Harbour Board.

Fines payable to Board.

**13.** All fines and penalties paid or recovered under any of the provisions of this Act or of any rules regulations or by-laws made or continued hereunder or under any powers delegated hereunder shall be paid over by the Clerk or other proper officer of the Court in which the same shall have been recovered to the Board within whose jurisdiction the port or harbour within or in respect of which the offence or breach for which such fines or penalties shall be imposed shall have been committed and all fines and penalties paid or recovered under this Act or any such rules regulations or by-laws aforesaid for any act matter or thing done within or with respect to any port or harbour or for any omission or neglect to do any act matter or thing which ought under the provisions of this Act or any such rules regulations or by-laws as aforesaid to have been done within or with respect to any port or harbour shall be paid to the Harbour Board of such port or harbour.

Harbour Board funds.

**14.** All fees fines dues charges rents and other moneys whatsoever which shall be paid to or leviable or received by any Harbour Board shall be applicable and applied by the Board towards the payment of all expenses properly or necessarily incurred in carrying this Act into execution and of doing and performing all acts and things which such Board is or shall be by this Act empowered or required to do or perform.

When reclaimed land brought within city or town the Municipality may make grants to Harbour Board out of its funds.

**15.** Whenever any land reclaimed or to be reclaimed by a Harbour Board is or is brought within the limits of any city or town it shall be lawful for the Council Board or other governing body having the local management of the affairs of such city or town from time to time to grant out of its revenues such sum or sums as it thinks fit and pay over the same to such Harbour Board to form part of its funds.

*Harbour Boards.*

**16.** All appointments of officers all instruments fixing charges and dues and all by-laws and regulations in force under the said Act in any port or harbour at the time when any Harbour Board for such port or harbour is first elected or appointed as the case may be under any regulations made under the powers herein contained shall continue in force until altered amended or repealed by the Board or the Board with the approval of the Governor in Council in the case of such by-laws and regulations charges and dues as can be made or fixed by the Board only subject to the approval of the Governor in Council.

Existing regulations continued.

**17.** All vessels belonging to or employed in the service of Her Majesty or the Colonial or Provincial Government of the Province within which any port or harbour is and all officers in the employment of the Imperial or Colonial Government or such Provincial Government and all goods stores or other articles or things belonging to or for the service of Her Majesty or the Colonial or such Provincial Government shall be exempt from all pilot port harbour and wharf dues rates and tolls payable under this Act or any rules regulations or by-laws made hereunder to any Board having jurisdiction over such port or harbour.

Exemption from rates.

**18.** Nothing in this Act contained shall be deemed in any way to affect any right or prerogative of Her Majesty her heirs or successors.

Saving of Her Majesty's rights.

**19.** All the powers of making laws which by this Act it is provided may be exercised by the Superintendent and Provincial Council of a Province with relation to such Province may with relation to the County of Westland be exercised and performed by the Governor by Order in Council.

Special provision as to County of Westland.

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