

Whakatane Harbour Amendment and Empowering Act 1915

Local Act 1915 No 2
Date of assent 18 September 1915

Contents

	Page
Title	1
1 Short Title.	1
2 Special Act.	2
3 Amendment.	2
4 Power to Board to acquire lands to facilitate reclamation, &c.	2
5 Power to borrow moneys.	3
6 Power of Board to hypothecate.	3
7 Power to cancel unsold debentures.	3
8 Power to borrow to pay adjustment to Whakatane County Council.	3
9 Validation of loan	4

An Act to amend the Whakatane Harbour Act, 1912, and to enable the Whakatane Harbour Board to acquire Lands to facilitate Reclamation, *et cetera*, and to borrow Moneys for acquiring Lands and for Reclamation and for providing for certain other Matters affecting the Whakatane 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.

This Act may be cited as the Whakatane Harbour Amendment and Empowering Act, 1915, and shall form part of and be read together with the Whakatane Harbour Act, 1912 (hereinafter referred to as the principal Act).

2 Special Act.

This Act shall be deemed a special Act within the meaning of the Harbours Act, 1908, which Act is hereby incorporated in this Act.

3 Amendment.

Section eight of the principal Act is hereby amended as follows:—

(a.) By striking out the word “ten” which occurs in the fourth line of subsection one, and substituting the word “twenty-five” in lieu thereof:

(b.) By adding a new subsection as follows:—

“(1a.) In addition to the powers conferred by the last subsection, the Board may borrow moneys, not exceeding ten thousand pounds in all, for any of the purposes mentioned in section two of the Whakatane Foreshore Reclamation Act, 1908, or any amendment thereof”:

(c.) By repealing subsection two thereof.

4 Power to Board to acquire lands to facilitate reclamation, &c.

(1.) The Board shall have power to acquire by purchase, or by taking the same under the provisions of the Public Works Act, 1908, any lands adjoining or adjacent to any lands vested in the Board for the purpose of all or any of the following works, namely: Facilitating the draining, reclamation, or filling-in or levelling, or the subdivision into parcels or allotments, or the roading of or affording access to such last-mentioned lands, or connecting any such last-mentioned lands with any public highway, or for the construction of any harbour-works thereon, or for the reclamation or improvement of any land so acquired; and for this purpose the foregoing works respectively shall be deemed to be a “public work” within the meaning of that term as used in the last-mentioned Act:

Provided always that it shall not be incumbent on the vendor to the Board of lands so acquired by the Board, or upon any Compensation Court held under the provisions of the said last-mentioned Act, or upon any other person or persons whomsoever or whatsoever, to inquire as to whether any lands acquired by the Board under the authority of these provisions are necessary or suitable for the purposes aforesaid or any of them; and the resolution of the Board that the land so acquired be acquired or taken for the purposes aforesaid or any of them shall be sufficient evidence for all purposes that their acquisition by the Board is lawful.

(2.) The Board shall have power to sell and dispose of any lands acquired by the Board under the foregoing subsection hereof, or any equivalent or reasonable equivalent area of other lands of the Board, in such parcels, at such price or respective prices, and upon such terms as it may think proper; and a recital in the conveyance or transfer to the purchaser that the sale or disposition is made in pursuance of the powers contained in this section of this Act shall be

conclusive evidence, so far as such purchaser and the title acquired by him is concerned, that such sale or disposition is lawful.

- (3.) Nothing in this section shall be deemed to limit, restrict, or abridge any powers, rights, or authorities possessed by the Board under the Public Works Act, 1908, the Public Bodies' Leases Act, 1908, the Harbours Act, 1908, and its amendments, or any other statute.

5 Power to borrow moneys.

For the purpose of the preceding section the Board may borrow, in addition to any other sums authorized by the principal Act or this Act, any sum or respective sums not exceeding in the aggregate twenty thousand pounds, such sum or sums to be raised in manner prescribed by subsection three of section eight of the principal Act.

6 Power of Board to hypothecate.

Notwithstanding anything to the contrary in this or the principal Act, the Board shall have the right to exercise the power conferred on Harbour Boards by section one hundred and eighty-nine of the Harbours Act, 1908, and to pay interest on any moneys so raised or borrowed at any rate not exceeding the maximum rate allowed by the said Harbours Act, 1908.

7 Power to cancel unsold debentures.

Where any debentures have been issued by the Board in connection with any loan duly authorized to be raised, but where such debentures have not been sold or disposed of (except by way of hypothecation or mortgage thereof), the Board shall have power, when raising any further loan for the same or similar purposes as the former loan was authorized to be raised, to make provision for the payment of any moneys raised by such hypothecation or mortgage and interest thereon, and to pay such moneys out of the said further loan, and to cancel the debentures issued in connection with such former loan.

8 Power to borrow to pay adjustment to Whakatane County Council.

Whereas by Order in Council published in the issue of the *New Zealand Gazette* dated the sixth day of September, nineteen hundred, at page 1668, the Whakatane County Council was empowered to exercise all the powers of a Harbour Board for the Harbour of Whakatane: And whereas by the Whakatane Foreshore Reclamation Act, 1908, the said County Council was empowered, *inter alia*, to reclaim from the sea the lands described in the said last-mentioned Act: And whereas by virtue of the principal Act a Harbour Board was constituted for the said harbour, and it was enacted that such Harbour Board should take over all the assets and liabilities of the said County Council as set out in sections twelve, thirteen, and fourteen of the principal Act: And whereas on an account being taken between the said Board and the said Council it is found that the sum of eight hundred and fifty-eight pounds nine shillings and

threepence remains owing to the said Council by the said Board in respect to the erection of a wharf, shed, and other erections in connection with the said harbour and in respect to the reclamation of land under the said Whakatane Foreshore Reclamation Act, 1908: And whereas the said Board is unable to pay the said amount out of revenue, and it is expedient that the said amount should be paid: The Board is hereby empowered to borrow such sum, not exceeding one thousand pounds, for the purpose of paying to the said Council the said amount, and for paying the cost of raising such loan and interest and sinking fund thereon for one year, such loan to be raised in manner provided by subsection three of section eight of the principal Act.

9 Validation of loan

Whereas the Board had prior to the passing of the Local Bodies' Loans Act, 1913, and pursuant to the power conferred upon it by the principal Act, commenced proceedings under the Local Bodies' Loans Act, 1908, and its amendments, for the raising of a loan of five thousand pounds for effecting certain harbour improvements: And whereas after the enactment and coming into force of the Local Bodies' Loans Act, 1913, the said proceedings were continued and completed under and strictly in conformity with the Local Bodies' Loans Act, 1908, and its amendments prior to the Local Bodies' Loans Act, 1913: And whereas it is expedient that the said proceedings should be validated: Such proceedings are therefore hereby validated, and all acts and things done or to be done, and all debentures, bonds, and mortgages or securities issued or made or to be issued or made, pursuant thereto shall be as valid and effectual as if such proceedings had been taken and completed strictly in conformity with the law for the time being in force.