

New Zealand.



ANALYSIS.

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1936, No. 52.

AN ACT to dissolve the Thames Harbour Board, to transfer the Assets and Liabilities of the said Board to the Corporation of the Borough of Thames, and to make certain Incidental Provisions. Title. [31st October, 1936.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Thames Harbour Act, 1936, and shall come into force on the first day of November, nineteen hundred and thirty-six. Short Title and commencement.

2. In this Act, unless the context otherwise requires,— Interpretation.
 “Board” means the Thames Harbour Board constituted under the Harbours Act, 1923 :

See Reprint
of Statutes,
Vol. III, p. 568

1932, No. 1
(Local)

“Commissioner” means the Thames Borough Commissioner for the time being in office under the Thames Borough Commissioner Act, 1932 :

“Corporation” means the Corporation of the Borough of Thames :

“Council” means the Thames Borough Council.

Special Act.

3. This Act shall be deemed to be a special Act within the meaning of the Harbours Act, 1923.

Abolition of
Thames Harbour
District.

4. The Thames Harbour District is hereby abolished and the Thames Harbour Board is hereby dissolved.

Assets and
liabilities of
Board
transferred to
Thames
Borough.

5. (1) All property, real and personal, belonging to the Board is hereby vested in the Corporation for the estate or interest of the Board therein.

(2) All rates, dues, and any other moneys whatsoever payable to the Board shall become payable to the Council.

(3) All proceedings pending by or against the Board may be carried on or prosecuted by or against the Corporation.

(4) All debts, liabilities, and engagements of the Board shall become the debts, liabilities, and engagements of the Corporation.

Saving of
appointments,
&c.

6. All Proclamations, Orders in Council, regulations, by-laws, offices, appointments, resolutions, agreements, licenses, lists, rolls, rate-books, registers, registrations, maps, records, documents, and generally all acts of authority which originated before the date of the coming into force of this Act in relation to the Board and are subsisting or in force on such date shall enure for the purposes of the Council as fully and effectually as if they had been originated by or in respect of the Council, and accordingly shall, where necessary, be deemed to have so originated.

Corporation to
be registered as
proprietor of
lands.

7. In respect of any real property vested in the Corporation pursuant to section five hereof, the following provisions shall apply :—

(a) It shall be the duty of the District Land Registrar or the Registrar of Deeds, as the case may be, on application by the Council and without payment of any fee, to register the Corporation as the proprietor thereof :

(b) No stamp duty under the Stamp Duties Act, 1923, shall be payable in respect of the vesting of such real property in the Corporation.

See Reprint
of Statutes,
Vol. VII, p. 402

8. All powers, functions, duties, and authorities conferred or imposed upon Harbour Boards by the Harbours Act, 1923, or any other Act, and all powers, functions, duties, and authorities heretofore conferred or imposed upon the Board by any Act and subsisting on the coming into force of this Act may be exercised and performed by the Council in as full and effectual a manner as if the Council had been constituted a Harbour Board within the meaning of the Harbours Act, 1923, and the Council shall, for all purposes not inconsistent with the provisions of this Act, be deemed to be a Harbour Board accordingly.

Council to exercise powers of Harbour Board.

9. Notwithstanding anything to the contrary in section ninety-seven or in section one hundred of the Harbours Act, 1923, the annual statement and account required to be made pursuant to the said section ninety-seven—

Annual statements.

- (a) Shall, in respect of the period commencing on the first day of October, nineteen hundred and thirty-five, be for the period of thirteen months ending on the thirty-first day of October, nineteen hundred and thirty-six :
- (b) Shall, in respect of the period commencing on the first day of November, nineteen hundred and thirty-six, be for the period of five months ending on the thirty-first day of March, nineteen hundred and thirty-seven :
- (c) Except as hereinbefore provided, shall be for the period of twelve months ending on the thirty-first day of March in each year :
- (d) Shall be prepared in the form prescribed—
 - (i) Of all contracts entered into during the year :
 - (ii) Of all moneys received and paid during the year :
 - (iii) Of all assets and liabilities as at the thirty-first day of March in each year :
- (e) Shall, in respect of any period after the thirty-first day of October, nineteen hundred and thirty-six, be incorporated in, and dealt with by the Council in the same manner as, the balance-sheets and statements prepared by the Council pursuant to the Municipal Corporations Act, 1933.

Powers of
Commissioner in
respect of
borough
extended to
apply in
respect of
harbour.

10. (1) The powers conferred on the Commissioner in respect of the borough by the Thames Borough Commissioner Act, 1932, are hereby extended so as to apply with the necessary modifications in respect of the harbour.

(2) In any case where, in the opinion of the Commissioner, it is desirable so to do, he may, on the ground of hardship, remit any rates payable in respect of the borough or of the harbour (whether such rates have been levied before or are levied after the commencement of this Act).

(3) The Thames Borough Commissioner Act, 1932, is hereby amended as follows:—

(a) By inserting, after the reference to the Municipal Corporations Act, 1920, in subsection one of section six, a reference to the Harbours Act, 1923:

(b) By omitting from subsection three of section nine the words “the Thames Harbour Board”.

Validation of
payment to
debenture-
holders of
interest at
reduced rate.

11. (1) The action of the Board in resolving to collect for the year ended on the thirtieth day of September, nineteen hundred and thirty-six, only so much of the special rates made and levied in accordance with the terms of subsection three of section twenty-three of the Thames Harbour Board Loan and Empowering Act, 1920, as would suffice to provide for the payment of interest at the rate of four pounds five shillings per centum to all debenture-holders of the loans of the Board and in paying interest at the said rate to all such debenture-holders is hereby validated.

(2) All payments of interest at the said rate to any debenture-holder in respect of any debenture of the said loans shall be, and be deemed to have been accepted by him, in full satisfaction of interest due under such debenture for the said year.

Reducing rate of
interest payable
for any period
prior to
1st April, 1938.

12. (1) Notwithstanding anything to the contrary in any Act, interest hereafter payable to the debenture-holders of the loans of the Board shall be payable in two half-yearly instalments on the first day of April and the first day of October in each year, the first instalment of such interest after the commencement of this Act to be payable on the first day of April, nineteen hundred and thirty-seven.

(2) In respect of the period intervening between the thirtieth day of September, nineteen hundred and thirty-six, and the first day of April, nineteen hundred and thirty-eight, the said interest shall be computed at the rate of four pounds five shillings per centum per annum, and every payment of interest at the said rate to any debenture-holder in respect of any debenture of the said loans shall be in full satisfaction of the interest due under such debenture for the period for which such interest is paid.

13. (1) Notwithstanding any Act or resolution to the contrary, the Council, for the purpose of providing for the repayment of the loans of the Board referred to in the Thames Harbour Board Loans Adjustment Act, 1932-33, as the Number 2 Loan, the Number 3 Loan, and the Number 4 Loan respectively, shall, at the commencement of each financial year, appropriate and set apart as a sinking fund a sum equal to one pound per centum of the aggregate amount of the debentures of the said loans then outstanding.

(2) The first payment to be made pursuant to this section shall be made to the Sinking Fund Commissioner of each of the said loans on the first day of April, nineteen hundred and thirty-seven, and thereafter on the first day of April in each year until each of the said loans shall have been repaid.

(3) The payment to be made as aforesaid on the first day of April, nineteen hundred and thirty-seven, shall be for a period of ten months in respect of the said Number 2 Loan and for a period of seven months in respect of the said Number 3 Loan and the said Number 4 Loan respectively, and such payments shall accordingly be calculated at the rate of ten-twelfths of one pound per centum and seven-twelfths of one pound per centum of the aggregate amount of the debentures then outstanding of the Number 2 Loan and the Number 3 Loan and the Number 4 Loan respectively.

14. (1) The enactments mentioned in the First Schedule hereto, with the exception of the provisions specified in the Second Schedule hereto, are hereby repealed.

(2) In so far as the same may be applicable to and not inconsistent with the provisions of this Act, the provisions specified in the Second Schedule hereto shall be deemed to be incorporated with and to form part of this Act.

~~AMP. 19~~
No. s.

REFER 19
No. s.

Provision for
sinking fund in
respect of
existing
harbour loans.
1932-33, No. 12
(Local)

Repeals and
savings.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

ENACTMENTS REPEALED.

- 1878, Local, No. 53.—The Thames Harbour Board Act, 1878.
 1879, Local, No. 3.—The Thames Harbour Board Act 1878 Amendment Act, 1879.
 1885, Local, No. 21.—The Special Powers and Contracts Act, 1885 : Section 5.
 1890, Local, No. 21.—The Thames Harbour Board Act, 1890.
 1907, Local, No. 14.—The Thames Harbour Board Act, 1907.
 1910, Local, No. 25.—The Thames Harbour Board Empowering Act, 1910.
 1920, Local, No. 13.—The Thames Harbour Board Loan and Empowering Act, 1920.
 1922, Local, No. 24.—The Thames Harbour Act, 1922.
 1923, Local, No. 3.—The Thames Harbour Loan and Empowering Amendment Act, 1923.
~~1923, No. 40.—The Harbours Act, 1923 : So much of the First Schedule as relates to the Thames Harbour Board.~~
 1932-33, Local, No. 12.—The Thames Harbour Board Loans Adjustment Act, 1932-33.
 1933, No. 46.—The Local Legislation Act, 1933 : Sections 42, 43, 44, and 45.
 1934, No. 33.—The Local Legislation Act, 1934 : Sections 25 and 26.
 1935, No. 33.—The Local Legislation Act, 1935 : Sections 29 and 31.

SECOND SCHEDULE.

SAVINGS.

- 1920, Local, No. 13.—The Thames Harbour Loan and Empowering Act, 1920 : Sections 7, and 8, and 10 ; subsections (1), (2), and (3) of section 23 ; sections 25 and 27.
 1923, Local, No. 3.—The Thames Harbour Loan and Empowering Act, 1923 : Sections 5, 12, 13, 14, and 15.
 1932-33, Local, No. 12.—The Thames Harbour Board Loans Adjustment Act, 1932-33 : Sections 5 and 6 ; subsections (4) and (5) of section 7 ; sections 8, 10, and 16.

R.L.P. 196
 No. 84

AMD. 19
 No. s.