



ANALYSIS

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1959, No. 16—*Local*

An Act to confer certain powers on the Tauranga Harbour Board

[15 October 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 Tauranga Harbour Board Loan and Empowering Act 1959.

2. Interpretation—In this Act, unless the context otherwise requires, the term “Board” means the Tauranga Harbour Board.

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

4. Power to borrow—It shall be lawful for the Board from time to time 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 not exceeding in the aggregate the

sum of one million six hundred and fifty 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:

Provided that the proviso to subsection one of section thirty-four of the Local Authorities Loans Act 1956 shall not apply.

5. Security for loan—In addition to the charge on the Harbour Fund created by the Harbours Act 1950, the Board may, subject to the provisions of section six of this Act, make and levy as further security for the money authorised to be borrowed under this Act a special rate not exceeding three-tenths of a penny in the pound on the capital value of all rateable property in the harbour district.

6. Estimate of revenue and expenditure—(1) The Board shall in each year cause an estimate to be prepared, in such manner and according to such principle and method as the Board approves, of the anticipated revenue of the year (exclusive of any rate to be levied under this Act) and the anticipated expenditure of the year (including the annual payment or payments to be made, including interest, with respect to the money borrowed under the authority of this Act, but exclusive of capital expenditure on any loan account) and shall upon such estimate determine the deficiency of the revenue to meet the expenditure.

(2) Any credit or debit balance of the Board's General Account at the close of each year shall be carried forward to the account of the next succeeding year for the purpose of the estimate of that succeeding year and the determination of the deficiency of the revenue of that succeeding year to meet the expenditure thereof.

(3) The Board may in each year, in accordance with the Harbours Act 1950, levy or direct the levy of such part of the said special rate as is sufficient to provide for the deficiency:

Provided that if the deficiency exceeds the amount of the annual charges for that year in respect of the money borrowed under this Act, the Board may levy or direct the levy of such part only of the special rate as is sufficient to provide for those annual charges.

(4) The Board may for the purposes of the levy, or of such direction and levy, adopt some convenient fraction of a penny, notwithstanding that the sum produced thereby may exceed the said deficiency.

7. Authority to refund—The Board is hereby authorised to refund to any person from the money borrowed under the authority of this Act the amount of any money expended whether before or after the passing of this Act, in the construction of the berthage specified in the Schedule to this Act, and any amount so refunded shall be deemed to have been applied and expended for that purpose.

8. Prior rights to berthage and use and occupation of land—

(1) Notwithstanding anything in the Harbours Act 1950 or any other Act, the Board is hereby empowered to grant to the Tasman Pulp and Paper Company Limited for a period of twenty years, prior rights as to berthage at Mount Maunganui Wharf up to six hundred feet as from the passing of this Act and up to one thousand feet in all when the construction of the wharf at Mount Maunganui authorised under this Act is completed and as to the use and occupation of land adjoining or adjacent to such berthage, including the use of such storage sheds as are now or may hereafter be erected on such land.

(2) If at any time any part of the berthage as to which the Company is granted prior rights under subsection one of this section is not required for the receipt and shipment of the goods, products, and cargoes pertaining or reasonably incidental to the Company's operations as pulp and paper makers and sawmillers and as producers of by-products of those operations, then and in every such case the Board may use as it thinks fit that part of the berthage in order that undue vacant berthage may at all times be avoided.

(3) If at any time any part of the land as to which the Company is granted prior rights of use and occupation under subsection one of this section is not required by the Company for the receipt, shipment, and storage of the goods, products, and cargoes pertaining or reasonably incidental to the Company's operations as pulp and paper makers and sawmillers and as producers of by-products of those operations, the Company shall make that part of the land available for other suitable cargoes on such terms and conditions as may be stipulated by the Board.

(4) In the event of further development of the wharf or wharves at Mount Maunganui, the Board may in its discretion withdraw the prior rights granted under subsection one of this section either as to part or the whole of the berthage and land involved:

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Provided that no such rights shall be withdrawn unless and until similar and equivalent rights are granted by the Board and made available to the Company in respect of a continuous section of berthage and of land equivalent to the berthage and land in respect of which rights were originally granted:

Provided also that on the withdrawal of any such rights the Company shall be entitled to be paid compensation by the Board for the value of fixed improvements paid for by the Company on the berthage and land in respect of which the prior rights are withdrawn. Should the Company and the Board be unable to agree on the amount of compensation to be paid in any such case, the matter shall be referred to arbitration, and for that purpose this provision shall be deemed to be a submission within the meaning of the Arbitration Act 1908, and the reference shall be deemed to be to two arbitrators.

9. Regulating and controlling the allocation of berthage and storage—Notwithstanding anything in the Harbours Act 1950 and without prejudice to any of the powers contained in section eight of this Act, the Board is hereby authorised, when congestion occurs or is likely to occur in handling cargoes at the port, to regulate and control the allocation of berthage and storage and to grant prior rights thereto until completion of the extensions of twelve hundred feet of berthage referred to in the Schedule hereto.

10. Power to act as wharfingers and stevedores, and to license wharfingers and stevedores—The Board may carry on business as wharfingers, stevedores, and warehousemen, or any one or more 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 pursuant to Part VI of the Harbours Act 1950, or may, subject to bylaws made as aforesaid, license any persons to act as wharfingers, stevedores, and warehousemen, or in any one or more of such businesses, 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.

11. Amendment to Schedule of Tauranga Harbour Loan and Empowering Act 1956—The Schedule to the Tauranga Harbour Loan and Empowering Act 1956 is hereby amended:

