

Greymouth Harbour Board Act 1884 Amendment Act 1902

Local Act 1902 No 29
Date of assent 3 October 1902

Contents

	Page
Title	1
Preamble.	
1 Short Title.	2
2 Certain provisions of Mining Act not to apply.	2
3 Board may lease.	2
4 Provision in respect of a valuation for improvements.	3
5 Board to execute leases in its own name.	3
6 Board to have power to sue.	3
7 Pending applications to be transmitted to Board.	3
8 Subject to Act, provisions of Mining Act to apply.	3

An act to confer Leasing-powers on the Greymouth Harbour Board.

Preamble.

WHEREAS the Greymouth Harbour Board (hereinafter referred to as “the Board”) is, by virtue of “The Greymouth Harbour Board Act, 1884,” endowed with all moneys arising from the lease, occupation, or other disposal, and the rents, royalties, fees, and other moneys derivable, from the pieces of land known as the Westland Grey Coal Reserve and the Nelson-Grey Coal Reserve, as the same are respectively described in the First and Second Schedules of “The Westland and Nelson Coalfields Administration Act, 1877” (hereinafter referred to as “the said lands”), less all costs and expenses of collecting the same: And whereas the management and disposal of the said lands, conferred on the Minister of Lands, or the Land Board, or the

Commissioner of Crown Lands, are now conferred on and vested in the Minister of Mines and the Warden for the Westland Mining District respectively: And whereas it is desirable that the Board should have the management and disposal of the said lands as hereinafter provided:

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1 Short Title.

The Short Title of this Act is “The Greymouth Harbour Board Act 1884 Amendment Act, 1902.”

2 Certain provisions of Mining Act not to apply.

The provisions of section forty-five of “The Mining Act, 1898,” in respect of laying off and leasing sections in mining townships and suburban sections, and of section one hundred and seventeen of the same Act in respect of business-site licenses and residence-site licenses, shall not apply to the said lands.

3 Board may lease.

The Board is hereby empowered to lease in its own name the said lands, or any portion thereof, for any term not exceeding twenty- one years, upon the following terms and conditions: —

- (1.) The land proposed to be leased shall be thrown open for selection by public notification, and in the event of there being only one applicant for such land he shall be entitled to have a lease thereof, subject to the conditions upon which such land shall be thrown open for selection, and subject also to the terms and conditions contained in the subsequent provisions hereof.
- (2.) In the event of there being more than one application for such land the lease thereof shall be submitted to public auction, at an upset rental to be fixed by the Board: such upset rental shall be the valuation of such land without improvements, and the highest bidder shall be the lessee.
- (3.) The auction shall be conducted by such person and at such times as the Board shall direct.
- (4.) The lease shall entitle the lessee to the surface only of the ground, and shall not confer on him any right to prevent mining operations being carried on by other persons beneath the surface, subject to provisions to insure the safety of buildings and erections and to prevent injury to the surface.
- (5.) Such other provisions for securing the due payment of the rent and performance of the covenants and conditions in such lease as the Board shall deem necessary.

4 Provision in respect of a valuation for improvements.

In any case where land is about to be leased and there exists thereon buildings or other *bonâ fide* improvements erected or made by any person in lawful occupation under a lease, or by any person whose lease has expired, the said person making such improvements, or his executors, administrators, or assigns, shall be entitled to valuation for such buildings and improvements; such valuation to be ascertained in the manner and to the extent following, that is to say,—

The amount of such valuation shall be assessed by two valuers, one to be appointed by the Board and one by the owner of such buildings and improvements; but should the owner of such buildings and improvements fail to appoint a valuator within two weeks of his being requested by the Board in writing so to do, then the Board shall appoint the valuator the owner has failed to appoint. In the event of such valuers being unable to agree they shall appoint an umpire, whose decision shall be final and conclusive. The fees to be paid to the valuers and umpire, if any, shall be charged to the owner of the said buildings and improvements:

The lessee shall, within fourteen days after being declared the lessee, pay to the Board the amount of such valuation, and the Board may pay the same to the person or persons entitled thereto without being liable to refund the same or any part thereof.

5 Board to execute leases in its own name.

The Board shall in its own name and under its corporate seal execute the leases to be granted under this Act, and the same shall be valid and effectual against His Majesty and all persons whomsoever.

6 Board to have power to sue.

The Board shall have full power and authority to commence and carry on any action, suit, or other proceeding which it may think fit in relation to or connected with any lease under this Act.

7 Pending applications to be transmitted to Board.

All applications to the Warden for the Mining District of Westland for business-site licenses and residence-site licenses under section forty-four of “The Mining Act, 1898,” and for leases under section forty-five of the same Act in respect of any part of the said lands, and pending at the time of the passing of this Act, shall be transmitted to the Board, who shall deal with the same according to the provisions of this Act.

8 Subject to Act, provisions of Mining Act to apply.

Subject to the provisions of this Act, the Minister of Mines and the Warden may exercise in respect of the said lands the powers and functions conferred on them respectively by “The Mining Act, 1898.”