



ANALYSIS

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1959, No. 12—*Local*

An Act to grant further borrowing powers to the Timaru Harbour Board, and to vest further powers in the Timaru Harbour Board
[18 September 1959]

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

1. Short Title—This Act may be cited as the Timaru Harbour Board Loan and Empowering Act 1959.

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

3. Interpretation—In this Act, unless the context otherwise requires,—

“The Board” means the Timaru Harbour Board:

“Borough” includes a city:

“The Chairman” means the Chairman of the Board for the time being, or any member of the Board for the time being performing the duties of the Chairman:

“The harbour district”, or “the district”, means the Timaru Harbour District:

“The Secretary” means the Secretary of the Board for the time being, or any other person for the time being performing the duties of the Secretary.

4. Power granted to Board to borrow £420,000 for works set out in Schedule—It shall be lawful for the Board to borrow, in addition to the sums authorised by any previous Acts, subject to the provisions of the Harbours Act 1950 and of this Act and of the Local Authorities Loans Act 1956, any sum or sums of money not exceeding in the aggregate the sum of four hundred and twenty thousand pounds, to be applied for the purposes of carrying out, subject to the provisions of the Harbours Act 1950, the works specified in the Schedule to this Act.

5. Voting on a poll—If the prior consent of the ratepayers of the district is required or demanded or resolved to be obtained to the raising of the said loan pursuant to subsection one of section thirty-four of the Local Authorities Loans Act 1956, each ratepayer shall have and may exercise one vote and no more at the poll.

6. Board may rate district for interest on loan and recover from local authorities a sum equivalent to annual rate—In case the Harbour Fund for the said district shall be insufficient to pay the expenses incurred by the Board in the construction, completion, maintenance, and repair of its present and future harbour works, and all other current expenses, and the interest and sinking fund on previous loans and on the loan hereby authorised to be raised, or should the available income of the Board prove insufficient to meet such expenses and interest and sinking fund and the Board determines that it is desirable to make and levy a rate or rates, a rate or rates shall be levied by the Board upon the rateable value of all rateable property in the harbour district as appearing on the valuation rolls in force for the time being of the boroughs and counties and parts of counties comprised within the harbour district and the proceeds of such rate or rates shall be applied towards payment of the annual charges to accrue in respect of the loan to be raised under this Act:

Provided that, in lieu of making and levying such rate or rates as aforesaid, or, at any time after such rate or rates shall have been made, in lieu of continuing to levy the same, the Board may from time to time allocate and recover from the local authorities in the harbour district a sum equivalent to the annual amount of such rate or rates to be fixed, apportioned, and raised in manner mentioned in the Timaru Harbour Board Empowering Act 1890, and the provisions of that Act (as amended, altered, or extended by the Timaru Harbour District Rating Act 1894, the Timaru Harbour Board Act 1899, the Timaru Harbour District and Harbour Board Act 1903, the Timaru Harbour Board Loan Act 1904, and the Timaru Harbour Board Empowering Act 1913) shall, with the necessary modifications, apply to the rate of contributions so to be levied or allocated, to the providing of a sinking fund, and generally to the loan authorised by this Act, and to all the local authorities in the harbour district, and shall be deemed to be incorporated with and to form part of this Act.

7. Amount of rate of contribution—The amount to be levied or allocated by the Board in each year shall not exceed such sum as is required to provide for the payment of interest and sinking fund on the aggregate amount for which debentures or inscribed stock shall at any time be issued under this Act, after taking into account whatever sum of money may be available from the revenue of the Board for the previous year for payment of interest on the loan hereby authorised to be raised after providing for all other charges.

8. Sums available from revenue to be applied in payment of interest on loan—Any such sum available from the revenue of the Board for the previous year shall be taken into account as aforesaid, and the balance required for interest on the loan and sinking fund shall then be levied or allocated in manner herein provided.

9. Sinking fund to include amount required to redeem debentures—For the purposes of the last three preceding sections the term “sinking fund” shall be deemed to include the total amount required annually to redeem any debentures or inscribed stock issued by the Board.

10. No rate or allocation to be quashed—No rate or allocation of contributions made under this Act shall be capable of being set aside or of being quashed by any proceedings of

any Court or otherwise; and no defect in the case, or omission, error, or irregularity in respect thereof, shall be set up as a defence to any action which may be brought to recover the same.

11. For purpose of making and recovering rates Board may exercise powers of local body—For the purpose of making, levying, and recovering the rate or rates hereby authorised to be made and levied, the Board shall have and may exercise all the powers of making, levying, and recovering rates in each borough and each county and part of a county within the district which any local authority having rating powers within such borough, county, or part of a county shall or may have under the law for the time being in force regulating the making and recovery of rates therein respectively; and the provisions of the Acts for the time being in force in the boroughs and counties or parts of counties included in the said harbour district providing for levying rates for the payment of the annual charges on loans raised by such boroughs or counties or parts of counties shall, so far as applicable, be deemed to apply to the rate or rates hereby authorised to be made and levied:

Provided that the period for which the said rate or rates shall be levied, or allocations of contributions shall be continued, shall be until the loan hereby authorised to be raised is paid off:

Provided also that during that period either of the two modes referred to may be adopted, and varied from time to time as the Board may deem expedient.

12. Powers granted to Board for levying and collecting rates may be delegated—All or any of the powers hereby granted to the Board as to making, levying, recovering, and collecting the rate or rates hereby authorised to be made may, by resolution of the Board (which may, however, from time to time be varied or rescinded), be delegated by the Board to the Councils of the boroughs and the counties included within the said harbour district, or to one or more of them, so far as relates to rateable property situated within the boundaries of such boroughs and counties respectively; and on receipt of notices in writing of such delegations signed by the Chairman of the Board, the Mayor of each borough and the Chairman of each county shall forthwith cause all necessary steps to be taken for the performance of the acts in respect of which power may have been delegated as aforesaid.

13. Rates and contributions under other Acts may be included in rates and allocations under this Act—The rates authorised to be levied under any other Act, and the contributions authorised to be allocated for the payment of interest payable thereunder, may be made and levied and allocated with and included in the rates or contributions authorised to be made and levied or allocated under this Act.

14. Amounts levied but not collected deemed revenue—All amounts levied by the Board against any local authority pursuant to this Act or any other Act, during any financial year, shall, for the purposes of paragraph (b) of subsection two of section twenty and subsection one of section twenty-three of the Local Authorities Loans Act 1956, be deemed to be revenue of the Board for that financial year, notwithstanding that the said amounts, or any portion thereof, may not be payable to the Board in the financial year of the Board in which the said amounts are levied.

15. Board may establish and conduct business as wharfingers and stevedores and may license wharfingers and stevedores—The Board may establish and conduct business as a wharfinger, a stevedore, and a warehouseman or any of such businesses, and may make such reasonable charges for any services rendered by the Board in any such business as may be prescribed by bylaws made under and pursuant to the provisions of section two hundred and thirty-two of the Harbours Act 1950, or may, subject to bylaws made as aforesaid, license any persons to act as wharfingers, stevedores, and warehousemen, or as any of them and to make such reasonable charges as may from time to time be approved by the Board for any services rendered in any such business.

SCHEDULE

Section 4

	£
Providing the balance of the cost of purchasing a new dredge	305,000
Reclamation of land and construction thereon on a site to be approved by the Minister of Marine of transit cargo shed, together with plant and works in connection therewith, and providing for the cost of raising the loans	115,000
	£420,000
	£420,000