

HARBOURS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill makes miscellaneous amendments to the Harbours Act 1950.

Clause 2 repeals section 49 (3) of the principal Act, which provides that all loan money must be banked in a separate account, and may not be drawn out or expended except for the special purposes of the loan. This is now provided for in section 56 of the Local Authorities Loans Act 1956, which applies to Harbour Boards, but section 49 (3) was omitted from the enactments consequentially repealed by that Act.

Clause 3: Section 50 of the principal Act provides that cheques drawn by a Harbour Board must be signed by the Treasurer and countersigned by the Chairman or by any member of the Board who is authorised by the Board to countersign cheques. The effect of this clause is that the Minister of Marine may authorise particular Boards to appoint responsible officers of the Board to countersign cheques.

Clause 4: Section 96 of the principal Act provides that all dues levied by a Harbour Board must be applied to some shipping purpose the benefit of which is enjoyed by the ships and goods on which the dues are levied. The term "shipping purpose" is defined for the purpose of this section as including payment of interest and sinking fund on money borrowed for harbour works and the management and superintending of any such works. The effect of this clause is that the repayment of principal of any money so borrowed will also be a shipping purpose for which dues levied by a Board may be applied.

Clause 5: Sections 121 to 127 of the principal Act contain provisions for the making and levying of harbour rates in a harbour district. Those rates may be levied by the Harbour Board or the Board may direct the local authorities within the Board's rating area to make, levy, and collect the rates on behalf of the Board. This clause provides that in such a case the local authority if it so wishes, instead of making, levying, and collecting the rates on behalf of the Board, may pay to the Board out of its general account or, in the case of a county which operates riding accounts, out of the appropriate riding account or accounts the total amount that would have been produced by the making and levying of a harbour rate.

Clause 6 empowers Harbour Boards to expend money for public relations purposes, and to make grants for those purposes to the governing authorities of organisations that are not conducted for private profit.

Clause 7: By section 2 (1) of the Harbours Amendment Act 1956 the Minister of Marine was authorised to exercise certain powers formerly exercised by the Governor-General in Council, including the power to approve the purposes of foreshore licences and grant foreshore licences in cases where the foreshore is not vested in any Harbour Board or local authority. The effect of this clause is to provide that such approvals and licences may be granted either by the Governor-General in Council or by the Minister. Where the licence is granted by Order in Council, the Governor-General may regulate the use of the foreshore comprised in the licence and prescribe fines not exceeding £20 for a breach of those regulations.

Clause 8: The principal Act contains several provisions relating to the grant of foreshore licences. Because of the definition of "foreshore" in that Act, the grant of such licences is restricted to the land between high-water and low-water marks at ordinary spring tides, and therefore does not extend to the bed of any harbour or of the sea below low-water mark, nor does it extend to waters that are not tidal, that is, lakes and rivers. *Subclause (1)* of this clause extends these provisions, and will permit the licences to extend below low-water mark and to be granted in respect of lakes and rivers.

Subclause (2) validates existing licences which would have been valid if this amendment had been in force when the licences were granted.

Clause 9 extends the powers of Harbour Boards to construct harbour works, and authorises the construction of tunnels or conveyors for goods or passengers (whether by pipes, tubes, or mechanical or other means) through or under any wharf, quay, or dock or any land vested in the Board.

Clause 10 provides that every appointed or licensed pilot must enter into a bond to the Board by which he is appointed or licensed. The bond must be in the sum of £200 conditioned to secure the payment of compensation in respect of the negligence or want of skill of the pilot.

Clause 11 limits the liability of a pilot for his negligence or want of skill to the amount of the bond given under *clause 10* of the Bill. If there are several claimants against the pilot in respect of the same neglect or want of skill, the Court may determine those claims and apportion the amount payable under the bond among the several claimants.

Clause 12 abolishes the defence of compulsory pilotage. Where a ship is under compulsory pilotage and damage is caused through the negligence of a pilot who is in charge of the ship, the owner of the ship is at present entitled to plead compulsory pilotage as a defence in proceedings brought against him. This clause abolishes that defence, so that the owner will be liable in the same way as he would be if pilotage were not compulsory.

Clause 13: Section 232 (10) of the principal Act authorises a Harbour Board to fix by bylaw Harbourmasters' fees and port charges not exceeding those specified in the Fifth Schedule to that Act, and section 232 (45) authorises a Board by bylaw to fix pilotage rates not exceeding the rates specified in the same Schedule. This clause authorises Harbour Boards, with the prior consent of the Minister of Marine, to fix Harbourmasters' fees, port charges, and pilotage rates exceeding those specified in the Fifth Schedule.

Clause 14 extends the existing powers of Harbour Boards to make bylaws regulating the speed, use, and management of motor launches and outboard-motor boats. The new provisions also authorise the making of bylaws regulating and controlling the towing by vessels of any kind of aquaplanes, water skis, other similar objects, and persons, and provide that the bylaws may require persons in charge of such vessels and other persons found committing offences against the bylaws to give their names and addresses on demand by an officer of the Board, and may require the owners of such vessels to provide information leading to the identification of persons alleged to have committed offences against the bylaws.

Clause 15: Section 232 of the principal Act provides that a Harbour Board may make bylaws on the matters specified in that section having effect within the limits of the harbour or land under its control, and paragraphs (45) to (50) of that section confer power to make bylaws relating to pilotage. *Subclause (1)* of this clause is intended to make it clear that this power to make bylaws relating to pilotage may be exercised in respect of the Board's pilotage district, which does not necessarily coincide with the limits of the harbour under the control of the Board.

Section 232 (46) of the principal Act confers power on the Board to make bylaws determining whether pilotage shall be compulsory or optional. *Subclause (2)* of this clause re-enacts this provision so as to make it clear that pilotage may be declared to be compulsory in parts of the Board's pilotage district and optional in other parts, and that the bylaws may differentiate between inward pilotage and outward pilotage.

Subclause (2) also provides that the bylaws may determine in what parts of the Board's pilotage district and under what conditions the leading of ships by or signalling to ships from a pilot boat is pilotage and the rates to be paid for that service. On occasions weather conditions combined with the particular geographical features of some ports can prevent a pilot from boarding or leaving a ship at the extremity of the pilotage district and it is necessary for the ship to be led in or led out by a pilot boat having a pilot on board. This subclause will enable the Board to define by bylaws in what circumstances such leading constitutes pilotage.

Clause 16: By section 6 of the principal Act the Governor-General is empowered, in relation to any harbour where there is no Harbour Board, to make regulations on any subject on which a Harbour Board may make bylaws. This power is limited to harbours as defined in the principal Act, and does not extend to tidal waters or waters of the sea that are not part of a harbour. This clause authorises the making of regulations controlling in harbours, tidal waters, and waters of the sea that are not within the jurisdiction of a Harbour Board, the speed, use, and management of motor launches, outboard-motor boats, speed boats, or seaplanes, regulating and controlling the towing by vessels of any kind or by seaplanes of aquaplanes, water skis, other similar objects, and persons, and prohibiting nuisances arising therefrom. The regulations may require persons in charge of such vessels or seaplanes or found committing an offence against the regulations to give their names and addresses on demand by an officer of the Marine Department or other person specified in the regulations, and may require the owners of such vessels or seaplanes to provide information leading to the identification of persons alleged to have committed an offence against the regulations.

Clause 17: Section 244 (1) of the principal Act includes provisions making it an offence to remove without consent any stone, shingle, sand, or other materials from the bed of the sea immediately adjacent to a navigable river.

This clause re-enacts the subsection in an amended form, and makes it an offence to remove without consent any such material from the bed of the sea, whether or not it is adjacent to a navigable river.

Clause 18 provides that the following sections of the Transport Act 1949 are to apply to wharves and other places under the jurisdiction and control of a Harbour Board as if those wharves and places were roads, namely—

- (a) Section 40 (reckless or negligent driving or driving while under the influence of drink or a drug):
- (b) Section 40A (being in charge of a motor vehicle while under the influence of drink or a drug):
- (c) Section 46 (careless or inconsiderate driving).

It was recently decided by the Court in a prosecution for an offence against section 40 of driving on a wharf while under the influence of drink that the wharf was not a road within the meaning of the Transport Act 1949.

The clause provides that persons committing on wharves and other places under the jurisdiction of a Harbour Board offences against sections 40, 40A, and 46 of the Transport Act 1949 will be subject to the penalties prescribed in that Act, including disqualification and the suspension and endorsement of driving licences.

The clause also confers on officers of a Harbour Board whose appointment as Traffic Officers for the wharves and other places under the control of the Board is approved by the Minister of Transport the powers conferred on Traffic Officers by section 47 of the Transport Act 1949 to require the driver of a motor vehicle involved in an accident to supply certain particulars, by section 48 of that Act to require the driver of a motor vehicle to stop and give his name and address and the name and address of the owner of the vehicle, and by section 49 of that Act to require the owner of a motor vehicle to give information which may lead to the identification and apprehension of the driver by whom an offence is alleged to have been committed.

Clause 19 replaces the existing First Schedule to the principal Act, which defines the constitution of the several Harbour Boards and the persons by whom the members are elected. That Schedule has been amended many times, and is not complete in that the constitution of the Bay of Islands Harbour Board is omitted and appears in the Bay of Islands Harbour Board Empowering Act 1952. The purpose of this clause is to bring that Schedule up to date and to make it complete by including the Bay of Islands Harbour Board. It makes no change in the constitution of any Board.

Hon. Mr Fox

HARBOURS AMENDMENT

ANALYSIS

Title	11. Limitation of pilot's liability
1. Short Title	12. Liability of owner or master in the case of a ship under pilotage
2. Repealing provisions as to banking of loan money	13. Harbourmasters' fees, port charges, and pilotage rates
3. Countersigning of cheques	14. Bylaws as to motor launches, etc.
4. Application of dues for shipping purposes	15. Bylaws as to pilotage
5. Local authority may pay amount of rate out of its general fund	16. Regulations as to motor launches, etc.
6. Public relations	17. Removal of stone, etc., from foreshore
7. Grant of foreshore licences	18. Traffic on wharves and Harbour Board land
8. Foreshore licence may include bed of harbour or sea	19. Constitution of Harbour Boards Schedules
9. Power of Board to construct works	
10. Pilots to give bond	

A BILL INTITULED

An Act to amend the Harbours Act 1950

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 Harbours Amendment Act 1959, and shall be read together with and deemed part of the Harbours Act 1950 (hereinafter referred to as the principal Act).
- 10 2. **Repealing provisions as to banking of loan money**—Section forty-nine of the principal Act is hereby amended by repealing subsection three.

3. Countersigning of cheques—Section fifty of the principal Act is hereby amended by adding to subsection two the words “or, in the case of any Harbour Board specified by the Minister, by one other person, being a responsible officer of the Board, who is from time to time authorised by the Board to countersign cheques”.

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4. Application of dues for shipping purposes—Section ninety-six of the principal Act is hereby amended by inserting in paragraph (b) of subsection two, after the words “sinking fund”, the words “and the repayment of principal”.

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5. Local authority may pay amount of rate out of its general fund—The principal Act is hereby amended by inserting, after section one hundred and twenty-seven, the following section:

“127A. (1) Where, pursuant to the foregoing provisions of this Part of this Act, the Board directs that any rate be made and levied, any local authority, instead of proceeding to make, levy, and collect the rate as required by section one hundred and twenty-four hereof, may, if it thinks fit, pay to the Board out of the general account of the local authority or, in the case of a county, out of the general account or the appropriate riding account or riding accounts, the total amount that would have been produced by the making and levying of the rate.

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“(2) For the purpose of computing the amount of any subsidy in respect of general rates payable to any local authority under any enactment other than the National Roads Act 1953, there shall be deducted from the amount of the general rates levied for any year all amounts paid by the local authority out of its general fund or out of any riding account in that year pursuant to this section.”

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6. Public relations—The principal Act is hereby further amended by inserting, after section one hundred and thirty-five, the following section:

“135A. (1) The Board may from time to time collect, prepare, and disseminate information that may be conducive to the education and instruction of the public concerning its activities, or that has for its objects the advancement or development of any area or areas whose advancement or development would or might tend to benefit the Board.

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“(2) The Board may from time to time, out of the Harbour Fund, make grants of money to the trustees or other governing authority of any body (whether incorporated or not) which

is not conducted for private profit and the object or principal object of which is to establish, maintain, control, conduct, carry on, or aid any means of education or instruction of the public concerning the activities or advancement or development of any area or areas whose advancement or development would or might tend to benefit the Board.”

7. **Grant of foreshore licences**—(1) Section one hundred and fifty-six of the principal Act, as amended by subsection one of section two of the Harbours Amendment Act 1956, is hereby further amended by omitting from paragraph (e) the words “the Minister”, and substituting the words “the Governor-General, by Order in Council, or the Minister”.

(2) Section one hundred and fifty-nine of the principal Act, as amended by subsection one of section two of the Harbours Amendment Act 1956, is hereby further amended as follows:

(a) By omitting the words “No such approval by the Minister and no licence by virtue thereof shall be made or”, and substituting the words “No approval under paragraph (e) of section one hundred and fifty-six of this Act shall be given and no licence by virtue of any such approval shall be”:

(b) By omitting the words “approval by the Minister and licence shall be made and”, and substituting the words “approval and licence shall be”.

(3) Section one hundred and sixty-two of the principal Act, as amended by subsection one of section two of the Harbours Amendment Act 1956, is hereby further amended by omitting the words “the Minister, by notice in the *Gazette*”, and substituting the words “the Governor-General, by Order in Council, or the Minister, by notice in the *Gazette*”.

(4) Section one hundred and sixty-two of the principal Act is hereby further amended by adding the following subsection as subsection two thereof:

“(2) Any Order in Council under this section may make such regulations as to the use of the foreshore or of any part of the bed of the harbour or of the sea or of any structure or work thereon as the Governor-General considers necessary or expedient, and may prescribe fines not exceeding twenty pounds for any breach of the regulations.”

(5) The principal Act is hereby further amended by repealing section one hundred and sixty-three, as amended by subsection one of section two of the Harbours Amendment Act 1956, and substituting the following section:

“163. If, on such evidence as he deems sufficient, the Governor-General in the case of a licence granted by the Governor-General in Council, or the Minister in any other case, is satisfied that any licence has been granted contrary to the provisions of this Act, the Governor-General, by Order in Council, or, as the case may be, the Minister, by notice in the *Gazette*, may forthwith annul the licence.” 5

(6) Section one hundred and ninety-two of the principal Act is hereby amended by adding the following subsection:

“(4) Any Order in Council under this section may make such regulations as to the use of the wharf the management of which is so vested as the Governor-General considers necessary or expedient, and may prescribe fines not exceeding twenty pounds for any breach of the regulations.” 10

(7) The Schedule to the Harbours Amendment Act 1956 is hereby amended by repealing so much thereof as relates to sections one hundred and fifty-six, one hundred and fifty-nine, one hundred and sixty-two, and one hundred and sixty-three of the principal Act. 15

8. Foreshore licence may include bed of harbour or sea— 20

(1) The principal Act is hereby further amended in the manner indicated in the First Schedule to this Act.

(2) Every licence or permit granted before the passing of this Act which would have been valid if this section had been in force when the licence or permit was granted is hereby validated and declared to have been lawfully granted. 25

9. Power of Board to construct works—Section one hundred and seventy-three of the principal Act is hereby amended by omitting from paragraph (j) the words “in or upon any wharf, quay, or dock, or upon”, and substituting the words “or tunnel or conveyor (whether by pipes, tubes, or mechanical or other means) in, upon, over, through, or under any wharf, quay, or dock, or”. 30

10. Pilots to give bond—(1) The principal Act is hereby further amended by inserting, after section two hundred and fourteen, the following section: 35

“214A. (1) No pilot appointed or licensed by a Harbour Board shall act as such within the district attached to any harbour that is under the control of that Board, unless there is for the time being in force a bond to the Board in the sum of two hundred pounds, given by a surety or sureties approved by the Board, and conditioned to secure the liability of the pilot for any neglect or want of skill. 40

“(2) Every such bond shall be in the prescribed form.

“(3) The sum named in a bond under this section shall not be deemed to be a penalty, but shall be liquidated damages, and shall be recoverable in full as a debt due by the surety or sureties to the Board, unless the surety or sureties prove performance of every condition upon which the bond is defeasible.

“(4) Subject to the provisions of subsection two of section two hundred and fourteen B of this Act, every sum so re-
10 covered shall be applied—

“(a) In compensating any person for any loss sustained by reason of the neglect or want of skill of the pilot;
and

“(b) In refunding to the surety or sureties any balance left
15 after payment of that compensation.

“(5) Where any sum is recovered by the Board under the bond, then, except to the extent that the pilotage rates exceed the amount of the damage or loss remaining after the sum so recovered has been applied in accordance with subsection
20 four of this section, any pilotage rates paid in respect of the voyage in which the pilot was engaged when he became so liable shall be repaid to the person paying the same or, if the pilotage rates have not been paid, shall not be payable in respect of that engagement.”

25 (2) This section shall come into force on the first day of January, nineteen hundred and sixty.

11. Limitation of pilot's liability—(1) The principal Act is hereby further amended by inserting, after section two hundred and fourteen A (as enacted by section ten of this
30 Act), the following section:

“214B. (1) Any pilot who has given a bond in accordance with the provisions of section two hundred and fourteen A of this Act shall not be liable for neglect or want of skill beyond the sum named in the bond together with the amount payable
35 to him on account of pilotage in respect of the voyage in which he was engaged when he became so liable.

“(2) Where any proceedings are taken against a pilot for any neglect or want of skill in respect of which his liability is limited as provided by this section, and other claims are made
40 or expected in respect of the same neglect or want of skill, the Court in which the proceedings are taken may—

“(a) Determine the amount of the pilot's liability in respect of those claims;

“(b) Determine the manner in which the amount recoverable under the bond shall be apportioned among the several claimants; and

“(c) Proceed in such manner, and subject to such directions as to making interested persons parties to the proceedings and as to the exclusion of any claimants who do not come in within a certain time, as the Court thinks just.” 5

(2) This section shall come into force on the first day of January, nineteen hundred and sixty. 10

12. Liability of owner or master in the case of a ship under pilotage—The principal Act is hereby further amended by inserting, after section two hundred and thirty-one, the following heading and section:

“Defence of Compulsory Pilotage” 15

“231A. Notwithstanding anything in any Act, the owner or master of a ship navigating under circumstances in which pilotage is compulsory shall be answerable for any loss or damage caused by the ship or by any fault of the navigation of the ship in the same manner as he would be if pilotage were not compulsory.” 20

13. Harbourmasters’ fees, port charges, and pilotage rates—(1) Section two hundred and thirty-two of the principal Act is hereby amended by repealing paragraph ten, and substituting the following paragraph: 25

“(10) Fix and authorise the levying of Harbourmasters’ fees and port charges:

“Provided that, except with the prior consent of the Minister, the Board shall not fix any such fees or charges at rates exceeding those specified in the Fifth Schedule hereto:” 30

(2) Section two hundred and thirty-two of the principal Act is hereby further amended as follows:

(a) By omitting from paragraph forty-five the words “not being greater than the rates specified in the Fifth Schedule hereto”: 35

(b) By adding to paragraph forty-five the following proviso:

“Provided that, except with the prior consent of the Minister, the Board shall not fix pilotage rates at rates exceeding those specified in the Fifth Schedule hereto:” 40

14. Bylaws as to motor launches, etc.—Section two hundred and thirty-two of the principal Act is hereby further amended by repealing paragraph forty-two, and substituting the following paragraph:

- 5 “(42) Regulate and control, and prohibit nuisances arising from, the speed, use, and management of motor launches, outboard-motor boats, and speed boats, and the towing by vessels of any kind of aquaplanes, water skis, other similar objects, and persons. Bylaws under this paragraph may—
- 10 “(a) Require the person appearing to be in charge of any such vessel to stop on the demand of an officer of the Board, and require that person or any other person alleged to have committed an offence against the bylaws to give his name and address:
- 15 “(b) Require the owner of any such vessel, on being informed of an offence against the bylaws alleged to have been committed by any person, and on being requested so to do by an officer of the Board, to give all information in his possession or obtainable by him which may lead to the identification of that person:”.
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15. Bylaws as to pilotage—(1) Section two hundred and thirty-two of the principal Act is hereby further amended by inserting, after the words “harbour or land under its control”,

25 the words “and do all or any of the things specified in paragraphs forty-five to fifty of this section for and within the limits of the pilotage district attached to the harbour under its control”.

(2) Section two hundred and thirty-two of the principal Act is hereby further amended by repealing paragraph forty-six, and substituting the following paragraphs:

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“**(46)** Determine at any time or from time to time whether pilotage shall be compulsory or optional in the pilotage district attached to the harbour under its control, or whether pilotage

35 shall be compulsory in any specified part or parts of that district and optional in any other specified part or parts of the district, and differentiate in respect of the provisions made for inward pilotage and for outward pilotage:

“**(46A)** Determine at any time and from time to time in

40 what area or areas of the pilotage district attached to the harbour under the control of the Board and under what conditions leading of ships by or signalling to ships from a pilot boat under the conduct of a pilot shall be pilotage which may be requested by the master as a service for his ship, and the

45 rates to be paid therefor:”.

16. Regulations as to motor launches, etc.—The principal Act is hereby amended by inserting, after section two hundred and forty-one, the following heading and section:

“Regulations as to Use of Motor Launches, etc.

“241A. The Governor-General may from time to time, by Order in Council, for the safety or convenience of the public, make regulations—

“(a) To regulate and control in harbours and tidal waters that are not under the control of a Harbour Board and in the sea adjacent thereto (either generally or in any specified harbour or tidal waters or part of the sea), and prevent nuisances arising therein from,—

“(i) The speed, use, and management of motor launches, outboard-motor boats, speed boats, and seaplanes:

“(ii) The towing by vessels of any kind or by seaplanes of aquaplanes, water skis, other similar objects, and persons:

“(b) Requiring the person appearing to be in charge of any such vessel or seaplane to stop on the demand of an officer of the Marine Department or of any other person specified in the regulations, and requiring the person so appearing to be in charge or any other person found committing an offence against the regulations to give his name and address:

“(c) Requiring the owner of any such vessel or seaplane, on being informed of any offence against the regulations alleged to have been committed by any person, and on being requested so to do by an officer of the Marine Department or by any other person specified in the regulations, to give all information in his possession or obtainable by him which may lead to the identification of the person by whom the offence is alleged to have been committed:

“(d) Fixing fines, not exceeding one hundred pounds, for offences against the regulations.”

17. Removal of stone, etc., from foreshore—Section two hundred and forty-four of the principal Act is hereby amended by repealing subsection one, and substituting the following subsection:

“(1) Every person commits an offence against this Act who removes any stone, shingle, sand, boulders, silt, mud, or other material from any portion of the foreshore, or from the bed of any harbour or of a navigable river or of the sea, without the authority in writing of—

5 “(a) The Harbour Board or local authority, where that portion of the foreshore or the bed of the harbour or of the river or of the sea is vested in a Harbour Board or local authority:

10 “(b) The Minister in every other case.”

18. Traffic on wharves and Harbour Board land—The principal Act is hereby further amended by inserting, after section two hundred and fifty, the following section:

25 “250A. (1) The provisions of sections forty, forty A, and forty-six of the Transport Act 1949 shall apply with respect to every wharf or place that is within the jurisdiction and under the control of a Harbour Board, as if that wharf or place were a road within the meaning of that Act. The person committing on any such wharf or place any offence against 20 any of those sections shall be liable to the penalties in that behalf prescribed in the Transport Act 1949 (including the provisions relating to the disqualification of convicted persons and the suspension and endorsement of motor-drivers’ licences).

25 “(2) The provisions of sections forty-seven, forty-eight, and forty-nine of the Transport Act 1949 shall apply in relation to any wharf or place that is within the jurisdiction and under the control of a Harbour Board as if the term ‘Traffic Officer’ in those sections included an officer of the Board appointed 30 by the Board, with the approval of the Minister of Transport, to be a Traffic Officer for that wharf or place.”

19. Constitution of Harbour Boards—(1) The principal Act is hereby further amended by repealing the First Schedule, and substituting the First Schedule set out in the Second 35 Schedule to this Act.

“(2) The Bay of Islands Harbour Board Empowering Act 1952 is hereby consequentially amended by repealing section five, and substituting the following section:

40 “5. (1) The Board shall hereafter consist of the number of members specified in the First Schedule to the Harbours Act 1950, who shall be elected in accordance with the provisions of that Act by the persons specified in that Schedule.

“(2) Until a quorum is fixed by bylaw of the Board, five members of the Board shall form a quorum.”

45 (3) The enactments specified in the Third Schedule to this Act are hereby consequentially repealed.

SCHEDULES

Section 8 (1)

FIRST SCHEDULE

AMENDMENTS OF PROVISIONS OF PRINCIPAL ACT RELATING TO FORESHORE LICENCES

Section of Principal Act Amended	Amendment
Section 9	By inserting, after the words "tidal water", the words "or of the bed of the harbour".
Section 156	By omitting the words "part of the foreshore vested in it", and substituting the words "land vested in it (being part of the foreshore or of the bed of the harbour or the sea) and any part of the bed of the harbour or the sea immediately contiguous to any such land included in the licence".
Section 157	By omitting the words "land below low-water mark immediately contiguous to that foreshore and", and substituting the words "part of the bed of the harbour or of the sea". By omitting from the proviso the words "land below low-water mark", and substituting the words "part of the bed of any harbour or of the sea".
Section 158	By inserting, after the word "foreshore", the words "and any part of the bed of the harbour or of the sea".
Section 161	By inserting in subsection (1), after the word "foreshore" wherever it occurs, the words "or bed of the harbour or of the sea".
Section 162	By inserting, after the word "foreshore" wherever it occurs, the words "or bed of the harbour or of the sea".
Section 164	By inserting in subsection (1), after the word "foreshore", the words "or of the bed of any harbour or of the sea". By inserting in subsection (4), after the word "foreshore", the words "or bed of the harbour or of the sea".
Section 165	By inserting in subsection (3), after the words "granted to them", the words "or on the bed of the harbour or of the sea immediately contiguous to that foreshore".

SECOND SCHEDULE

Section 19 (1)

NEW FIRST SCHEDULE TO PRINCIPAL ACT

FIRST SCHEDULE

Section 15

CONSTITUTION OF BOARDS

Boards, and Number of Members	By Whom Members Elected
Auckland Harbour Board. Fifteen members	Five by the electors of the City of Auckland and of the Waiheke Road District; one by the electors of the Boroughs of Devonport, Birkenhead, Takapuna, Northcote, and East Coast Bays; one by the electors of the Boroughs of Newmarket, One Tree Hill, Onehunga, Ellerslie, and Mount Wellington; two by the electors of the Boroughs of Mount Eden, Mount Roskill, and Mount Albert; one by the electors of the County of Manukau and of the Boroughs of Manurewa, Papakura, Papatoetoe, Otahuhu, and Howick; one by the electors of the County of Franklin and of the Boroughs of Pukekohe, Tuakau, and Waiuku; one by the electors of the County of Waitemata and of the Boroughs of Helensville, Henderson, New Lynn, and Glen Eden; two by the electors of the Counties of Waikato, Raglan, and Waipa, and of the Borough of Huntly; and one by the electors of the City of Hamilton, and of the Boroughs of Te Awamutu, Cambridge, and Ngaruawahia.
Bay of Islands Harbour Board. Nine members	Four by the electors of the County of Bay of Islands, and of the Borough of Kaikohe, and of the Town District of Kawakawa; two by the electors of the County of Mangonui and of the Borough of Kaitaia; two by the electors of the County of Hokianga; and one by the electors of the County of Whangaroa.
Gisborne Harbour Board. Twelve members	Four by the electors of the Borough of Gisborne; five by the electors of the County of Cook; and three by the electors of the County of Waikohu.
Greymouth Harbour Board. Nine members	Two by the electors of the County of Grey; three by the electors of the Borough of Greymouth; one by the electors of the County of Inangahua; one by the electors of the Boroughs of Brunner and Runanga; one by the electors of that part of the County of Westland situated to the north of the Waiho River; and one by the electors of the Boroughs of Hokitika, Kumara, and Ross.
Havelock Harbour Board. Five members	Two by the electors of the Havelock Riding of the County of Marlborough, being that portion of the harbour district within that county; and three by the electors of the remaining portion of the harbour district.

SECOND SCHEDULE—*continued*

Boards, and Number of Members	By Whom Members Elected
Hokitika Harbour Board. Six members	Three by the electors of the Borough of Hokitika; one by the electors of the Borough of Ross; and two by those of the electors of the County of Westland whose qualification is within the harbour district.
Lyttelton Harbour Board. Thirteen members	Five by the electors of the City of Christchurch; one by the electors of the Boroughs of Kaiapoi and Rangiora and of the Counties of Rangiora, Eyre, and Oxford; one by the electors of the Counties of Cheviot, Amuri, Waipara, Kowai, and Ashley; two by the electors of the County of Ashburton and of the Borough of Ashburton; two by the electors of the Counties of Tawera, Paparua, Malvern, Springs, Ellesmere, Halswell, Selwyn, and Heathcote, and of the Town District of Leeston; one by the electors of the County of Waimairi and of the Borough of Riccarton; and one by the electors of the Borough of Lyttelton and of the Counties of Akaroa, Wairewa, and Mount Herbert.
Marlborough Harbour Board. Ten members (subject to the provisions of subsection (4) of section 5 of the Marlborough Harbour Act 1958)	Three by the electors of the County of Marlborough, of whom one shall be elected by the electors of the Pelorus Riding of the county, and the other two shall be elected by the electors of the remainder of that county; four by the electors of the Borough of Blenheim; one by the electors of the Borough of Picton; and two by the electors of the County of Awatere and of the East Coast Riding of the County of Kaikoura.
Motueka Harbour Board. Seven members	Two by the electors of the Borough of Motueka; and five by the electors of the portion of the County of Waimea within the harbour district.
Napier Harbour Board. Twelve members	Three by the electors of the City of Napier; two by the electors of the City of Hastings; one by the electors of the Borough of Taradale and the Meeanee Riding of the County of Hawke's Bay; three by the electors of the Mohaka Riding of the County of Wairoa and those of the electors of the County of Hawke's Bay whose qualifications are within the harbour district, saving those of the last-mentioned electors whose qualifications are within the Meeanee Riding of the last-mentioned county, and by the electors of the Borough of Havelock North; one by the electors of the Borough of Waipawa and of the County of Waipawa; one by the electors of the Borough of Waipukurau and of the County of Waipukurau; and one by the electors of the portion of the County of Patangata within the harbour district.

SECOND SCHEDULE—*continued*

Boards, and Number of Members	By Whom Members Elected
Nelson Harbour Board. Ten members	Five by the electors of the City of Nelson; one by the electors of the Borough of Richmond; and four by the electors of the portion of the County of Waimea included in the harbour district.
Oamaru Harbour Board. Ten members	Four by the electors of the Borough of Oamaru; four by those electors of the County of Waitaki whose qualification is within the harbour district; and two by those electors of the County of Waimate whose qualification is within the harbour district.
Otago Harbour Board. Twelve members	Four by the electors of the City of Dunedin; one by the electors of the Borough of St. Kilda; one by the electors of the Boroughs of Port Chalmers and West Harbour; one by the electors of the County of Tuapeka and of the Boroughs of Lawrence, Roxburgh, and Tapanui; one by the electors of the County of Clutha and of the Borough of Balclutha; one by the electors of the County of Bruce and of the Boroughs of Milton and Kaitangata; one by the electors of the County of Taieri and of the Boroughs of Green Island and Mosgiel; one by the electors of the Counties of Waikouaiti, Peninsula, and Waihemo, and of the Boroughs of Waikouaiti and Palmerston; and one by the electors of the Counties of Maniototo and Vincent, and of the Boroughs of Alexandra, Cromwell, and Naseby.
Patea Harbour Board. Six members	Two by the electors of the Borough of Patea and of the Waverley Town District Subdivision of the harbour district; one by the electors of the Hawera Borough Subdivision; one by the electors of the Hawera Subdivision; one by the electors of the Otoia Subdivision; and one by the electors of the Waverley Subdivision of the County of Patea.
Southland Harbour Board. Twelve members	Four by the electors of the City of Invercargill; one by the electors of the Borough of Bluff; one by the electors of the Boroughs of Gore and Mataura; three by the electors of the County of Southland, of the Borough of Winton, and of the Town Districts of Lumsden and Wyndham; two by the electors of the County of Wallace, of the Borough of Riverton, and of the Town Districts of Nightcaps and Otautau; and one by the electors of the County of Lake, and of the Boroughs of Arrowtown and Queenstown.

SECOND SCHEDULE—*continued*

Boards, and Number of Members	By Whom Members Elected
Taranaki Harbour Board. Twelve members	Three by the electors of the City of New Plymouth; two by the electors of the County of Taranaki; one by the electors of the County of Inglewood and of the Borough of Inglewood; one by the electors of the County of Egmont; one by the electors of the Boroughs of Stratford and Eltham; one by the electors of the part of the County of Stratford within the harbour district; one by the electors of the Borough of Waitara and of the parts of the Counties of Clifton and Taumarunui within the harbour district; one by the electors of the Town District of Kaponga and of the part of the County of Eltham within the harbour district; and one by the electors of the County of Waimate West and of the Town District of Manaia and of the part of the County of Hawera within the harbour district.
Tauranga Harbour Board. Ten members	Two by the electors of the Borough of Tauranga; two by the electors of the Maketu and Te Puke Ridings of the County of Tauranga and the electors of the Borough of Te Puke; two by the electors of the Katikati, Katikati Town, Te Puna, Waimapu, and Greerton Ridings of the County of Tauranga; one by the electors of the Matata Riding of the County of Whakatane and of the portion of the Borough of Kawerau lying to the west of the left bank of the Tarawera River; one by the electors of the County of Rotorua; and one by the electors of the Borough of Mount Maunganui.
Timaru Harbour Board. Fourteen members	Three by the electors of the City of Timaru; one by the electors of the Tengawai and Point Ridings of the County of Levels; one by the electors of the Seadown and Waimataitai Ridings of the said county; one by the electors of the Claremont and Otipua Ridings of the said county; one by the electors of the Boroughs of Geraldine and Temuka; one by the electors of the Mount Peel and Geraldine Ridings of the County of Geraldine; one by the electors of the Temuka Riding of the County of Geraldine; one by the electors of the Albury and Tekapo Ridings of the County of Mackenzie; one by the electors of the Fairlie and Opuha Ridings of the County of Mackenzie; one by the electors of the Otaio Riding of the County of Waimate and those of the electors of the Pareora Riding of that county whose qualification is within the harbour district; and two by the electors of the Borough of Waimate and of the Makikihi and Deep Creek Ridings of the County of Waimate and those of the electors of the Waihao Riding of that county whose qualification is within the harbour district.

SECOND SCHEDULE—*continued*

Boards, and Number of Members	By Whom Members Elected
Tolaga Bay Harbour Board. Seven members	One by the electors of the Tolaga Riding of the County of Uawa; one by the electors of the Hauti Riding of the County of Uawa; one by the electors of the Mangatuna Riding of the County of Uawa; one by the electors of the Arakihi Riding of the County of Uawa; one by the electors of the Mangaheia Riding of the County of Uawa; and two by the electors of the Tauwhareparae Riding of the County of Uawa.
Wairau Harbour Board. Six members	Four by the electors of the Borough of Blenheim; and two by the electors of the Omaka Riding of the County of Marlborough.
Wanganui Harbour Board. Ten members	Six by the electors of the City of Wanganui; two by those of the electors of the Counties of Wanganui and Waimarino whose qualifications are within the harbour district; and two by those of the electors of the County of Waitotara whose qualifications are within the harbour district.
Wellington Harbour Board. Fifteen members	Six by the electors of the City of Wellington; two by the electors of the City of Lower Hutt and of the Boroughs of Petone and Upper Hutt; one by the electors of the Counties of Hutt and Makara and of the Boroughs of Eastbourne and Tawa; three by the electors of the Counties of Wairarapa South, Masterton, Pahiatua, Akitio, Eketahuna, Mauriceville, and Featherston, and of the Boroughs of Martinborough, Greytown, Carterton, Masterton, Eketahuna, Featherston, and Pahiatua; and three by the electors of the City of Palmerston North and of the Counties of Manawatu, Oroua, Horowhenua, Pohangina, Kairanga, and KIWITEA, and of the Boroughs of Feilding, Foxton, Shannon, Otaki, and Levin.
Whakatane Harbour Board. Nine members	One by the electors of the Tarawera Subdivision of the harbour district; one by the electors of the Rangitaiki Subdivision of the harbour district; one by the electors of the Omataroa Subdivision of the harbour district; one by the electors of the Ohope Subdivision of the harbour district; two by the electors of the Whakatane Subdivision of the harbour district; one by the electors of the Taneatua Subdivision of the harbour district; one by the electors of the Waimana Subdivision of the harbour district; and one by the electors of the Urewera - Galatea - Taupo - Wairoa Subdivision of the harbour district.
Whangarei Harbour Board. Nine members	Four by the electors of the Borough of Whangarei; one by the electors of the Town Districts of Hikurangi and Kamo; and four by the electors of the County of Whangarei.

Section 19 (3)THIRD SCHEDULE

ENACTMENTS REPEALED

- 1950, No. 91—The Statutes Amendment Act 1950: Section 12.
1953, No. 15 (Local)—The Havelock Harbour Board Amendment Act 1953: Section 4.
1954, No. 3 (Local)—The Taranaki Harbour Board Act 1954: Subsections (2) and (3) of section 5.
1956, No. 12 (Local)—The Bay of Islands Harbour Board Empowering Act 1956: Paragraph (b) of section 8.
1958, No. 17 (Local)—The Marlborough Harbour Act 1958: Subsection (3) of section 5.