

## New Zealand.



### ANALYSIS.

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1903, No. 29.—*Local.*

AN ACT to empower the Oamaru Harbour Board to borrow Seventeen Thousand Pounds. Title  
[20th November, 1903.]

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 is "The Oamaru Harbour Board Loan Act, 1903." Short Title.
2. This Act shall be deemed to be a special Act within the meaning of "The Harbours Act, 1878." Act deemed to be special Act.
3. In this Act, if not inconsistent with the context,—
  - "The Board" means the Oamaru Harbour Board constituted by and under "The Harbours Act, 1878" : Interpretation.
  - "The district" means the Oamaru Harbour District constituted under the provisions of "The Oamaru Harbour Board Loan Act, 1882" :
  - "The Act" means "The Harbours Act, 1878."
4. The Board may, subject to the provisions of the Act, borrow and take up at interest any sum or sums of money, not exceeding in the whole seventeen thousand pounds, for the purpose of improving the Port of Oamaru, increasing the accommodation thereat, and providing further facilities and improving existing facilities for carrying on the work of the said port ; but 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. Power to borrow £17,000.  
Interest not to exceed 5 per cent.
5. The said loan shall not be raised unless and until the consent of the ratepayers of the district shall first be obtained in Consent of rate-payers.

the mode prescribed in sections from five to ten (both inclusive) of "The Oamaru Harbour Board Loan Act, 1882," all of which sections are hereby incorporated herein.

**Special rate.**

6. (1.) Before the said loan is raised the Board shall make and levy a special rate upon all rateable property in the district, not exceeding one-twelfth of a penny in the pound of the rateable value of rateable property situate within such portion of the district as may for the time being be subject to the provisions of "The Rating Act, 1894," and not exceeding one and two-thirds of a penny in the pound of the rateable value of rateable property situate within the other portions of the district.

(2.) Such special rate shall be an annually recurring rate, and shall be payable at such intervals as may be fixed by the resolution making the same; and shall be levied year by year, without further proceeding by the Board, until the said loan is paid off.

(3.) The proceeds of such rate shall be applied to the payment of the expenses of raising the said loan, the annual charges in respect thereof, and the sinking fund hereinafter provided for, and shall not be applicable to the purposes of any other loan whatsoever.

£7,000 unexpended  
of former loan may  
be used.

7. (1.) The Board may from time to time, if the consent of the ratepayers has been obtained to the raising of the said loan as hereinbefore provided, apply to any purpose to which the moneys hereby authorised to be borrowed may be applied the sum of seven thousand pounds, part of a loan of forty thousand pounds raised under the provisions of "The Oamaru Harbour Board Loan Act, 1887," for the purpose of repairing and strengthening the Oamaru Breakwater, and still unexpended.

(2.) So much of the said sum of seven thousand pounds as shall have been so applied shall be refunded as and when the same is required from time to time for the repairing or strengthening of the breakwater; and the Board shall set aside debentures issued under the authority of this Act to an amount equal to the amount so applied from time to time, and the debentures so set aside shall not be sold or disposed of for any other purpose than the refunding of the amount so applied.

(3.) In case of there being any surplus arising from the proceeds of the sale of any debentures so set aside, the same may be used for any of the purposes authorised by this Act, or may be added to the sinking fund so as to form part thereof.

**Sinking fund.**

8. (1.) For the purpose of forming a sinking fund for the repayment of the moneys to be borrowed under the provisions of this Act, the Board shall from time to time retain and set apart so much of the proceeds of the annual rates made and levied hereunder as shall not in any year be required for the payment of interest on moneys so borrowed, and the cost of and incidental to the levying and collection of such rates.

(2.) The Board shall in each year after the expiration of five years from the date of the debentures first issued under the authority of this Act, and on a day to be from time to time fixed by the Board, apply the moneys standing to the credit of such sinking fund (including interest earned thereby) in taking up debentures issued hereunder to an equal amount; and any balance less than the amount

of a debenture shall be invested at interest on mortgage, or on deposit in some bank, or otherwise, and added, together with such interest, to the sinking fund.

(3.) The order in which the debentures shall be taken up shall be determined by lot in such convenient manner on a day and at such a place as may be fixed by the Board from time to time.

(4.) None of the debentures set aside in respect of the said sum of seven thousand pounds shall be taken up until the lapse of a period of five years from the time the same shall have been disposed of as hereinbefore provided.

(5.) On the first day of May, or on some other day to be fixed by the Board, in every year after the first five years the amount standing to the credit of the sinking fund shall be applied in taking up debentures determined as aforesaid; and any balance less than the amount of a debenture shall be invested at interest on mortgage, or on deposit in some bank, or otherwise, and added, together with such interest, to the sinking fund.

(6.) On debentures so taken up as aforesaid interest shall be payable up to the first day of May next following, but no longer, provided that the full amount of such debentures, with interest to that date, be paid on presentation; and such debentures, with the coupons belonging thereto, shall be given up to some person authorised by the Board to receive the same.

9. The power given to the Board in and by the last preceding section shall be exercised in the manner and subject to the conditions prescribed by the Act; and the provisions of the Act for the repayment of loans and the remedies of debenture-holders, and such further and other provisions of the Act for the protection of debenture-holders as shall be applicable, shall be deemed to be incorporated herein.

Board's powers and rights of debenture-holders regulated by "The Harbours Act, 1878."

10. (1.) For the purpose of making, levying, and recovering the special rate hereby authorised, the Board may exercise all powers of making, levying, and recovering rates in every borough, riding, and road district within the district possessed by the local authorities thereof respectively.

Board to have powers of local authorities.

(2.) The special rate leviable under this Act may be made payable at the same dates and places as any rate made or which may hereafter be made under "The Oamaru Harbour Board Loan Act, 1882," or "The Oamaru Harbour Board Loan Act, 1887," and the demand for the said rate may be made by the same notice as the demands for rates under the said Acts.

(3.) In any action for the recovery of any rate the rate-book or the book purporting to be the rate-book, if signed by the Chairman or two members of the Board, shall be conclusive proof of the contents thereof and that the amount is owing.

11. No rate made under this Act shall be capable of being set aside or of being quashed by any proceeding of any Court or otherwise, and no defect of any kind in the same or in the mode of levying or collecting the same shall be set up as a defence to any action for the recovery of such rate.

Rate not to be quashed.

12. The Board may, pending the raising of the loan authorised by this Act, arrange with any bank or person or persons for an

Board may arrange for advances.

advance or advances (not exceeding one-half of the amount authorised to be borrowed) at a rate of interest not exceeding five pounds per centum per annum, and the Board may pay out of such loan the expenses of negotiating and raising the loan.

Board may appoint agents.

13. Without prejudice to the powers conferred by "The Harbours Act, 1878," and in addition to such powers, the Board shall have power to appoint any joint-stock company or person or persons to be its agent or agents for negotiating and raising the said loan.