

And whereas an amount of seventy-five thousand seven hundred pounds (£75,700) has not yet been raised, and it is expedient to vary the determinations in respect of a portion thereof amounting to forty-one thousand one hundred pounds (£41,100) (hereinafter called the said sum):

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, and in pursuance and exercise of the powers and authorities conferred on him by section eleven of the Local Government Loans Board Act, 1926, as set out in section twenty-nine of the Finance Act 1932 (No. 2), and of all other powers and authorities enabling him in this behalf, doth hereby vary certain of the determinations aforesaid in respect of the said sum by prescribing that in lieu of a rate of interest not exceeding three pounds (£3) per centum per annum, as specified in clause two of the said Order in Council, the rate of interest that may be paid in respect of the said sum or any part thereof shall be such as shall not produce to the lender or lenders a rate or rates exceeding three pounds two shillings and sixpence (£3 2s. 6d.) per centum per annum.

T. J. SHERRARD,
Clerk of the Executive Council.

(T. 49/268.)

Mount Albert Borough Council Loan Conversion Order 1948

B. C. FREYBERG, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington, this 22nd day of December, 1948

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

WHEREAS it is provided by section nine of the Local Authorities Interest Reduction and Loans Conversion Act, 1932-33, that, with the precedent consent of the Governor-General, given by Order in Council under section thirteen of the said Act after compliance with the provisions of Part II of the Act, and subject to and in accordance with the provisions of such Order in Council, any local authority may issue new securities in conversion of any existing securities to which the said Act applies:

And whereas by the said section thirteen it is further provided that the Governor-General, by the Order in Council giving his consent to the conversion of existing securities by a local authority, may make such provisions as he thinks fit with respect to all or any of the matters specified in the said section, and that, subject to the provisions of the said Act, every Order in Council under the said section shall have the force of law as if enacted in the said Act, anything to the contrary in any other Act or in any regulation made under the said Act, or any other Act notwithstanding:

And whereas it is provided by section twenty of the Finance Act (No. 2), 1935, that, notwithstanding the limitation of time prescribed by section fifteen of the said Local Authorities Interest Reduction and Loans Conversion Act, 1932-33, as extended by section twelve of the Local Authorities Interest Reduction and Loans Conversion Amendment Act, 1934, an Order in Council may be issued at any time under the aforesaid section thirteen of that Act making provision for the conversion, with the consent of the holder, of any securities whether or not they are existing securities to which the said Local Authorities Interest Reduction and Loans Conversion Act, 1932-33, applies:

And whereas the Mount Albert Borough Council (being a local authority within the meaning of the said Act) has issued securities in respect of the loans specified in the First Schedule hereto:

And whereas the said local authority, being desirous, with the consent of the holder of such securities, of issuing new securities in conversion thereof, has complied with the provisions of Part II of the said Act, and it is expedient that the precedent consent of the Governor-General to such conversion should be given as required by the said Act, and that by this Order the provisions hereinafter set forth should be made with respect to the matters specified in the said section thirteen:

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, and in pursuance and exercise of the powers and authorities conferred on him by the said Act, and of all other powers and authorities enabling him in this behalf, doth hereby consent to the issue by the said local authority of new securities in conversion of any existing securities to which this Order applies, and with respect to such conversion doth hereby make the following provisions:—

PRELIMINARY

1. This Order may be cited as the Mount Albert Borough Council Loan Conversion Order 1948.

2. In this Order, unless the context otherwise requires,—

“The Act” means the Local Authorities Interest Reduction and Loans Conversion Act, 1932-33:

“The date of conversion” means the date specified in clause five of this Order:

“Existing securities” means debentures or other securities issued in respect of the loans specified in the First Schedule hereto:

“The local authority” means the Mount Albert Borough Council:

“New securities” or “new debentures” means securities or debentures issued in accordance with this Order in conversion of existing securities to which this Order applies.

3. This Order shall apply to all existing securities issued in respect of the loans specified in the First Schedule hereto.

4. (1) If the local authority so resolves by a resolution passed and confirmed as provided by subsection two of section nine of the Act, it may, with the consent of the holder of the existing securities to which this Order applies, and subject to and in accordance with the provisions of this Order, issue new securities in conversion of such existing securities.

(2) The following provisions of this Order shall come into force if such a resolution is passed and confirmed as aforesaid but not otherwise:

Provided that a certificate signed by the Mayor of the local authority and published in the *Gazette* to the effect that such a resolution has been duly passed and confirmed shall be conclusive evidence of the facts therein certified.

DATE OF CONVERSION

5. The date from which the conversion of existing securities into new securities shall be deemed to take effect shall be the first day of February, one thousand nine hundred and forty-nine.

CONSENT TO CONVERSION

6. The consent of the holder of the existing securities to the conversion thereof in accordance with this Order shall, if given, be specified in writing, and when given shall be irrevocable.

NEW SECURITIES

7. (1) New securities shall be issued to secure an aggregate amount of principal of one hundred and fifteen thousand pounds (£115,000).

(2) The aggregate amount of principal secured by the new securities to be issued in accordance with this Order, together with interest thereon computed at a rate not exceeding three and one-quarter per centum (3¼%) per annum, shall be repaid by equal half-yearly instalments over a period of eighteen (18) years, the first half-yearly instalment to fall due and be paid on the first day of August, one thousand nine hundred and forty-nine, and subsequent half-yearly instalments to fall due and be paid on every first day of February and August thereafter, the last half-yearly instalment to fall due and be paid on the first day of February, one thousand nine hundred and sixty-seven.

8. (1) New securities for the amount of each half-yearly instalment shall be issued in the form of debentures in the form numbered (1) in the Second Schedule hereto.

(2) All new debentures shall be numbered consecutively, and as between the holders thereof shall rank equally.

(3) Every new debenture shall state on its face that the holder has no claim in respect thereof upon the Government or public revenues of New Zealand.

(4) Every new debenture shall be signed by the Mayor, countersigned by the Treasurer or some other officer appointed by the local authority for the purpose, and sealed with the common seal of the local authority.

SURRENDER OF EXISTING SECURITIES AND PAYMENT OF INTEREST THEREON

9. The holder of the existing securities shall surrender the existing securities in exchange for the new securities, and shall be entitled to receive on the date of conversion interest on the existing securities for the period ending on that date.

PREMIUM

10. The holder of the existing securities shall be entitled to receive a premium of twenty-two thousand six hundred and fifty-two pounds five shillings and three pence (£22,652 5s. 3d.). The amount of such premium shall be paid in cash out of the existing sinking fund.

PLACE FOR PAYMENT OF PRINCIPAL AND INTEREST

11. The principal and interest in respect of new securities shall be payable in New Zealand.

APPLICATION OF EXISTING SINKING FUNDS

12. The existing sinking funds of the loans referred to in the First Schedule hereto shall at the date of conversion be applied by the Commissioners thereof, so far as they will extend in or towards making the following payments, in the following order of priority, namely:—

- (a) First, in payment in accordance with the directions of the local authority of the sum of twenty-two thousand six hundred and fifty-two pounds five shillings and three pence (£22,652 5s. 3d.), being the amount of premium payable to the holder of the existing securities pursuant to the provisions of clause (10) hereof.
- (b) Secondly, in part payment of the costs of conversion up to an amount of two hundred and thirty-six pounds five shillings and four pence (£236 5s. 4d.).
- (c) Thirdly, so far as they will extend and in accordance with the direction of the holder, in repayment as at the date of conversion of the principal secured by the existing securities issued in respect of such loans.

SECURITY

13. (1) As a security for the new securities the local authority shall forthwith, by resolution gazetted (in the form numbered (2) in the Second Schedule hereto), make and levy a special rate upon all rateable property in its district to provide for the payment of the half-yearly instalments of principal and interest in respect of such securities.