

Otago Harbour Board Empowering Act 1929

Local Act 1929 No 11
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An Act to amend the Otago Harbour Board Empowering Act 1926, the Reserves and other Lands Disposal and Public Bodies Empowering Act 1924, and the Otago Harbour Board Empowering Act 1911, and to vest further Powers in the Otago Harbour Board.

Preamble

WHEREAS by the Otago Harbour Board Empowering Act 1926 (hereinafter called the said Empowering Act of 1926), the Otago Harbour Board (hereinafter called the Board) was authorized to borrow any sums of money not exceeding in the whole seven

hundred thousand dollars, and it was provided that the moneys borrowed under the authority of the said Act should be applied for the general improvement of the Otago Harbour in carrying out the works specified in the Schedule thereto: And whereas one of the works so specified was a harbour warehouse, for which the sum of fifty thousand dollars was allocated: And whereas it is now considered by the Board that the objects hereinafter mentioned are more urgent than a harbour warehouse: And whereas section one hundred and eighty-nine of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1924 (hereinafter called the Reserves Act), provided that it should be lawful for the Board and the Mayor, Councillors, and Citizens of the City of Dunedin (hereinafter called the Dunedin Corporation) to enter into and carry into effect an agreement for the grant by the Board to the Corporation of a lease of any part of the land comprised in certificate of title, Register-book, Volume 189, folio 132, in the Lands Registry Office at Dunedin, in manner in the said Act mentioned: And whereas subsequent to the passing of the Reserves Act the Board alienated to His Majesty the King part of the land included in the said certificate of title in exchange for other land which is included in certificate of title, Register-book, Volume 218, folio 69, of the said Lands Registry Office: And whereas it is desired that the authority to lease hereinbefore mentioned shall extend to the land acquired by the Board as last aforesaid: And whereas by section three of the Otago Harbour Board Empowering Act 1911, the Board was empowered to grant to the Mayor, Councillors, and Burgesses of the Borough of West Harbour (hereinafter called the West Harbour Corporation) and its assigns a lease of the lands therein mentioned in manner therein provided: And whereas pursuant to the said section three the Board duly executed a memorandum of lease, dated the thirtieth day of May, nineteen hundred and twelve, in favour of the West Harbour Corporation, of the lands authorized to be leased as aforesaid, for the term of fifty years from the first day of May, nineteen hundred and twelve, with, upon, and subject to the terms and conditions in the said lease contained: And whereas it is desired that the West Harbour Corporation shall have power to surrender to the Board part of the lands included in the said memorandum of lease in exchange for certain other lands belonging to the Board: And whereas it is desired that the Board shall have power to accept

the surrender of the whole or part of the land situated in the City of Dunedin, being Section Number 1, Block LXXII, on the plan deposited in the Lands Registry Office at Dunedin as Number 1470, included in memorandum of lease dated the thirtieth day of June, nineteen hundred and twenty-two, Registered Number 5423, from the Board to Alexander Gillies, of Dunedin, Painter, for the purpose of dedicating part of the said land as a public street:

The words “seven hundred thousand” and “fifty thousand dollars” were substituted, as from 10 July 1967, for the words “three hundred and fifty thousand pounds” and “twenty-five thousand pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

BE IT THEREFORE 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 Otago Harbour Board Empowering Act, 1929.

2 Board may expend \$50,000 on works other than provided for in Schedule to Otago Harbour Board Empowering Act 1926

It shall be lawful for the Board, in lieu of the harbour warehouse as aforesaid, to expend the respective sums hereinafter mentioned, making together the sum of fifty thousand dollars, out of the loan-moneys borrowed or to be borrowed pursuant to the said Empowering Act of 1926, in or towards the following purposes, that is to say—

The purchase and erection of two cranes for Victoria Wharf, in the Harbour of Otago, and redecking and strengthening the said wharf in connection therewith, and for the purpose of railway connection— forty-four thousand five hundred dollars.

The erection of a bridge for and in connection with the school-site to be vested in the Education Board of the district of Otago pursuant to section seventy-one of the Local Legislation Act, 1928— two thousand four hundred dollars.

Shed appliances for handling goods— three thousand one hundred dollars.

The words “fifty thousand dollars”, “forty-four thousand five hundred dollars”, “two thousand four hundred dollars” and “three thousand one hundred dollars” were substituted, as from 10 July 1967, for the words “twenty-five thousand pounds”, “twenty-two thousand two hundred and fifty pounds”, “one thousand two hundred pounds” and “one thousand five hundred and fifty pounds” pursuant to section 7(1) Decimal Currency Act 1964 No 27).

3 Schedule to Otago Harbour Board Empowering Act 1926 amended

The said Empowering Act of 1926 shall henceforth be construed and take effect as if the objects mentioned in section two hereof had been inserted in the Schedule to the said Act in lieu of “Harbour warehouse,” and the provisions of the said Act shall apply to such substituted objects accordingly.

4 Board’s authority to lease certain land extended to cover other land

Section one hundred and eighty-nine of the Reserves Act shall extend and apply to the lands comprised in the said certificate of title, Register-book, Volume 218, folio 69, in like manner as if the same lands had originally been part of the lands thereby authorized to be leased, and any agreement heretofore entered into between the Board and the Dunedin Corporation pursuant to the said section one hundred and eighty-nine, and including the lands mentioned in this section, shall be valid accordingly.

5 Authorizing surrender by West Harbour Borough Council of part of land leased to it by Board, and substitution of other land

- (1) It shall be lawful for the West Harbour Corporation and the Board to enter into and carry into effect an agreement for the surrender by the said Corporation to the Board of part of the land included in the said memorandum of lease, and for the lease by the Board to the said Corporation, in exchange for such surrender, of other lands belonging to the Board:

Provided that the land remaining subject to the said memorandum of lease, together with the additional land to be so leased, shall not exceed seven acres.

- (2) Such new lease shall be for the balance of the term granted by the said memorandum of lease, and shall be granted with, upon, and subject to the same terms, covenants, and conditions as are contained in the said memorandum of lease, except that no additional rent shall be payable therefor.
- (3) The said surrender and new lease may be dated from such past date as the West Harbour Corporation and the Board may agree on, and shall take effect from such date.

6 Board may accept surrender of lease to Alexander Gillies

- (1) The Board is hereby empowered to accept the surrender of the whole or part of the land situated in the City of Dunedin being Section Number 1, Block LXXII, on the plan deposited in the Lands Registry Office at Dunedin as Number 1470, included in the above-mentioned memorandum of lease, as may be agreed on between the Board and the lessee, and upon such terms as may be agreed.
- (2) If only part of the said land is surrendered, then the said memorandum of lease, Registered Number 5423, shall be read and construed and take effect as if the land remaining subject thereto had been the only land originally demised thereby, except that the rent for the residue of the term of the said lease shall be such rent as shall be mutually agreed upon between the Board and the lessee; and such agreement shall be evidenced by a memorandum executed by the Board and the lessee, and such memorandum shall be registrable under the Land Transfer Act 1952.

The reference to the Land Transfer Act 1952 was substituted, as from 1 January 1953, for a reference to the Land Transfer Act 1915 pursuant to section 245(1) Land Transfer Act 1952 (1952 No 52).

7 Agreement for railway connection

It shall be lawful for the Board to enter into an agreement with the New Zealand Railways Department and also if necessary with the local authority for the construction, use, and operation of a railway connection on and between the Victoria Wharf and the New Zealand Railways, including the use of any street or approach to any wharf for that purpose, and to carry such agreement into effect.