

## New Plymouth Harbour Board Loan Conversion Order 1949

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

At the Government Buildings at Wellington, this 6th day of  
April, 1949

Present:

THE RIGHT HON. P. FRASER PRESIDING 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 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 New Plymouth Harbour Board (being a local authority within the meaning of the said Act) has issued securities in respect of the loan 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 New Plymouth Harbour Board Loan Conversion Order 1949.

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 loan specified in the First Schedule hereto:

“The local authority” means the New Plymouth Harbour Board:

“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 loan 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 Chairman 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 November, one thousand nine hundred and forty-eight.

## 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 forty-three thousand pounds (£143,000).

(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 fifteen and one-half (15½) years, the first half-yearly instalment to fall due and be paid on the first day of May, one thousand nine hundred and forty-nine, and subsequent half-yearly instalments to fall due and be paid on every first day of November and first day of May thereafter, the last half-yearly instalment to fall due and be paid on the first day of May, one thousand nine hundred and sixty-four.

8. (1) New securities for the amount of each half-yearly instalment shall be issued in the form of debentures in the form set out 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 Chairman, 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-three thousand five hundred and eighty-five pounds (£23,585).

## 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 FUND

12. The existing sinking fund of the loan referred to in the First Schedule hereto shall be applied by the Commissioners thereof, so far as it will extend in or towards making the following payments, in the following order of priority, namely:—

(a) First, to the extent of sixteen thousand pounds (£16,000) towards payment, at the direction of the local authority, of the premium payable to the holder of the existing securities pursuant to clause ten hereof.

(b) The balance of the sinking fund shall be applied towards the repayment of the new securities, and for that purpose the Commissioners shall, on the first day of May, one thousand nine hundred and forty-nine, and on each first day of November and first day of May thereafter up to and including the first day of May, one thousand nine hundred and sixty-four, pay to the local authority an amount calculated at the date of conversion to extinguish the said balance of the sinking fund exactly in fifteen and one-half (15½) years assuming that interest at the rate of two per centum every half-year is credited to such balance from time to time. The amount so paid to the local authority on each such date shall be applied towards repayment, so far as it will extend, of the principal secured by the new securities maturing on such date.

## SECURITY

13. Subject to the provisions of clause twelve of this Order, the rates, revenue, or other securities appropriated, pledged, or given as security for the existing securities shall remain in full force and effect, and shall, without further authority, be deemed to be appropriated, pledged, and given as security for the new securities.

## COSTS OF CONVERSION

14. All costs, charges, and expenses incidental to the conversion shall be borne by the local authority.

## FIRST SCHEDULE

| Name.                            | Rate of Interest. | Date of Maturity. |
|----------------------------------|-------------------|-------------------|
| Redemption Loan, 1939* . . . . . | Per Cent.<br>4½   | 1st May, 1964.    |

\* As converted pursuant to the New Plymouth Harbour Board Loans Conversion Order, 1941.