

# Nelson Harbour Act 1905

Local Act 1905 No 36  
Date of assent 23 October 1905

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**An Act to consolidate certain Acts of the General Assembly relating to the Nelson Harbour Board.**

**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**

(1) The Short Title of this Act is The Nelson Harbour Act 1905.

- (2) This Act shall be deemed to be a special Act within the meaning of the Harbours Act 1950, and shall be read subject thereto.

A reference to the Harbours Act 1908 was substituted, as from 4 August 1908, for a reference to the Harbours Act 1878 pursuant to section 1(2) Harbours Act 1908 (1908 No 75). That reference was in turn substituted, as from 1 January 1924, by a reference to the Harbours Act 1923 pursuant to section 259(1) Harbours Act 1923 (1923 No 40). That reference was in turn substituted, as from 15 October 1950, by a reference to the Harbours Act 1950 pursuant to section 269(1) Harbours Act 1950 (1950 No 34).

## 2 Interpretation

In this Act—

**Board** means the Harbour Board constituted under this Act

**District** means the Nelson Harbour Board District

**Harbour** means the Port and Harbour of Nelson

**The said Act** means The Harbours Act 1878.

## 3 Harbour Board for Nelson constituted

*[Repealed]*

Sections 3, 8 and 9 were repealed, as from 1 January 1911, by section 27 Harbours Amendment Act 1910 (1910 No 47).

## 4 Endowments of Board

The Board is hereby endowed with—

- (a) The foreshore of the Nelson Harbour, the Waimea Mud-flats, and the flats within the harbour as described in Schedule 1 of this Act;
- (b) All pilotage and port charges in the Harbour of Nelson.

## 5 Subsidy payable to Board

- (1) There shall be payable to the Board during each year ending the thirty-first day of March a subsidy of three thousand dollars, diminished by two dollars for every two dollars by which the Board's revenue derived from pilotage and port charges during the year exceeds the sum of three thousand one hundred dollars (being the estimated yearly revenue derived from these sources at the Port of Nelson at the time of the passing of The Nelson Harbour Board Act 1900).

- (2) The subsidy for each year shall be payable by such instalments during the year as the Colonial Treasurer thinks fit.
- (3) The subsidy shall be payable out of the Consolidated Fund without further appropriation than this Act.
- (4) The subsidy shall in no case continue to be payable after the maturity of the first debentures issued by the Board, being not more than thirty years after the passing of The Nelson Harbour Board Act 1900.

The words “three thousand dollars”, “two dollars”, “two dollars” and “three thousand one hundred dollars” were substituted, as from 10 July 1967, for the words “one thousand five hundred pounds”, “one pound”, “pound” and “one thousand five hundred and fifty pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

#### **6 Annual compensation of £500 to be paid to the Board**

*[Repealed]*

This section was repealed, as from 1 April 1919, by section 2 Nelson Harbour Board Amendment Act 1920 (1920 No 19(L)).

#### **7 Nelson Harbour District**

The Nelson Harbour District shall comprise the Waimea County, except the Motueka Riding and that portion of the Moutere Riding now included in the Motueka Electoral District, and being the late Lower Moutere Road District as described in the *Gazette* dated the thirtieth day of April, one thousand eight hundred and eighty-three, together with the City of Nelson and the Borough of Richmond.

#### **8 Electors**

*[Repealed]*

Sections 3, 8 and 9 were repealed, as from 1 January 1911, by section 27 Harbours Amendment Act 1910 (1910 No 47).

#### **9 Local Elections Act applied**

*[Repealed]*

Sections 3, 8 and 9 were repealed, as from 1 January 1911, by section 27 Harbours Amendment Act 1910 (1910 No 47).

**10 Borrowing-powers**

- (1) Subject to the provisions of the said Act, and to the Governor's previous approval of a plan of the works proposed to be constructed, the Board may from time to time borrow money (not exceeding seventy thousand dollars) on the security of its endowments for the construction or completion of harbour-works for the improvement of the harbour.
- (2) Such moneys may be raised in the manner prescribed by The Local Bodies' Loans Act 1901; and the provisions of that Act shall apply as if the Board were a local authority, and the said works were public works within the meaning of Part 1 of that Act.
- (3) In addition to the said sum of seventy thousand dollars, the Board may in like manner raise the sum of twenty-seven thousand six hundred dollars, being the unraised portion of the loan authorised by the electors to be raised under The Nelson Harbour Board Act 1900:

Provided that it shall not be necessary to take the steps required by sections seven to thirteen of that Act.

The words "seventy thousand dollars" and "twenty-seven thousand six hundred dollars" were substituted, as from 10 July 1967, for the words "thirty-five thousand pounds" and "thirteen thousand eight hundred pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

**11 Board may make special rate**

As further security for the money authorised to be borrowed as aforesaid the Board may make and levy a special rate not exceeding five-twelfths of a cent in the dollar in the year on all rateable property in the harbour district.

The words "five-twelfths of a cent in the dollar" were substituted, as from 10 July 1967, for the words "penny in the pound" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

**12 Governor may order discontinuance of works**

The Governor may at any time by Order in Council (notwithstanding that he may have previously approved of any plan of works proposed to be undertaken by the Board) prohibit the continuance of any work which in his opinion is likely to affect the Nelson Harbour injuriously, or may by

such Order permit the continuance of such work subject to such conditions or modifications as he deems expedient.

### 13 Repeal

*[Repealed]*

This section was repealed, as from 19 November 1907, by section 2 Statutes Repeal Act 1907 (1907 No 40).

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## Schedule 1

This Schedule was amended, as from 23 October 1905, by section 7 Reserves and other Lands Disposal Act 1931 (1931 No 41(L)) by inserting the words “and Sections 80, 83, and 84, all in Suburban South Original District, in Block III, Waimea Survey District”.

ALL that area bounded by a line commencing at a point at high-water mark on the eastern shore of Tasman Bay, at the south-western boundary of the Wakapuaka Native Reserve; thence by the northern and western boundaries of Section 36, Block VI, Wakapuaka Survey District (Suburban North), the northern boundary of Sections 1 and 4, Block V, and the western boundary of the latter section to the Wakapuaka Road; thence by the said road to the western boundary of Section 7; thence by the western boundary of Sections 7, 17, and 16, Block V, again to the Wakapuaka Road; thence by the said road to Section 11A, Block IX; thence by the western boundary of the said Section 11A to the Wakapuaka Road; thence by the said road to a road forming the western boundary of Section 1, Block IX, Wakapuaka Survey District (Suburban North); thence by the said road, to the northern boundary of Section H 9, City of Nelson; thence by the said boundary for a distance of 626.2 links; thence by a line bearing 293° 40' 20" a distance of about 4600 links; thence by a line bearing 220° 18' a distance of about 4400 links to a point 50 links outside the railway breastwork, opposite the road lying between Sections 57 and 58, City of Nelson; thence by a line parallel to and 50 links outside the railway breastwork to the south-eastern boundary of Foreshore Lease No 9; thence by the south-eastern boundary of No 9 to the south-western corner of No 9; thence by the south-western boundaries of Foreshore Leases Nos 9, 8, 7, 6, and 5; thence 50 links along the north-western boundary of Lease No 5; thence by lines parallel to and 50 links outside the railway breastwork and the north-eastern and

north-western sides of the Railway Wharf; thence by a line in prolongation of the line parallel to and 50 links outside the north-western boundary of the Railway Wharf to a point at which it intersects the prolongation of boundary-line between Sections 18 and 17, City of Nelson; thence to Wakefield Quay opposite the boundary-line between Sections 18 and 17, City of Nelson; thence by a line to form the north-western side of Wakefield Quay distant 1 chain from the north-western boundaries of Sections 17, 16, 15, 14, and 13, City of Nelson, to the Rocks Road breastwork; thence by the said breastwork to a point 7 chains distant in a northerly direction from the western boundary of the main road to Stoke; thence by high-water mark of Tasman Bay and the Waimea Mud-flat to a public road forming the south-western boundary of Section 62, Block III, Waimea Survey District (Suburban South); thence by a public road forming the boundary of Sections 77, 78, and 79, Block VII (Waimea East), to the north-eastern boundary of Section 222 of the said Block VII; thence by the said boundary and by the north-eastern and north-western boundaries of Section 221 again to a public road forming the south-western boundary of the last-mentioned section; thence by the said public road forming the north-eastern boundaries of Sections 220, 219, 218, 217, Block VII, Sections 216, 215, 214, 213, 212, 169, Block VI, Sections 198, 212, 211, 209, 208, and 207, Block II, to the mouth of the River Waimea; thence by a line across the said river to the northern boundary of Section 10, Block II aforesaid (Waimea West); thence by high-water mark of the Waimea Mud-flat to the west side of the road forming the western boundary of Section 3, Block II aforesaid (Waimea West); thence by the said road to the northern boundary of Section 13, Block I, Waimea Survey District; thence by high-water mark of the Waimea Mud-flat, Tasman Bay, and the Moutere Mud-flat to a public road forming the north-western boundary of Section 203, Block VIII, Motueka Survey District (Moutere); thence by the said road and a continuation thereof forming the boundary of Section 202, Block VII, to the mouth of the River Moutere; thence by a line across the said river to the road forming the eastern boundary of Section 172, Block VII aforesaid (Moutere); thence by the said road to the southern boundary of Section 3 of 173; thence by the southern, eastern, and northern boundaries of the said section to a public road; thence by the said public road to the southern boundary of Section 3 of 170, Block VII aforesaid (Motueka);

thence by the southern and eastern boundaries of the said section to a public road; thence by a public road to Section 144, Block IV; thence by the southern boundary of the said Section 144 to a public road forming the eastern boundary of the said section; thence by the said road forming the eastern boundary of Sections 144, 145, 146, 147, 143, 142, 141, 140, 139, 138, 137, 136, 135, and 132, Block IV, Motueka Survey District (Motueka), to a point on high-water mark of Tasman Bay formed by the production (in an easterly direction) of the northern boundary-line of the last-mentioned section; thence by a further production of the said section-line for a distance of three miles; thence by a line parallel to the general trend of the coastline of Tasman Bay, and distant three miles therefrom, to a point made by the production of the south-western boundary-line of the Wakapuaka Native Reserve; and thence by the said produced line to the point of commencement:

Excepting and excluding therefrom Section 1132, Town of Nelson; reserve for lighthouse, Nelson Haven; Sections 1097, 1098, 1099, and 1100, City of Nelson; and Aboukir Battery and Fort Bastia Reserves, all on Haulashore Island; Oyster and Saxton's Islands; Waimea Islands Nos 1, 2, 3, 4, and 5; and Section 1, Block II, Waimea Survey District, all in the Waimea Mud-flat; and Sections 1 and 2, Block IV, Motueka Survey District (Moutere), known as Giblin's Island; and all foreshore, mud-flats, and other lands (if any) within the Motueka Electoral District north of Section 90, Block II, Moutere Survey District and Sections 80, 83, and 84, all in Suburban South Original District, in Block III, Waimea Survey District.

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**2**

*[Repealed]*

This Schedule was repealed, as from 19 November 1907, by section 2 Statutes Repeal Act 1907 (1907 No 40).

*[Repealed]*