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Mr. Jennings.

WAITARA HARBOUR DISTRICT AND EMPOWERING.

[LOCAL BILL.]

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Special Act.</p> <p>3. Interpretation.</p> <p style="text-align: center;"><i>Harbour District.</i></p> <p>4. Waitara Harbour District constituted.</p> <p>5. Rights of New Plymouth Harbour Board to levy certain rates.</p>	<p>6. Power to borrow money for purposes of main- taining bridge over Waitara River.</p> <p>7. Certain leases granted by the Board validated.</p> <p>8. Provision with regard to renewals of certain leases. Schedule.</p>
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A BILL INTITULED

AN ACT to constitute the Waitara Harbour District and to confer Title
certain Powers on the Waitara Harbour Board.

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

1. This Act may be cited as the Waitara Harbour District and Short Title.
Empowering Act, 1907.

2. This Act shall be deemed to be a special Act within the Special Act.
10 meaning of the Harbours Act, 1878, which Act is hereby incorporated
with this Act.

Struck out.

<p>15</p> <p>20</p>	<p>3. In this Act, if not inconsistent with the context,— “ Board ” means the Waitara Harbour Board as constituted under this Act : “ Chairman ” means the Chairman of the Board : “ Treasurer ” means the Colonial Treasurer of the colony for the time being, and includes any member of the Execu- tive Council acting for him in his absence : “ Harbour district ” means the harbour district constituted under this Act : “ The said Act ” means the Harbours Act, 1878.</p>	<p>Interpretation.</p>
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Harbour District.

25 4. The Waitara Harbour District is hereby constituted for the
purposes of this Act, and such district shall comprise those portions of
the Counties of Clifton and Taranaki (including the Borough of
Waitara) as are described in the Schedule hereto.

30 5. Nothing herein contained shall prejudice or affect the right of
the New Plymouth Harbour Board to continue to levy rates over the
area comprised in the harbour district hereby constituted for the
Board to levy
certain rates.

purpose of providing for payment of interest and sinking fund on the existing loan of two hundred thousand pounds borrowed by the New Plymouth Harbour Board under the provisions of the New Plymouth Harbour Board Ordinance 1875 Amendment Act, 1877, or on so much of any future loan or loans as the New Plymouth Harbour Board may hereafter raise for the purpose of paying off the balance of the existing loan of two hundred thousand pounds, but for no other purpose whatsoever. 5

Power to borrow money for purposes of maintaining bridge over Waitara River.

6. Whereas by Crown grant dated the eighth day of July, eighteen hundred and seventy-nine, twenty-five acres and twenty-five perches (comprising one hundred sections) of land in the present Borough of Waitara were granted to the Waitara Harbour Board (*hereinafter referred to as the Board*) as an endowment upon trust for the construction and maintenance of a bridge over the River Waitara, and for the maintenance of the banks and improvement of the said river: And whereas the existing bridge over the Waitara River (which had been built before the date of the said Crown grant) has since been maintained by the Board, and it has now become necessary to entirely rebuild the same: And whereas the Board desires to be empowered to borrow ~~from the Treasurer~~ for the purpose of rebuilding such bridge a sum not exceeding seven thousand pounds, and to mortgage the lands comprised in the said grant as a security for the repayment of any sum or sums so borrowed: Be it therefore enacted as follows:— 10 15 20

(a.) ~~The Treasurer is hereby authorised, without further appropriation than this Act, to lend to the Board, and the Board is empowered to borrow any sum or sums not exceeding in the whole seven thousand pounds as the Treasurer may agree to lend for the purpose of rebuilding the bridge over the Waitara River within the Borough of Waitara.~~ 25 30

Struck out.

(b.) The yearly rate of interest for the period for which the interest is payable by the Board shall be four pounds per centum per annum, payable half-yearly, for the period of forty-one years. 35

(c.) At the expiration of the said period of forty-one years the liability of the said Board shall cease without further payment. 40

New paragraph.

(b.) No money shall be borrowed under the authority of this Act which shall produce to the lender a higher rate of interest than four pounds per centum per annum. 40

(d.c.) The Board, without further authority than this Act, is authorised to mortgage ~~in such form as the Treasurer shall require without power of sale~~ the lands comprised in the said Crown grant and the revenues therefrom as a security for the due repayment of all moneys with interest thereon which may be so lent ~~by the Treasurer~~ to the Board. 45

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7. Whereas the Board was by Order in Council, on the twenty-seventh day of February, eighteen hundred and eighty-eight, declared to be a leasing authority under the Public Bodies' Powers Act, 1887: And whereas the Board has since that date granted different leases
5 under and in accordance with the provisions of the said *Harbours Act, 1878*: And whereas doubts have arisen as to the validity of such leases: Be it therefore enacted that all leases which since the
10 twenty-seventh day of February, eighteen hundred and eighty-eight, have been granted by the Harbour Board under and in accordance with the provisions of the said *last-mentioned Act* are hereby declared to be valid.

Certain
granted by
Board valid.

~~8. Whereas doubts have arisen as to the effect of section eleven of the Public Bodies' Powers Act, 1887: Be it therefore enacted as follows:—~~

15 8. Upon the surrender of any lease heretofore granted by the Board under the provisions of the said *Harbours Act, 1878*, or of the Public Bodies' Powers Act, 1887, for a fixed term of years, but without any covenant therein for renewal, the
20 Board may, in addition to the powers expressly specified in section eleven of the Public Bodies' Powers Act, 1887, in any new lease for the remainder of the term of the former lease, covenant to grant renewals from time to time for a period not exceeding twenty-one years at any one
25 time, but at a rent to be fixed by the Board by a special resolution, or by valuation, or by arbitration. Any such new lease may provide for the payment of valuation by the incoming tenant for improvements made upon the land, whether by the lessee named in such lease, his
30 executors, administrators, or assigns, or by any former lessee or tenant of all or any part of the land included in such lease. Any such new lease may contain the provisions for securing payment of valuation set out in section three of the Public Bodies' Powers Act 1887 Amendment Act, 1891.

Provision with
regard to renewals
of certain leases.

SCHEDULE.

AREA COMPRISED IN THE WAITARA HARBOUR DISTRICT, ~~Provincial District of~~
TARANAKI Land District.

Schedule.

THE Borough of Waitara, and portions of the Clifton and Taranaki Counties. Bounded as follows: Commencing ~~from~~ at the mouth of the Waiongona River, bounded ~~thence~~ generally towards the north and north-west by the Tasman Sea to the southern boundary of the Mokau Harbour District as constituted by the Mokau Harbour Board Act, 1900; thence towards the north by the southern boundary of the said Mokau Harbour District to the western boundary of the Waitomo County; thence towards the east by the western boundary of the said Waitomo County to the northern boundary of the Stratford County; thence towards the south and south-east by the northern and north-western boundaries of the said Stratford County to the south corner of Section 36, Block VI, Ngatimaru Survey District; thence again towards the south by the northern boundary of same Stratford County to the eastern boundary of the Taranaki County at the junction of the Makino Stream and Waitara River; thence towards the south-west by the Waitara River to its junction with the Manganui Stream; thence again towards the east by the Manganui Stream to the southern boundary of Section 182, Huirangi District; thence generally towards the south, south-west, and west by the southern boundary of said Section 182 to the Everett Road, by the east side of Everett Road to its intersection with the

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Roddy Road, by the north side of the Roddy Road to its junction with the York Road, by the east side of the York Road to its junction with the Thorpe Road, by the north side of the Thorpe Road to its junction with the Kelly Road, by the east side of the Kelly Road to its junction with the Cross Road, by the north side of the Cross Road to its junction with the Richmond Road, by the east side of the Richmond Road to the south boundary of the Lepperton Township, by the southern and western boundaries of the Lepperton Township to the Manutahi Road, by the north side of the Manutahi Road to its junction with the Lepper Road, by the east side of the Lepper Road to its junction with the Devon Road, by the southern side of the Devon Road to its junction with the Mahoetahi Road, by the east side of the Mahoetahi and Brown Roads to the Waiongona Stream, and by the east side of the Waiongona Stream to its mouth, the point of commencement.

By Authority : JOHN MACKAY, Government Printer, Wellington.—1907.