

Wairoa Harbour Board Empowering and Loan Act 1909

Local Act 1909 No 28
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An Act to give Power to the Wairoa Harbour Board to erect Harbour-works, and to give Borrowing-powers to the said Board for carrying out such Works.

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.

This Act may be cited as the Wairoa Harbour Board Empowering and Loan Act, 1909.

2 Interpretation.

In this Act the expression—

“The Board” means the Wairoa Harbour Board:

“The Chairman” means the Chairman of the Board for the time being:

“The Treasurer” means the Treasurer of the Board for the time being:

“The district” means the Wairoa Harbour Rating District as constituted and defined by the Wairoa Harbour Board Empowering and Loan Act, 1898, but which in consequence of subsequent internal alterations in names and boundaries of the ridings of Wairoa County, not affecting, however, the outer boundaries of the said rating district, now comprises the whole of the Waikaremoana Riding of the County of Wairoa, the Wairoa Borough, and so much of the Mahia Riding in the said county as is described in the Schedule to this Act.

3 Reconstitution of Board.

- (1.) The provisions of the Wairoa Harbour Act, 1878, and the Harbours Act, 1908, constituting the Wairoa Harbour Board shall, as from the date when the elective members of the Board as at present constituted cease to hold office, be repealed, and it is hereby enacted that from and after such date the Board shall be constituted as follows:—
 - (a.) Two persons shall be appointed from time to time by the Governor in Council:
 - (b.) Two members shall be elected by the electors of the Wairoa Borough:
 - (c.) Two members shall be elected by the electors of the Waikaremoana Riding of the County of Wairoa:
 - (d.) One member shall be elected by the electors of that part of the Mahia Riding of the said county which is described in the Schedule to this Act.
- (2.) The elective members shall be elected on the day appointed for the next election of the elective members of the Board.
- (3.) Every non-elective member of the Board who is appointed by the Governor in Council and whose term of office has not on the date aforesaid expired shall, notwithstanding anything hereinbefore contained, continue to hold office until the expiry of the term for which he was appointed, but subject to the provisions of the Harbours Act, 1908.
- (4.) The entity of the Corporation shall not be affected by any such alterations as aforesaid.

4 Power to construct harbour-works.

It shall be lawful for the Board, subject to the provisions of the Harbours Act, 1908, to construct such harbour-works as the Board considers necessary for the requirements of the Harbour of Wairoa; and also to erect and construct all such cranes, sheds, and works for the improvement of the said harbour as are judged necessary by the Board for the safety, convenience, or reception of vessels resorting to the said harbour, and for the more convenient loading and unloading of such vessels, or for the safety and protection of any works constructed or proposed to be constructed by the Board, and for providing proper access to and from such works.

5 Power to borrow.

- (1.) The Board shall have power to borrow, subject to the provisions of the Harbours Act, 1908, and to the provisions of this Act, any sum not exceeding seventy-eight thousand pounds, to be applied in and about the construction and carrying-out of the works mentioned in section four of this Act.
- (2.) No money shall be borrowed under the authority of this Act which shall produce to the lender a higher rate of interest than five per centum per annum.
- (3.) Such moneys may be raised in the manner prescribed by the Local Bodies' Loans Act, 1908, 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 I of that Act, subject, however, to the modification that where anything is required to be done by special order it may be done by the Board by resolution.
- (4.) As security for the money authorised to be borrowed as aforesaid, the Board may make and levy a special rate not exceeding one penny in the pound on the capital value of all rateable property in the harbour district.

6 No rate to be quashed.

No rate or levy made under this Act shall be set aside or quashed by any proceeding in any Court or otherwise, and no defect in the same or the making thereof, or in any direction for levy, shall be set up as a defence to any action which may be brought to recover the same.

7 Repeal.

The Wairoa Harbour Board Empowering and Loan Act, 1903, is hereby repealed, and the power thereby given to the Board to borrow money revoked.

Schedule

All that part of the Mahia Riding, in the County of Wairoa, commencing at a point on the county boundary where it is intersected by the Mangapoike River; thence along the south-eastern boundary of the Waikaremoana Riding and the northern and eastern boundaries of the Borough of Wairoa to the sea-coast; thence in an easterly direction by Hawke's Bay to the mouth of the Tahaenui River; thence following that river to the eastern boundary of the Kahaetureia Block No. 2; thence following the said boundary and northern boundary of the said block to the eastern boundary of the Hereheretau No. 2 Block; thence along the said eastern boundary of the Hereheretau No. 2 Block to the southern boundary of Mangapoike No. 3; thence following the southern, south-eastern, and northern boundaries of the said Mangapoike No. 3 Block to the eastern boundary of the Mangapoike Block; and thence by the said boundary to the boundary of the Wairoa County, and thence by that boundary to the Waikaremoana Riding, the place of commencement: as the same is delineated on the plan marked M.D. 3439, deposited in the office of the Marine Department, at Wellington.