Version
as at 2 February 2025

Taranaki Harbour Board Empowering Act 1924

Local Act 1924 No 15
Date of assent 6 November 1924

The words "Taranaki Harbours Board" were substituted, as from 1 September 1965, for the words "Taranaki Harbour Board" pursuant to section 15(2) Taranaki Harbours Act 1965 (1965 No 4).

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Note

Changes authorised by subpart 2 of Part 3 of the Legislation Act 2019 have been made in this consolidation. See the notes at the end of this consolidation for further details.

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An Act to authorize the Taranaki Harbour Board to raise a Loan.

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 Taranaki Harbour Board Empowering Act 1924.

2 Special Act

This Act shall for all purposes be deemed to be a special Act within the meaning of the Harbours Act 1950.

The reference to the Harbours Act 1950 was substituted, as from 15 October 1950, for a reference to the Harbours Act 1923 pursuant to section 269(1) Harbours Act 1950 (1950 No 34).

3 Interpretation

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

Board means the Taranaki Harbour Board

The words "Taranaki Harbours Board" were substituted, as from 1 September 1965, for the words "Taranaki Harbour Board" pursuant to section 15(2) Taranaki Harbours Act 1965 (1965 No 4).

Harbour district means the area defined in Schedule 1 hereto

Returning Officer means the officer appointed by the Board to conduct elections and polls within the harbour district under this Act.

4 Power to borrow

In addition to the authorities conferred on the Board by the Taranaki Harbour Board Empowering Act 1908, and the Taranaki Harbour Board Empowering Act 1918, it shall be lawful for the Board to borrow from time to time such sum or sums of money as the Board deems fit, at a rate of interest not exceeding six per centum per annum, but so that the total of the amounts so borrowed does not exceed one million two hundred thousand dollars; and the Board may borrow such sum or sums of money as aforesaid for such period or periods as it

may think fit, and may renew or again borrow any or all of such sum or sums of money as they fall due for such further or other period or periods as the Board may think fit.

The words "one million two hundred thousand dollars" were substituted, as from 10 July 1967, for the words "six hundred thousand pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

The words "Taranaki Harbours Board" were substituted, as from 1 September 1965, for the words "Taranaki Harbour Board" pursuant to section 15(2) Taranaki Harbours Act 1965 (1965 No 4).

5 How money borrowed to be expended

(1.) The moneys so borrowed shall be applied by the Board in the construction of wharves, breakwaters, dredging, general work, and in the purchase of such plant, machinery, and equipment as the Board determines upon, and for all or any of the other purposes authorized by the Harbours Act 1950.

(2.) The Board may, out of moneys borrowed pursuant to the authority conferred by this section, pay—

(a.) The cost and expenses incurred in connection with the borrowing of such moneys, including the cost of preparing the special roll hereinafter mentioned and of taking the poll of the ratepayers;

(b.) The first year's interest and sinking fund in respect of any moneys so borrowed; and

(c.) The cost of promoting this Act;

and may also out of moneys so borrowed repay to any account any sum or sums advanced therefrom and applied after the passing of this Act but prior to the raising of such moneys, or any portion thereof, to the purposes for which such moneys are authorized to be borrowed.

The reference to the Harbours Act 1950 was substituted, as from 15 October 1950, for a reference to the Harbours Act 1923 pursuant to section 269(1) Harbours Act 1950 (1950 No 34).

6 Security for loan

The repayment of all moneys so borrowed, together with interest thereon, shall be secured upon all moneys in the Harbour Fund (subject to the existing charges thereon and excepting moneys appropriated to any special purpose), and upon the rate hereinafter mentioned to be made and levied under the authority of this Act.

7 Consent of rate-payers required before any loan raised

Before the Board proceeds to borrow money under the authority of this Act it shall cause a poll to be taken as by this Act is provided.

8 Returning Officer

The Board shall appoint some person to be Returning Officer for the conduct of any poll hereinafter authorized throughout the harbour district.

9 Roll of ratepayers to be prepared

The Board shall cause to be prepared a roll setting forth the names of all ratepayers within the harbour district. Such roll shall be signed by the Chairman or two members of the Board, and when so signed shall be delivered to the Returning Officer, and shall be the roll upon which the poll shall be taken.

10 How poll to be taken

The poll shall be taken in manner provided by section thirteen of the Taranaki Harbour Board Empowering Act 1908, except that the proposal referred to in paragraph (d) thereof shall be modified so as to apply to this Act, and the words "(not less than one week nor more than four weeks from the latest date appointed for any of the aforesaid meetings)" in paragraph (a) thereof shall be deemed to be repealed.

The words "Taranaki Harbours Board" were substituted, as from 1 September 1965, for the words "Taranaki Harbour Board" pursuant to section 15(2) Taranaki Harbours Act 1965 (1965 No 4).

11 Result of poll

If the total number of valid votes recorded in favour of the proposal exceeds the total number of valid votes recorded against the proposal, then and not otherwise the proposal shall be deemed to be carried, and the Board shall be fully empowered to exercise the power of borrowing and all other powers conferred by this Act.

12 Result of poll to be advertised

As soon as conveniently may be after the result of the poll has been ascertained the Returning Officer shall give public notice of the number of votes recorded for and against the proposal, and shall declare the proposal to be carried or rejected, as the case may be.

13 Result of poll to be gazetted

(1.) As soon as conveniently may be after the poll the Chairman of the Board shall send to the Minister of Finance, for publication in the *Gazette*, a notice of the number of votes recorded for or against the proposal; and in such notice shall declare the proposal to be carried or rejected, as the case may be.

(2.) If in the notice so published in the *Gazette* it is declared that the proposal was carried, such notice so published shall be conclusive evidence that the raising of the loan has been duly authorized, and that all proceedings and things required by this Act as conditions precedent to the exercise by the Board of the borrowing-powers hereby conferred have been duly and lawfully taken and done, and that the Board is thereby fully empowered and authorized to borrow any sum or sums of money not exceeding in the aggregate the sum of one million two hundred thousand dollars.

(3.) If in the said notice it is declared that the proposal was rejected, it shall be lawful for the Board, at any time after the expiration of twelve calendar months

from the date of the publication in the *Gazette* of such notice, to direct that another poll be held in the same manner and subject to the same conditions upon the same proposal; and if at such second poll the proposal is again rejected the Board may at any time within two years from the date of such second poll direct that a third poll be held in the same manner and subject to the same conditions upon the same proposal:

Provided that nothing in this Act shall authorize the taking of more than three polls.

The words "one million two hundred thousand dollars" were substituted, as from 10 July 1967, for the words "six hundred thousand pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

14 Levy of special rate

If the proposal is declared to be carried a special rate upon all rateable property in the harbour district for the purpose of providing the annual charges upon moneys to be borrowed under the authority of this Act may be made and levied by the Board in manner provided by law and in accordance with the provisions of the Rating Powers Act 1988.

The reference to the Rating Act 1925 was substituted, as from 1 April 1926, for a reference to the Rating Act 1908 pursuant to section 120(1) Rating Act 1925. That Act was in turn repealed, as from 1 April 1968, by section 177(1) Rating Act 1967 (1967 No 123). That Act was in turn repealed, as from 28 June 1988, by section 209(1) Rating Powers Act 1988 (1988 No 97)

15 Limit and proportion of special rate in parts of district

The special rate to be levied under the authority of this Act shall not exceed one penny in the pound upon the capital value of all rateable property in the area described in Schedule 2 hereto, and shall not exceed two-thirds of five-sixths of a cent in the dollar upon the capital value of all rateable property in Rating Area No 2, as described in Schedule 2 to the Taranaki Harbour Board Empowering Act 1955, and shall not exceed five-sixths of a cent in the dollar upon the capital value of all rateable property in the area described in Rating Area No 3, as described in Schedule 3 to the Taranaki Harbour Board Empowering Act 1955; and all rates levied by the Board hereunder shall be levied in the like proportions.

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

Section 15 was amended, as from 21 October 1955, by section 10(2) Taranaki Harbour Board Empowering Act 1955 (1955 No 7(L)).

The words "Taranaki Harbours Board" were substituted, as from 1 September 1965, for the words "Taranaki Harbour Board" pursuant to section 15(2) Taranaki Harbours Act 1965 (1965 No 4).

16 Sinking fund

For the purpose of providing a sinking fund for the liquidation of any loan authorized by this Act the Board shall pay to the Commissioners appointed

under section 115 of the Harbours Act 1923, in every year a sum equal to one-half per centum on the moneys borrowed.

17 Powers of Board

For the purpose of making, levying, and recovering the said rates the Board shall have and may exercise all the powers of making, levying, or recovering rates in the harbour district as are conferred on local authorities by the Rating Powers Act 1988, and for such purpose the Rating Powers Act is incorporated herewith.

The reference to the Rating Act 1925 was substituted, as from 1 April 1926, for a reference to the Rating Act 1908 pursuant to section 120(1) Rating Act 1925. That Act was in turn repealed, as from 1 April 1968, by section 177(1) Rating Act 1967 (1967 No 123). That Act was in turn repealed, as from 28 June 1988, by section 209(1) Rating Powers Act 1988 (1988 No 97)

18 Rate levied not to be invalidated

No rate or levy made under this Act shall be set aside or quashed by ant 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.

19 Prior securities not affected

Nothing in this Act or in any debentures issued in pursuance thereof shall affect or prejudice the rights of the holder of any debentures heretofore executed or issued by the Board pursuant to the provisions of the Taranaki Harbour Board Empowering Act 1908, and the Taranaki Harbour Board Empowering Act 1918.

20 Board may raise loans to pay of or consolidate existing or future loans without poll

The Board may at any time raise a loan or loans without taking a poll as herein provided for the purpose of paying off or consolidating any existing loans, or any existing and future loans, and such repayment or consolidation may be effected in such manner and on such terms as the Board thinks fit.

21 Repeal

Section 15 of the Taranaki Harbour Board Empowering Act 1918, is hereby repealed.

22 Act not to limit powers of Board under any other Act

Nothing in this Act shall be deemed to limit the powers of the Board in any Act now in force.

Schedule 1

ALL that area in the Taranaki Land District bounded towards the north-east and north-west by the Waitara Harbour District from the sea to the southern boundary of the Mokau Harbour District; thence towards the north by the southern boundary of the Mokau Harbour District to its intersection by a right line running from the mouth of the Mokau River to the point on the Wanganui River where it is intersected by the 39th parallel of south latitude; thence towards the north-east by the said right line to the Wanganui River; thence towards the south-east by the Wanganui River to where it is met by the Taumatamahoe Path; thence by a right line to the northern-most corner of Section 320, in Block I, Hawera Survey District; thence by a right line being the production of the north-eastern boundary of the said Section 320 to the Waingongoro River; thence by the Waingongoro River to the Skeet Road; thence in a westerly direction along the Skeet Road to its junction with the Hunter Road; thence in a northerly direction along the Hunter Road to its junction with the Barclay Road; thence south-westerly along the Barclay Road to its junction with the Palmer Road; thence north-westerly along a road known either as Palmer or Barclay Road to the boundary of the Te Papa-Kura-o-Taranaki; thence in a westerly direction along the south-eastern and south-western boundaries of the said Te Papa-Kura-o-Taranaki to the middle of the Ngariki Road; thence by a line along the middle of the Ngariki Road to the Main South Road; thence along the middle of the Main South Road to the Manihi Road; thence along the middle of the Manihi Road to the sea; and thence towards the west and north-west by the sea to the place of commencement.

Schedule 1: amended, on 2 February 2025, by section 127 of Te Ture Whakatupua mō Te Kāhui Tupua 2025/Taranaki Maunga Collective Redress Act 2025 (2025 No 1).

See section 10 Waitara Harbour Act 1940 (1940 No 6), as to abolition of harbour district.

Schedule 2

ALL that area in the Taranaki Land District bounded towards the north-west by the Tasman Sea from the south-western corner of the Wairau Survey District to the boundary of the Waitara Harbour District; thence towards the north-east by the south-west boundary of the said Waitara Harbour District to the south boundary of the Waitara Survey District; thence towards the south by the southern boundaries of the Waitara, the Paritutu, and the Wairau Survey Districts to the commencing-point.

Schedule 3

ALL that area in the Taranaki Land District bounded towards the north by the southern boundaries of the Wairau, the Paritutu, and the Waitara Survey Districts to the south-western boundary of the Waitara Harbour District, and by the south-west boundary of the Waitara Harbour District to the west boundary of the Ngatimaru Survey District; thence towards the east by the west boundaries of the Ngatimaru and the Omona Survey Districts to the Toko Road; thence generally towards the south by the north side of the Toko Road to the Waihapa Road, by the west side of the Waihapa Road to the Robson Road, by the north side of the Robson and Bird Roads to the Mountain Road, by the east side of the Mountain Road to the Brookes Road, by the north and west sides of the Brookes Road to the Climie Road, by the north side of the Climie Road to the Opunake Road, by the south side of the Opunake Road to the east boundary of the Kaupokonui Survey District, by the east and north boundaries of the Kaupokonui Survey District to the east boundary of the Te Papa-Kura-o-Taranaki, by the east, north, and west boundary of the Te Papa-Kura-o-Taranaki to the Puniho Road, and by the south side of the Puniho Road and the north boundary of Section 26, Block IV, Cape Survey District, to the Tasman Sea; thence towards the north-west by the Tasman Sea to the point of commencement.

Schedule 3: amended, on 2 February 2025, by section 127 of Te Ture Whakatupua mō Te Kāhui Tupua 2025/Taranaki Maunga Collective Redress Act 2025 (2025 No 1).

See section 11 Waitara Harbour Act 1940 (1940 No 6) as to rating areas of New Plymouth Harbour Board amended.

Schedule 4

ALL that area in the Taranaki Land District bounded towards the north by the southern boundary of the area described in the Schedule 3 hereto from the sea at the northern boundary of Section 26, Block IV, Cape Survey District, to the boundary of the Te Papa-Kura-o-Taranaki; thence generally southerly along the boundary of the Te Papa-Kura-o-Taranaki to the northern boundary of the Opunake Harbour District; thence along the said northern boundary of the Opunake Harbour District to the sea; thence northerly along the sea-coast to the northern boundary of Section 26, Block IV, Cape Survey District, the point of commencement.

Also all that area in the Taranaki Land District bounded towards the north and west by the area described in Schedule 3 hereto from the point where the northern boundary of the Kaupokonui Survey District meets the eastern boundary of the Te Papa-Kura-o-Taranaki to the south-eastern boundary of the Waitara Harbour District; thence towards the north-west generally by the Waitara Harbour District to the southern boundary of the Mokau Harbour District; thence again towards the north by the southern boundary of the said Mokau Harbour District to its intersection with a right line running from the mouth of the Mokau River to the Point on the Wanganui River where it is intersected by the 39th parallel of south latitude; thence towards the north-east by the said right line to the Wanganui River; thence towards the south-east generally by the Wanganui River to where it is met by the Taumatamahoe Path; thence by a right line to the northernmost corner of Section 320, in Block I, Hawera Survey District; thence by a right line being the production of the north-eastern boundary of the said Section 320 to the Waingongoro River; thence by the Waingongoro River to the Skeet Road; thence in a westerly direction along the Skeet Road to its junction with the Hunter Road; thence in a northerly direction along the Hunter Road to its junction with the Barclay Road; thence south-westerly along the Barclay Road to its junction with the Palmer Road; thence north-westerly along a road known as either the Palmer or Barclay Road to the boundary of the Te Papa-Kura-o-Taranaki; thence in a northerly direction along the boundary of the Te Papa-Kura-o-Taranaki to the northern boundary of the Kaupokonui Survey District, the point of commencement.

Schedule 4: amended, on 2 February 2025, by section 127 of the Te Ture Whakatupua mō Te Kāhui Tupua 2025/Taranaki Maunga Collective Redress Act 2025 (2025 No 1).

Consolidation notes

1 General

This is a consolidation of the Taranaki Harbour Board Empowering Act 1924 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 About this consolidation

This consolidation is not an official version of the legislation under section 78 of the Legislation Act 2019.

3 Amendments incorporated in this consolidation

Te Ture Whakatupua mō Te Kāhui Tupua 2025/Taranaki Maunga Collective Redress Act 2025 (2025 No 1): section 127

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