

# **Nelson Harbour Board and Nelson City Empowering Act 1961**

Local Act    1961 No 11  
Date of assent    24 November 1961

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**An Act to authorise the Nelson Harbour Board to reclaim certain tidal lands in the Nelson Harbour and to borrow the sum of two hundred and ten thousand pounds for such purpose and for other harbour works and to authorise the Mayor, Councillors, and Citizens of the City of Nelson to reclaim certain tidal lands**

**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 Nelson Harbour Board and Nelson City Empowering Act 1961.

**2 Interpretation**

In this Act, unless the context otherwise requires, the term “Board” means the Nelson Harbour Board; and “Corporation” means the Mayor, Councillors, and Citizens of the City of Nelson.

**3 Special Act**

This Act shall be deemed to be a special Act within the meaning of the Harbours Act 1950 and the Local Authorities Loans Act 1956.

**4 Authority to reclaim land**

- (1) The Board is hereby authorised, notwithstanding anything in section 175 of the Harbours Act 1950, but subject to the provisions of sections 178 to 182 of that Act, to reclaim 33 acres 2 roods 28 perches, more or less, of tidal lands in Nelson Harbour, being the following parts of the endowments of the Board delineated and coloured yellow on a plan marked M.D. 11066, (S.O. Plan 10255), and deposited in the office of the Marine Department, Wellington:
  - (a) All that area containing 4 acres 1 rood 23 perches, more or less, being part Section 1223, City of Nelson, and being part of the land comprised and described in Certificate of Title, Volume 141, folio 26, Nelson Registry;
  - (b) All that area containing 18 acres 3 roods 16 perches, more or less, being part Nelson Harbour Board Endowment and part Section 1223, City of Nelson, being part of the land comprised and described in Certificate of Title, Volume 141, folio 26, Nelson Registry;
  - (c) All that area containing 1 acre and 33 perches, more or less, being part Sections 1167 and 1223, City of Nelson, and being part of the land comprised and described in Certificate of Title, Volume 141, folio 26, and Volume 118, folio 156, Nelson Registry;
  - (d) All that area containing 9 acres and 36 perches, more or less, being part Sections 1167, 1178, and 1223, City of Nelson, and being part of the land comprised and described in Certificates of Title, Volume 141, folio 26, and Volume 118, folio 156, Nelson Registry.
- (2) The Corporation is hereby authorised, notwithstanding anything in section 175 of the Harbours Act 1950, but subject to the provisions of sections 178 to 182 of that Act, to reclaim 7 acres 3 roods 23 perches, more or less, of tidal lands in the City of Nelson, being part of Sections 1167 and 1178 of the said city and

being part of the land comprised and described in Certificate of Title, Volume 58, folio 220, and Deeds Index 1/665, Nelson Registry, delineated and coloured red on the said plan marked M.D. 11066 (S.O. Plan 10255).

#### **5 Authority to borrow moneys**

It shall be lawful for the Board, from time to time as it may require, to borrow, subject to the provisions of the Harbours Act 1950 and the Local Authorities Loans Act 1956, a sum or sums not exceeding in the whole the sum of two hundred and ten thousand pounds (in addition to any moneys heretofore authorised to be borrowed by the Board under or by virtue of any other Act) for the purpose of carrying out the works specified in the Schedule hereto.

#### **6 Authority to make a special rate as further security**

In addition to the charge on the Harbour Fund created by the Harbours Act 1950, the Board may make as further security for the money authorised by this Act to be borrowed, a special rate not exceeding one-eighth of a penny in the pound on the capital value of all rateable property in the Nelson Harbour Board District

#### **7 Estimate of revenue and expenditure**

- (1) The Board shall in each year cause an estimate to be prepared, in such manner and according to such principle and method as the Board approves, of the anticipated revenue of the year (exclusive of any rate to be levied under this Act or any previous Act) and the anticipated expenditure of the year (including the annual payment or payments to be made, including interest, with respect to all money borrowed by the Board under the authority of this Act or any previous Act, but exclusive of capital expenditure on any loan account), and shall upon such estimate determine the deficiency of the revenue to meet the expenditure.
- (2) Any credit or debit balance of the Board's General Account at the close of each year shall be carried forward to the account of the succeeding year for the purpose of the estimate of such succeeding year and the determination of the deficiency of the revenue of such succeeding year to meet the expenditure thereof.
- (3) The Board may in each year, in accordance with the Harbours Act 1950, levy or direct the levy of such part of the said special rate as is sufficient to provide for the deficiency:

Provided that, if the deficiency exceeds the amount of the annual charges for that year in respect of the money borrowed under this Act, the Board may levy or direct the levy of such part only of the said special rate as is sufficient to provide for those annual charges.

- (4) The Board may, for the purposes of the levy or of such direction and levy, adopt some convenient fraction of a penny, notwithstanding that the sum produced thereby may exceed the said deficiency.

**8 Investment by trustees**

It shall be lawful for a trustee, unless expressly forbidden by the instrument (if any) expressly creating the trust, to invest any trust funds in his hands in any debentures or other securities that may be issued or created by the Board—

- (a) In respect of the loan to the Board of any of the money authorised by this Act to be borrowed; or
- (b) In respect of any loan to the Board of any moneys which may be raised by the Board by way of conversion or renewal of the loan to the Board of the money authorised by this Act to be borrowed or of any moneys which heretofore may have been authorised by any Act to be borrowed and raised by the Board.

**Schedule  
Harbour Works**

1.	Extension of swinging basin and reclamation of tidal lands delineated on plan aforesaid:	£
	(a) Construction of retaining walls	35,000
	(b) Operation of suction dredger over two years	58,000
2.	Further construction of roads and essential services on reclaimed land	45,000
3.	Construction of further berthage on the northern face of the reclamation, known as Kingsford Quay, 220 feet	62,000
4.	Construction of navigation aids and beacons	3,000
5.	Construction of a tug and launch jetty	7,000
		<b>£210,000</b>