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[AS REPORTED FROM COMMITTEE OF WHOLE HOUSE,
14TH AUGUST, 1874.]

(Hon. Mr. Richardson.)

Harbour Works.

ANALYSIS.

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| Title. | tendent by the 33rd section of "Marine Act, 1867," hereafter to be exercised by Governor in Council only. |
| Preamble. | |
| 1. Short Title. | 3. Reclamation to be deemed a harbour work. |
| 2. Section 33 of "Marine Act, 1867," repealed. | 4. Every Ordinance authorizing Harbour Works to contain declaration that it is subject to this Act. |
| Saving clause. | 5. Act not to apply to works constructed by the Governor. |
| 3. Works on sea-shore or below high watermark not to be constructed without authority of General Assembly or Governor in Council. | |
| 2. Powers conferred on the Governor or Superin- | |

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,~~" the thirty-third section of Preamble.
"The Marine Act, 1867," (hereinafter referred to as "the said Act,") it is enacted that it shall not be lawful for any person to commence or undertake the construction of any new or additional wharf
5 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
10 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
15 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over any lands reclaimed or to be reclaimed from the sea: And whereas it is expedient that the said provision should be repealed, and that henceforth the authority to construct or carry on works on land in harbours below high watermark shall be given only
20 by Act of the General Assembly or the Governor in Council amended as hereinafter provided, and that henceforth the authority to approve of such plans and specifications as aforesaid shall, as to such wharf quay dock pier or other harbour work to be constructed in any port or carried on by any Board body or person other than the Superintendent of a province, be exercised only by the Governor in Council:

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, 1874." 5

Section 33 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 watermark not to be constructed without authority of General Assembly or Governor in Council.

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 or to carry any works affecting the navigation of, or on land below high watermark, in any harbour port tidal water or navigable river, or to dredge any of the soil below high watermark in 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 or with the approval of the Governor in Council.~~ 10 15 20

New Clauses 2, 3 and 4.

Powers conferred on the Governor or Superintendent by the 33rd section of "Marine Act, 1867," hereafter to be exercised by Governor in Council only.

2. Hereafter the powers conferred by the said section on the Governor or the Superintendent of a province shall, as to such wharf quay dock or other harbour work to be constructed in any port, or carried on by any Board body or person other than the Superintendent of a province, be exercisable only by the Governor in Council: Provided, however, that neither the said repeal nor anything herein contained shall affect or apply to any works the plans and specifications whereof have heretofore been approved of by the Governor or any Superintendent of a province, and the construction whereof has been completed or commenced before the passing of this Act. 25 30

Reclamation to be deemed a harbour work.

3. It is hereby declared and enacted that reclamation of land from the sea in any port is a harbour work within the meaning of the said Act.

Every Ordinance authorizing Harbour Works to contain declaration that it is subject to this Act.

4. Every Ordinance of a Provincial Legislature hereafter passed, authorizing the construction by any Board body or person as aforesaid, other than the Superintendent of the province, of any such works as in the said section of the said Act mentioned, shall contain a provision declaring that the provisions thereof are subject to the provisions of this Act. 35 40

Act not to apply to works constructed by the Governor.

4. 5. 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.