Harbour Works.

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A BILL INTITULED

AN ACT to make better provisions relating to the Construction of Works below High Watermark. Title.

WHEREAS by "The Marine Act, 1867," it is enacted that it shall not be lawful for any person to commence or undertake the construction of any new or additional wharf quay dock pier or other harbour work in any port, until he shall have laid before the Governor or Superintendent of the Province within which such port is situate detailed plans and specifications of such proposed work, nor until the same shall have been approved of by the Governor or Superintendent, and notice in writing of such approval shall have been given to such person accordingly; and that no works executed with such approval shall render any person liable for indictment for nuisance or pourpresture, subject to a proviso that nothing in the said Act contained shall be held to interfere with any rights or privileges of water frontage, or any other rights or privileges of any person or persons in to or over any lands reclaimed or to be reclaimed from the sea: And whereas it is expedient that the said provision should be repealed, and that henceforth the authority to construct all works on land in harbours below high watermark shall be given only by Act of the General Assembly: Preamble.

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

Short Title.

1. The Short Title of this Act shall be "The Harbour Works Act, 1873."

Section thirty-three of "Marine Act, 1867," repealed.

Saving clause.

2. The thirty-third section of "The Marine Act, 1867," is hereby repealed: Provided, however, that such repeal shall not affect any works constructed with the approval of the Governor or Superintendent heretofore given under the said section of the said Act.

Works on sea-shore or below high water-mark not to be constructed without authority of General Assembly.

3. It shall not be lawful for any person to construct any works on the shore of the sea, or of any creek bay arm of the sea or navigable river communicating therewith, or to construct any bridge viaduct or other work across any creek bay arm of the sea or navigable river, or to construct any work affecting the navigation of any harbour port tidal water or navigable river, or to reclaim any land from the sea, or any land below high watermark in any harbour creek bay arm of the sea or navigable river, except under the authority of an Act of the General Assembly.

Where works proposed on tidal lands, Colonial Secretary may require statements, &c.

4. Whenever application shall be made to the General Assembly for a Bill whereby power is sought to construct any works on the shore of the sea, or of any creek bay arm of the sea or navigable river communicating therewith, or to construct any bridge viaduct or other work across any creek bay arm of the sea or navigable river, or to construct any work affecting the navigation of any harbour port tidal water or navigable river, or to reclaim any land from the sea, or any land below high watermark in any harbour creek bay arm of the sea or navigable river, it shall be lawful for the Colonial Secretary to require the promoters of such Bill to deposit at the office of the Colonial Secretary, in addition to the plans sections or other documents which may have been deposited at any office in compliance with the Standing Orders of either House of the General Assembly, all such statements and other documents as the Colonial Secretary shall deem necessary to explain the objects of the intended application to the General Assembly, and the proposed interference with such tidal lands or navigation as the sa by .ac ee

Colonial Secretary may appoint Inspectors.

5. It shall be lawful for the Colonial Secretary, if he shall consider the same necessary or expedient, but not otherwise, to appoint a competent person or persons to be an Inspector or Inspectors for the purpose of inquiring, in such manner and at such time and place as he shall direct, into all such matters as he shall deem necessary to enable him to report to the General Assembly his opinion upon any such Bill as aforesaid.

Inspectors may summon witnesses and examine them upon oath.

6. For the purpose of such inquiry, the said Inspector or Inspectors may, by summons under his or their hands, summon before him or them any person having the custody of any map survey book or other document, to produce such map survey book or other document for his or their inspection; and the said Inspector or Inspectors may summon in manner aforesaid any other person whose evidence shall, in the judgment of the said Inspector or Inspectors, be material to his or their inquiries, and pay or allow to every such person so summoned by him or them the reasonable charges of his attendance; and the said Inspector or Inspectors shall also have power to administer an oath to all persons who may be examined by him or them touching the premises.

Penalty for non-attendance or refusing to answer questions.

7. Any person being summoned by such Inspector or Inspectors who, after the delivery to him of such summons as aforesaid, or a copy thereof, shall wilfully neglect or refuse to attend in pursuance of such summons, or to produce such maps surveys books or other documents as he may be required to produce under the provisions hereinbefore contained, or to answer upon oath or otherwise such questions as may be put to him by such Inspector or Inspectors under the powers herein contained shall be liable to forfeit and pay a penalty not exceeding five pounds, which may be recovered before any two or more Justices having

jurisdiction within the place wherein such inquiry shall be held, and such penalty shall be paid into the Consolidated Fund: Provided that no person other than the promoters of the proposed Act, or their agents, shall be required to attend in obedience to any summons, unless the reasonable charges of his attendance be paid or tendered to him, nor to travel in obedience thereto more than ten miles from his usual place of abode.

Colonial Secretary may take security for payment of expenses of inquiry.

8. Before instituting any such inquiry, the Colonial Secretary may, if he thinks fit, require and take such security for the payment of the whole or any part of the costs charges and expenses to be incurred by him in respect of such inquiry (including the remuneration of the Inspectors), as to him shall seem fit; and whenever any such security is given, the costs charges and expenses in respect whereof it is given shall, to such amount as shall be certified by the Colonial Secretary (not exceeding the extent or amount of such security), be a debt due to Her Majesty from the person or persons respectively by whom the same is entered into.

Petitioners for Private Bill to be deemed promoters.

9. The persons whose names shall be subscribed to the petition for any Private Bill shall be deemed to be promoters of such Bill for all the purposes of this Act, notwithstanding the persons subscribing such petition shall have signed for or on behalf of any other party.

Act not to apply to works constructed by the Governor.

10. This Act shall not apply to works constructed by or under the authority of the Governor, under the provisions of any Act of the General Assembly heretofore or hereafter passed.