



## ANALYSIS

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1951, No. 14—*Local*

**Title**            AN ACT to empower the Oamaru Harbour Board to levy an annual rate upon all lands in the Oamaru Harbour District (as constituted under the Oamaru Harbour Board Loan Act 1882) for the purpose of supplementing the general revenues of the Board.

[1 December 1951

**Preamble**        WHEREAS the Oamaru Harbour Board (hereinafter called the Board) is the controlling authority of the Harbour of the Port of Oamaru: And whereas the receipts from the working of the port and from the rentals from the Board's endowments and freehold lands are insufficient to meet the expenses of working the said port and the expenses of the administration of the affairs and business of the Board: And whereas it is desired that the Board be empowered to make and levy certain rates upon all rateable property in the Oamaru Harbour District for the purpose of maintaining and improving the harbour:

BE IT THEREFORE 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 Oamaru Harbour Board Rating Act 1951.

**2.** This Act shall be deemed to be a special Act within the meaning of the Harbours Act 1950. Special Act.

**3.** In this Act, the term "district" means the Oamaru Harbour District constituted pursuant to the provisions of the Oamaru Harbour Board Loan Act 1882. Interpretation.

**4.** (1) Subject to the provisions of this section, the Board may, in respect of the periods specified in subsection two of this section, annually make and levy a rate upon all rateable property in the district not exceeding in respect of each such period the amount specified in that subsection. Power to levy certain rates.

(2) The rate that may be made and levied under this section shall not exceed—

(a) In respect of the years ending with the thirtieth day of September, nineteen hundred and fifty-three and the thirtieth day of September, nineteen hundred and fifty-four, a farthing in the pound on the capital value or its equivalent in those parts of the district where the system of rating on the unimproved value or the annual value is in force:

(b) In respect of the years ending with the thirtieth day of September, nineteen hundred and fifty-five and the thirtieth day of September, nineteen hundred and fifty-six, an eighth of a penny in the pound on the capital value or its equivalent in those parts of the district where the system of rating on the unimproved value or the annual value is in force.

(3) The proceeds of all rates made and levied under this section shall be used and applied for the purpose of maintaining and improving the harbour.

(4) Before the first rate is made and levied pursuant to this section, the Board shall publish a notice in some newspaper circulating in the district, twice during a period of twenty-eight days with an interval of not less than fourteen days between each publication, setting forth—

(a) The maximum rates that may be made and levied pursuant to this section and the periods in respect of which they may be made and levied:

(b) The purposes for which such rates may be made and levied:

(c) A statement to the effect that a poll of ratepayers on the proposal to make and levy rates pursuant to this section is required to be taken if ten per cent of the ratepayers of the district so demand by writing under their hands delivered or sent by post to the Board not later than fourteen days after the date of the last publication of the notice.

(5) Where a poll of ratepayers is demanded in accordance with this section, it shall be taken in accordance with the Local Elections and Polls Act 1925, and, subject to the provisions of this section, the provisions of that Act shall apply accordingly.

(6) The Board shall appoint some person to be the Returning Officer for the conduct of a poll required to be taken under this section.

(7) For the purposes of the said poll the rolls of ratepayers of the borough and those parts of the counties comprised in the harbour district shall be deemed to be the roll of ratepayers of the harbour district.

(8) It shall be the duty of the Clerk of the local authority of each such district comprised wholly or in part within the harbour district, if requested so to do by the Board, to supply to the Board a certified roll of the ratepayers of such district or of the part thereof within the harbour district, together with as many copies as the Board may require.

(9) The cost of preparing any roll of ratepayers for the purposes of this section and of supplying copies thereof shall be paid by the Board.

(10) Where at a poll taken under this section, a majority of the total valid votes recorded are against the proposal, it shall not be lawful for the Board to make or levy any rate pursuant to this section.