

Hokitika Harbour Act Amendment Act 1906

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An Act to amend "The Hokitika Harbour Act, 1905."

Preamble.

WHEREAS doubts have arisen as to the effect of “The Hokitika Harbour Act, 1905,” on the legal position of the members of the Board who were in office on the commencement of that Act, and it is expedient to remove such doubts and to validate all acts of the Board since such commencement: And whereas it is also expedient to make other provisions with respect to the Board:

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 Hokitika Harbour Act Amendment Act, 1906”; and it shall form part of and be read together with “The Hokitika Harbour Act, 1905” (herein referred to as “the said Act”).

2 Special Act.

This Act shall be deemed to be a special Act within the meaning of “The Harbours Act, 1878.”

3 Interpretation.

In this Act, if not inconsistent with the context,—

“Board” means the Hokitika Harbour Board:

“Harbour” means the Harbour of Hokitika:

“Harbour district” means the Hokitika Harbour District.

4 Validation.

With respect to the Board the following special provisions shall apply:—

(a.) The corporate entity of the Board as originally constituted shall not be deemed to be or to have been in any way altered or affected by any change made in its membership by this Act or by any other Act heretofore or hereafter passed.

(b.) The members who are in office on the passing of this Act (whether originally holding office under the said Act or any prior Act) shall continue in office until the members provided for by this Act come into office, and no act of the Board shall be questioned or be deemed to be invalid on the ground that when the act was done the seat of any member was vacant or any supposed member was not a member.

5 Constitution of Board.

The Board shall consist of the Mayor for the time being of the Borough of Hokitika, the Chairman for the time being of the County of Westland, and three members (hereinafter called “elective members”) to be elected by the electors of the Borough of Hokitika; and when a rating proposal is carried in the

harbour district, then the Mayor of Boss for the time being and two members to be elected by the electors of the Westland County within the harbour district.

6 Constitution of harbour district.

There is hereby constituted a harbour district comprising the Borough of Hokitika, the Borough of Boss, the Kanieri Riding of the County of Westland, and that portion of the Southern Riding of the County of Westland situate north of the Little Wanganui or Poerua River.

7 Qualification of electors.

- (1.) Every person whose name appears on the district electors roll for the time being in force for the Borough of Hokitika, and the County of Westland within the harbour district, shall be an elector for the purpose of electing the said three elective members by the electors, and shall be qualified to be elected as a member of the Board, and shall be entitled to vote at every poll taken for an election of an elective member:

Provided that if his qualification is residential he shall not be entitled to vote at the poll taken on any proposal relating to loans or rates.

- (2.) Every elector shall have one vote and no more at each poll at which he is entitled to vote.
- (3.) The majority required to determine any such election or carry any such proposal shall be a majority of the valid votes cast at the poll.

8 Appointment of day for first election and day for first meeting of Board.

The Governor shall by Proclamation appoint a day, not exceeding thirty days after the date of such Proclamation, for the first election of the elective members of the Board, and shall also appoint a day for the first meeting of the Board after such election.

9 Returning Officer to conduct election.

The Returning Officer for the time being of the Borough of Hokitika, or a Returning Officer to be appointed by the Board, shall conduct every election under this Act, and for all the purposes of such election the provisions of "The Local Elections Act, 1904," shall, *mutatis mutandis*, apply in so far as the same are not inconsistent with the express provisions of this Act.

10 Term of first elective members.

Every elective member of the Board shall come into office on his election, and shall hold office until his successor comes into office.

11 Date of first election.

The ordinary term of office of the elective members first elected under this Act shall expire on the second Monday in February, in the year one thousand nine hundred and nine, and the first biennial election shall be held on that day.

12 “Harbours Act, 1878,” to apply to elective members.

Subject to the foregoing provisions of this Act the provisions of “The Harbours Act, 1878,” shall apply to the elective members.

13 Power to borrow on sale of endowments.

If the Board sells the endowments mentioned in section five of the said Act, or either of them, the Board, in lieu of exercising their power of borrowing under that section, may from time to time, by way of loan, borrow money not exceeding in the whole the sum of fifteen thousand pounds on the security of a special rate. Such loan may be raised in the manner prescribed by subsection two of section seven of the said Act; but no money shall be borrowed under the authority of this Act which shall produce to the purchaser a higher rate of interest than five pounds per centum per annum.

14 Rating-powers.

As a security for the money authorised to be borrowed as provided by section seven of the said Act or this Act, the Board may make and levy on all rateable property in the harbour district a special rate of an amount in the pound so adjusted as to equal as nearly as may be, but not to exceed, in its producing-capacity a rate of one penny in the pound on the unimproved value of all rateable property in the Borough of Hokitika, and one half-penny in the pound on the capital value of all rateable property in the remaining portions of the district:

Provided that all such rates shall be so made and levied so that the rate made and levied in the Borough of Hokitika shall be double the rate made and levied in the remaining portion of the district.

15 Recovery of rates.

Every such special rate shall be made, levied, and recovered in the manner prescribed by “The Rating Act, 1894,” and for that purpose the Board shall be deemed to be a local authority within the meaning of the last-mentioned Act.

16 Valuation rolls in force to be used.

Every such rate may be made and levied upon the rateable property appearing on the valuation rolls for the time being in force in the said Boroughs of Hokitika and Ross, and the said Kanieri Riding, and the said part of the Southern Riding of the said County of Westland, and for the purpose of making and levying such rate it shall not be necessary for the Board to make a valuation roll.

17 Repeals.

- (1.) Sections three and four, and subsection three of section seven of the said Act are hereby repealed.

- (2.) In subsection one, paragraph (*a*), of section seven of the said Act the words “excepting endowment number one hundred and forty-five (in red) in the Arahura District” are hereby repealed.