

New Zealand.



ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Utilization of mud-flats vested in Harbour Boards. 3. Payment of annual subscription to Harbours Association. 4. Section 47 of principal Act amended. 5. Section 94 of principal Act amended. 6. Space occupied by deck cargo liable to harbour dues. 7. For purposes of dues consignor and consignee deemed to be persons so named in manifest. 8. Section 116 of principal Act amended. 9. Vessels exempt from dues may become liable in certain circumstances. | <ol style="list-style-type: none"> 10. Board may sell or give in exchange land required for rectifying boundary-lines, &c. 11. Power to construct tanks for fuel oil and to lay pipes. 12. Board may deposit at interest moneys to credit of accounts. 13. Section 184 of principal Act amended. 14. Sinking Fund Commissioners may repurchase debentures. 15. Section 207 of principal Act amended. 16. Section 208 of principal Act amended. 17. Section 17 of Amendment Act, 1910, amended. 18. Section 21 of Amendment Act, 1910, amended. 19. Section 32 of Amendment Act, 1910, amended. 20. Fifth Schedule to principal Act amended. |
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1922, No. 30.

Title.

AN ACT to amend the Harbours Act, 1908.

[28th October, 1922.]

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

Short Title.

1. This Act may be cited as the Harbours Amendment Act, 1922, and shall be read together with and deemed part of the Harbours Act, 1908 (hereinafter referred to as the principal Act).

Utilization of mud-flats vested in Harbour Boards.

2. (1.) Notwithstanding anything contained in section one hundred and twenty-nine of the principal Act, or in section forty-two of the Harbours Amendment Act, 1910, the provisions of this section shall apply to lands legally vested in any Harbour Board (being either foreshore lands between high- and low-water marks or lands below low-water mark the depth of water on which is not sufficient at high water, spring tides, for the purposes of navigation) where such lands are not necessary for the purposes of a harbour.

(2.) If any such lands can, in the opinion of the Board, be made available for pastoral or agricultural purposes if reclaimed from the sea, the Board may, with the consent of the Governor-General in Council, grant leases thereof on condition that the lessee reclaims from

the sea by embankment or otherwise the land comprised in the lease within a time to be defined therein.

(3.) With respect to such reclamation the provisions of sections one hundred and fifty to one hundred and fifty-five of the principal Act shall apply.

3. A Harbour Board affiliated to the Harbours Association of New Zealand may from time to time, out of its Harbour Fund, pay the annual subscription of the Board to the association, and the actual reasonable travelling-expenses, properly vouched, of its representatives incurred in attending meetings of the conference and of the executive.

Payment of annual subscription to Harbours Association.

4. Section forty-seven of the principal Act is hereby amended by omitting from paragraph (a) the words "two clear days," and substituting the words "four clear days."

Section 47 of principal Act amended.

5. Section ninety-four of the principal Act is hereby amended by omitting from subsection one the words "in or out of," and substituting the words "within or into or out of."

Section 94 of principal Act amended.

6. (1.) A Board may by by-law provide that all or any harbour dues payable on the registered tonnage of ships shall, in the case of any British or foreign ship (not being a home-trade ship within the meaning of the Shipping and Seamen Act, 1908) which carries as cargo in any uncovered space upon deck, or in any covered space not included in the cubical contents forming the ship's registered tonnage, any timber, stores, or other goods, except fresh fruit, be payable as if there were added to the ship's registered tonnage the tonnage of the space occupied by such goods at the time at which such dues become payable.

Space occupied by deck cargo liable to harbour dues.

(2.) The tonnage so to be added shall be determined in the manner prescribed by section two hundred and twenty-two of the Shipping and Seamen Act, 1908.

(3.) Any by-law made under this section may apply with respect to dues already made as well as to dues hereafter made.

7. Section one hundred and five of the principal Act, as amended by the Harbours Amendment Act, 1910, is hereby further amended by adding the following subsection:—

For purposes of dues consignor and consignee deemed to be persons so named in manifest.

"(2.) The consignor and consignee of any goods carried in a ship shall, until the contrary is shown, be deemed to be the persons so named in the ship's manifest."

8. Section one hundred and sixteen of the principal Act is hereby amended as follows:—

Section 116 of principal Act amended.

(a.) By omitting from paragraph (f) of subsection one the words "travelling on public service, or his baggage with which he is travelling," and substituting the words "in respect of any matter arising out of or incidental to such service":

(b.) By adding to subsection three the words "but does not include any sums actually expended by a Board for labour or material in connection with the docking or slipping of a vessel."

9. Section one hundred and seventeen of the principal Act is hereby amended by adding thereto the following proviso:—

Vessels exempt from dues may become liable in certain circumstances.

"Provided that if, after any vessel has put into a port under circumstances conferring on it exemption from harbour dues and pilotage

rates, any of its cargo is discharged for purposes of sale or any fresh cargo is taken on board in that port, the vessel shall thereupon become liable for such dues and rates as from the date of its entry into the port."

Board may sell or give in exchange land required for rectifying boundary-lines, &c.

10. For the purpose of rectifying or improving boundary-lines or street or road levels on, or of providing access to, any reclaimed or other land vested in or held by it, or any land adjacent thereto, a Board may, with the consent of the Minister, sell or give in exchange any portion of such land vested in or held by it, and may purchase or accept in exchange land adjacent to such land.

Power to construct tanks for fuel oil and to lay pipes.

11. Section one hundred and forty-seven of the principal Act is hereby amended by adding the following paragraph :—

"(g.) Erect, construct, lay down, and maintain, or grant or allow to any person, body, or authority, upon such terms as to payment and otherwise as may be agreed on, the right of erecting, constructing, laying down, and maintaining, upon any wharf, quay, or dock, or upon any land vested in the Board, tanks and pipes for the storage and conveyance of fuel oil, or any of such purposes."

Board may deposit at interest moneys to credit of accounts.

12. The Board may, in any case where it is deemed advisable that any sum of money at credit of any account of the Harbour Fund should be placed on deposit at interest, deposit such sum of money with any bank approved by the Board, or, with the consent of the Governor-General in Council, may deposit such sum with any incorporated building society or any investment company whose business includes the receipt of money on deposit.

Section 184 of principal Act amended.

13. Section one hundred and eighty-four of the principal Act is hereby amended by omitting from subsection one the words "or more than one thousand."

Sinking Fund Commissioners may repurchase debentures.

14. Section one hundred and ninety-eight of the principal Act is hereby amended by adding the following subsection :—

"(2.) The purchase by the Commissioners of any debenture securing repayment of any part of the loan for which a sinking fund was created shall be deemed to be an investment of the sinking fund within the meaning of this section."

Section 207 of principal Act amended.

15. Section two hundred and seven of the principal Act as amended by section fifty-three of the Harbours Amendment Act, 1910, is hereby further amended by adding the following paragraphs :—

"(1c.) Provide for the sealing-up under the supervision of an officer of the Board of the ash-ejector of any steamship entering the harbour :"

"(17A.) Provide for the safe navigation of any navigable river within its jurisdiction, and regulate all matters relating to the protection of life and property in or on vessels using any such river."

Section 208 of principal Act amended.

16. (1.) Section two hundred and eight of the principal Act is hereby amended as follows :—

(a.) By omitting from subsection one the words "two shillings," and substituting the words "two shillings and sixpence"; and by inserting in the same subsection, after the words "levied upon all," the words "or any":

(b.) By omitting subsection two, and substituting the following subsection :—

“(2.) Such by-laws may prescribe—

“(a.) The manner of levying and collecting such rate :

“(b.) The persons by whom (including any or all of the persons mentioned in sections one hundred and four and one hundred and five of this Act) and the manner in which such rate shall be paid to any authorized officer of the Board or to any other person authorized by the Board in that behalf :

“(c.) Where the weight or measurement of goods on which such rate is levied is not to be ascertained by actual weighing or measuring, the manner in which such weight or measurement is to be computed (including the prescribing of what quantity of any goods shall be deemed to be of a specified weight or measurement), and such weight or measurement so computed shall be final and conclusive in any proceedings for the recovery of any such rate.”

(2.) Any by-laws heretofore made by a Board restricting a harbour-improvement rate to some only of the goods received at the port, or prescribing a method of computing the weight or measurement of goods otherwise than by actual weighing or measuring, are hereby declared to be as valid and effectual as if this section had been in force and the by-laws had been made thereunder.

(3.) The Fourth Schedule to the Harbours Amendment Act, 1910, is hereby amended by repealing so much thereof as relates to section two hundred and eight of the principal Act.

17. Section seventeen of the Harbours Amendment Act, 1910, is hereby amended by inserting in paragraph (f) of subsection one, after the word “consecutive,” the word “ordinary.” Section 17 of Amendment Act, 1910, amended.

18. Section twenty-one of the Harbours Amendment Act, 1910, is hereby amended by omitting from subsection two the words “fourteen days,” and substituting the words “thirty days.” Section 21 of Amendment Act, 1910, amended.

19. Section thirty-two of the Harbours Amendment Act, 1910, is hereby amended by adding to subsection one thereof the following provisoes :— Section 32 of Amendment Act, 1910, amended.

“Provided that in the case of a ship built within the port it shall for the purposes of this subsection be deemed to have entered that port on such date subsequent to the completion of the ship as the Board determines :

“Provided further that a pilotage-rates-exemption certificate shall remain in force only so long as the master or mate of the ship in respect of which the certificate was issued is the holder of a pilotage-exemption certificate entitling him to pilot that ship.”

20. The Fifth Schedule to the principal Act is hereby amended as follows :— Fifth Schedule to principal Act amended.

(a.) By omitting from the paragraph relating to Harbourmasters' fees the words “one penny per ton,” and substituting the

words "one penny and one halfpenny per ton"; and by omitting from the same paragraph the words "ten shillings," and substituting the words "fifteen shillings":

- (b.) By omitting from the first of the paragraphs relating to port charges the words "fifteen-pence per ton," and substituting the words "eighteen-pence per ton"; and by omitting from the second of such paragraphs the words "two pounds two shillings yearly," and substituting the words "two pounds twelve shillings and sixpence yearly":
- (c.) By omitting from the first of the paragraphs relating to pilotage rates the words "sixpence per ton," and substituting the words "ninepence per ton"; by omitting from the second of such paragraphs the words "fourpence per ton," and substituting the words "sixpence per ton"; and by inserting in the third of such paragraphs, after the words "of the master," the words "or by stress of weather."
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