

Hon. Mr. Sheehan.

## Marine Act Amendment.

### ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p>3. Governor in Council may vest management of wharf in local governing body.</p> <p>4. Wharf to be deemed to be property of body.</p> <p>5. Dues may be recovered, and application thereof.</p> <p>6. Governor in Council may authorize wharves to be constructed.</p>	<p>7. Governor in Council may make regulations.</p> <p>8. Order in Council to be operative for a term of years.</p> <p>9. Rights may be resumed on certain notice.</p> <p>10. Act not to apply to Harbour Boards.</p> <p>11. Provisions of "The Marine Act, 1867," to be applicable.</p>
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### A BILL INTITULED

## AN ACT to amend "The Marine Act, 1867."

Title.

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

1. The Short Title of this Act shall be "The Marine Act Amendment Act, 1877." Short Title.

2. In the construction of this Act the following words and expressions shall, if not inconsistent with the context or subject-matter, have the meanings hereby assigned to them, that is to say,— Interpretation.

10 "The said Act" means "The Marine Act, 1867," and includes any Act amending the same.

15 "Local governing body" means the body corporate comprising a County Council constituted under "The Counties Act, 1876," a Borough Council constituted under "The Municipal Corporations Act, 1876," a Municipal Corporation, Town Board, or the body constituted under any Act or Ordinance in force providing for the constitution of such Corporations, Boards, or other bodies for the management and control of the local affairs of a city or town, and includes

20 any Road Board, Trustees, persons, or body (howsoever designated) having the charge and control of roads or highways under any Act or Ordinance.

25 "Wharf" means and includes any wharf, quay, pier, or jetty at or upon which goods or passengers may be landed or shipped.

"Dues" mean and include all rates, tolls, charges, and fees which may lawfully be levied at or upon any wharf within the meaning of this Act.

3. The Governor in Council may vest the management of any wharf, the property of Her Majesty, in any local governing body, upon such terms and conditions as the Governor in Council thinks fit. Governor in Council may vest management of wharf in local governing body.

Wharf to be deemed to be property of body.

4. Every wharf, the management of which shall be so vested, shall, subject to the terms and conditions mentioned in such Order in Council, be deemed to be the property of such local governing body for the purpose of all actions, suits, and proceedings in respect thereof or in relation thereto, so long as such management remains so vested. 5

Dues may be recovered, and application thereof.

5. All dues receivable in respect of any wharf, the property of Her Majesty, the management of which may under this Act be vested in any local governing body, may be sued for and recovered in any Court of competent jurisdiction by the local governing body authorized to receive and collect the same, and such dues, after deducting the cost of collecting the same, shall be spent and applied only on making necessary repairs, extensions, or improvements to such wharf. 10

Governor in Council may authorize wharves to be constructed.

6. The Governor in Council may, subject to the provisions of the said Act, and "The Harbour Works Act, 1874," authorize any local governing body or any person to construct a wharf for the use and benefit of the public, and to take and receive such dues for the use thereof as may be prescribed under this Act, and to use and occupy such part of the foreshore of any lake, river, tidal land, or tidal water as may be necessary for the construction of such wharf. 15

Governor in Council may make regulations.

7. The Governor in Council may from time to time make regulations in respect of any wharf affected by or subject to the provisions of this Act, for the following purposes:— 20

- (1.) Regulating the use of wharves, and the traffic on the same.
- (2.) Fixing scales of dues to be paid for the use of such wharves.
- (3.) Regulating the use of cranes and other conveniences or appliances belonging to any wharf, and fixing charges to be paid for the use of the same. 25
- (4.) Fixing scales of dues for the storage of goods and charges to be paid for taking into and delivering the same from warehouses or buildings attached to or connected with such wharves. 30

Order in Council to be operative for a term of years.

8. Every Order in Council made under this Act shall be made upon such terms and conditions as the Governor in Council thinks fit, and the rights thereby conferred shall only be granted for a limited period, not exceeding in any case fourteen years, and may from time to time be altered, modified, or revoked. 35

Rights may be resumed on certain notice.

9. The rights and powers conferred under or by virtue of any Order in Council made under this Act may be resumed at any time by the Governor, on giving to the body or person holding the same such previous notice, not exceeding twelve months, as may be expressed in the Order in Council conferring such rights and powers. 40

Any body or person affected by any notice given under this provision shall be at liberty to remove any wharf or building erected in pursuance of any power or privilege granted under this Act, and all the material thereof, but shall not be entitled to any further compensation or allowance. 45

Act not to apply to Harbour Boards.

10. Nothing in this Act shall apply to wharves under the control and management of any Harbour Board constituted under any Act of the General Assembly, or any Ordinance of a Provincial Council, except when any such Board has not power to make by-laws for the purposes expressed in this Act. 50

Provisions of "The Marine Act, 1867," to be applicable.

11. Subject to the special powers conferred by this Act, all the provisions of the said Act shall be applicable to wharves affected by or subject to this Act. 55