

New Zealand.



ANALYSIS.

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1903, No. 20.—*Local.*

AN ACT to amend "The Waikokopu Harbour Board Act, 1902." 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 Waikokopu Harbour Act, 1903." Short Title.
2. This Act shall be read together with "The Waikokopu Harbour Board Act, 1902." Act to be read with "The Waikokopu Harbour Board Act, 1902."
3. This Act shall be deemed to be a special Act within the meaning of "The Harbours Act, 1878," and the amendments thereof, all of which Acts are hereby incorporated with this Act. Incorporation of prior Acts.
4. In this Act, if not inconsistent with the context,—
 - "Board" means the Waikokopu Harbour Board as constituted under "The Waikokopu Harbour Board Act, 1902":
 - "Chairman" means the Chairman of the Board:
 - "Harbour district" or "district" means the harbour district established under this Act:
 - "The said Act" means "The Harbours Act, 1878."Interpretation.
5. A harbour district is hereby constituted for the purposes of this Act, and such district shall comprise the lands specifically described in the Third Schedule hereto. Harbour district.
6. The Governor in Council, in the name and on behalf of His Majesty, may issue a grant to the Board of the lands described in the First Schedule hereto in trust for harbour purposes; and the Vesting in Board lands included in First Schedule.

Board, after the issue of such grant, shall, subject to the provisions of section one hundred and fifty-six of the said Act, have authority to reclaim the same from the sea. The provisions of the said Act shall apply to the grant of lands to be made hereunder as if such grant had been made under powers contained in the said Act.

Quarry reserve.

7. The parcels of land described in the Second Schedule hereto are hereby set apart as a quarry reserve and as an endowment for the Waikokopu Harbour Board for the purposes of this Act: Provided always that such portions of the lands not required as a quarry for public purposes shall only be disposed of by lease as provided for in this Act. The Board shall have sole control of the quarry reserve and full power to work the same.

Power to lease.

8. The Board may let any lands vested in it, or any part thereof, at such rents and profits and upon such terms and conditions as the Board shall determine, so that such leases be for any term not exceeding fifty years, to take effect from the time of the execution thereof.

Power to borrow upon debentures.

9. It shall be lawful from time to time for the Board to borrow upon debentures, for a period not exceeding thirty years, a sum not exceeding twelve thousand pounds as the said Board may require for the construction of such a breakwater, pier, or such other harbour-works at or near Waikokopu as may, subject to the provisions of section one hundred and fifty-six of the said Act, first be approved by the Governor in Council.

Security for debentures.

10. The said debentures, together with interest, shall be secured on the lands and hereditaments described in the Second Schedule hereto and the proceeds thereof, upon the rents, profits, and dues chargeable and receivable by the said Board as harbour or other dues or in respect of the said land and harbour-works, and upon the special rate hereinafter mentioned:

Provided that no such debentures shall be issued until the consent of the county electors within the harbour district to the raising of the loan has been obtained in the manner prescribed by "The Local Bodies' Loans Act, 1901," in the case of a proposal by a local authority to raise a special loan: Provided further that if the number of votes for the proposal represent an absolute majority of all the valid votes recorded at the poll at all the polling-places the resolution in favour of the proposal shall be deemed to be carried, and the Board may proceed with the proposal accordingly; but no money shall be borrowed under this Act which shall produce to the lender a higher rate of interest than five pounds per centum per annum.

Levy of rate.

11. On the issue of any debentures under this Act the Board may make and levy a special rate not exceeding one penny in the pound on the capital value of all rateable property in the harbour district.

How rates to be applied.

12. The proceeds of such rate shall be applied towards payment of the annual charges to accrue in respect of any loans to be raised under this Act.

Annual amount leviable.

The amount to be levied by the Board in each year shall not exceed such amount as is required to provide for the payment of interest on the aggregate amount for which debentures shall at that time be issued, together with one pound per centum per annum on

such aggregate amount, to be appropriated for the purposes of a sinking fund, 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 and sinking fund on the loan hereby authorised to be made.

And whereas some portions of the harbour district are not directly benefited by the harbour-works proposed to be constructed at Waikokopu, the Board is required, so long as any loan-moneys remain unpaid, to levy wharfage dues at rates from time to time so that those who use the harbour and wharves shall contribute equitably towards the payment of interest upon loan-moneys raised.

13. It shall be lawful for the Board and it is hereby empowered to defray the expenses of the promotion of this Act and the first year's interest upon any loan which may be raised hereunder out of loan-moneys.

14. 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 in the same shall be set up as a defence to any action which may be brought to recover the same.

15. When and so often as the Board shall fail to pay at the proper time and place for so paying any sum either of principal or interest which it ought to pay under this Act, then immediately or at any time thereafter any person to whom such sum is owing may apply *ex parte* by petition in a summary way to a Judge of the Supreme Court for relief under this Act, and the Judge may, if satisfied of the truth of the matters alleged in such petition, appoint, upon such terms as to security and remuneration as he shall think fit, a Receiver of the rate and of the rents, profits, and dues liable for the payment of such sum.

16. The before-mentioned special rate, rents, profits, and dues shall, from the date of the order, and upon its being publicly notified by the Receiver, vest in the Receiver, and shall cease to be vested in the Board.

17. All moneys received by the Receiver shall be applied—

- (a.) In payment of the expenses of the application and order ;
- (b.) In payment of the Receiver's remuneration, fixed as aforesaid, and his reasonable and necessary expenses ;
- (c.) In payment of the sums in respect of which the Receiver was appointed ; and

(d.) The residue, after payment of the above, to the Board : and the Receiver shall account for all such moneys in such manner as the Judge directs.

18. When the sum in respect of which the Receiver was appointed is paid, or at any time by an order of a Judge of the Supreme Court, on the application of the Board, if such Judge shall think fit to make such order, the powers of the Receiver shall cease, and he shall forthwith pay any moneys in his hands to the Board, who shall again be capable of exercising the powers of which the appointment of the Receiver had deprived them.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

ALL that area in the Hawke's Bay Land District, situated between high- and low-water mark of the sea, from the Waikokopu Harbour Reserve, as described in the *New Zealand Gazette* No. 8, of 5th February, 1903, to the production in a south-westerly direction of the north-western boundary-line of the part of Block No. 3 described in the second part of the Second Schedule hereto, together with all islands and jutting rocks within the above-described area and adjacent thereto: as the same is delineated on the plan marked M.D. 2592, deposited in the office of the Marine Department, at Wellington, in the Land District of Wellington.

SECOND SCHEDULE.

ALL that area in the Hawke's Bay Land District, containing by admeasurement 5 acres 3 roods, more or less, being part of Block No. 3, situated in Block X., Nuhaka Survey District. Bounded towards the north-west and north by the other part of the said Block No. 3, 2030 links and 240 links respectively, to high-water mark; and thence towards the south-east and south-west by high-water mark of the sea.

Also all that area in the Hawke's Bay Land District, containing by admeasurement 45 acres 3 roods, more or less, being Block No. 1, and part of Block No. 3, situated in Block X., Nuhaka Survey District. Bounded towards the north generally by high-water mark of the Waikokopu Harbour; towards the east, south-east, and west by the sea; towards the north-west by the other part of the said Block No. 3 and the abutment of a road, 950 links and 345.6 links respectively; and thence by Block No. 2 of the said Block X., 154.5 links and 213.9 links respectively, to the Waikokopu Harbour: as the same are delineated on the plan marked M.D. 2592, deposited in the office of the Marine Department, at Wellington, in the Land District of Wellington.

THIRD SCHEDULE.

ALL that area in the Hawke's Bay Land District bounded towards the north-east by Cook County, as described in the *New Zealand Gazette* No. 63, of 22nd July, 1897, from the eastern boundary-line of Mangapoike Block to Paritu on the East Coast; thence towards the east and south-west generally by the ocean to the mouth of the Tahaenui River; and thence towards the west generally by the Wairoa Harbour Rating District, as described in the Third Schedule to "The Wairoa Harbour Board Empowering and Loan Act, 1898," to the place of commencement: as the same is delineated on the plan marked M.D. 2592, deposited in the office of the Marine Department, at Wellington, in the Land District of Wellington.