

"THIRD SCHEDULE

"REGULATIONS FOR THE USE OF THE WHARF

"6. In these regulations, unless there is something in the context inconsistent therewith or repugnant thereto—

- " 'Council' shall mean the Takaka County Council;
 " 'Harbour' shall mean the Harbour of Waitapu; and
 " 'Vessel' shall include any description of vessel, whether used in navigation or in any way kept or used as a hulk or storeship or for any other purpose and not propelled exclusively by oars in the harbour of Waitapu.

"7. Masters of vessels lying alongside the wharf shall be responsible for all damage caused to goods lying on such wharf by water used for washing down the decks or for any other purpose upon such vessel.

"8. The Council shall not be responsible for the wrong or non-delivery of goods which are erroneously or deficiently marked, or which have old or imperfectly erased marks thereon.

"9. All goods in respect of which the Council elects not to supply labour, or which shall not be tallied by the Council, shall not be deemed for any purposes to be in the custody of the Council as wharfinger, nor shall the Council be responsible for their safe keeping, or for any damage or loss that may accrue to such goods in any manner whatsoever.

"10. Any person landing goods on the wharf or bringing goods on to the wharf for shipment shall place such goods as the wharfinger may direct, and no person shall place any goods or other articles in any shed so as to be an impediment to the approach or an obstacle to the removal of other goods from such wharf or shed, or so as to encumber the mooring-posts.

"11. No person shall embark, disembark, ship, or unship any ballast, timber, coal, produce, or cargo of any description except at such times and place and in such order or mode as may be directed and deemed expedient by the wharfinger for the proper working of the wharf.

"12. No person shall deposit ballast, coal, coke, or other fuel on the wharf or in the sheds without special permission of the wharfinger.

"13. The Council shall not be responsible for the safe custody of packages containing acids, chemicals, or other dangerous goods.

"14. The time allowed to masters of vessels carrying full cargoes to occupy berths at the wharf for the purpose of discharging or loading shall be, exclusive of Saturdays, Sundays, statutory holidays, and the day of removal:—

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| " For vessels under 100 tons | Three days. |
| " For vessels under 150 tons | Four days. |
| " For vessels under 200 tons | Five days. |

"15. The master of a vessel taking in ballast shall be allowed one day for every 50 tons of ballast loaded, unless special permission shall be obtained from the Council for the master to remain longer.

"16. Cargo landed without the permission of the wharfinger first obtained shall not be deemed to be in the custody of the Council, nor shall the Council be responsible for any loss or damage that may accrue to such cargo by the elements or otherwise.

"17. The master, owner, or agent of every vessel shall give to the wharfinger, or other person deputed by the Council, a copy of the bill of lading, freight list, or manifest of cargo, or other proper account of all goods intended to be shipped on board or unshipped from the vessel, and the name or names of the owners, consignors, or consignees by whom any such goods are shipped or unshipped by such vessel, and from whom such goods are received or are intended to be delivered.

"18. Shippers and consignees of all goods shipped from or landed on the wharf shall, before shipping or landing such goods, deliver to the wharfinger a full account of all such goods, stating the respective weights or measurements of the same accordingly as freight is payable thereon.

"19. It shall not be lawful, without the consent of the Secretary of the Council in writing first had and obtained, for any person to ship, unship, or land any goods into or out of or from any vessel within the harbour, except at wharves vested in the Council or at wharves or landing-places which may be appointed from time to time by the Council for such purpose.

"20. Tame cattle may be landed on or shipped from any wharf subject to the approval of the wharfinger, who shall fix the time at which such cattle must be shipped or landed. Other cattle may be landed on or shipped at such times and places as the wharfinger may from time to time direct.

"21. All goods of a dangerous and inflammable character shall be removed by the owner, agent, or consignee immediately on being landed, and such owner, agent, or consignee failing to do so shall be responsible for any damage or loss that may accrue from any accident arising therefrom, in addition to being liable to the penalty provided for breach of the regulations, and the Council shall not be responsible for any damage or loss which may accrue to such goods.

"22. The master of every vessel arriving at the port with kerosene or other material of an inflammable nature on board may land such inflammable goods on the wharf for carting to the town or for transhipment provided such inflammable goods are removed forthwith. In no case will any person be permitted to store such goods on the wharf.

"23. No person shall discharge or land on the wharf or place in any shed any goods or articles of any description which, in the opinion of the wharfinger, are likely to occasion damage to the wharf or shed connected therewith.

"24. Any vegetable or animal matter or goods which are in a state of decay or which, in the opinion of the wharfinger, are unfit to remain on the wharf or are harmful to other goods stored on the wharf may be removed from the wharf at the expense of the owner or consignees.

"25. Any person landing goods, other than perishable products, on the wharf shall remove therefrom or store such perishable products during the business hours of the Council. Perishable products may be placed upon the wharf before or after the business hours of the Council at the risk of the consignees, but the Council will not hold itself responsible in any way for the safety of such perishable products.

"26. The wharfinger is empowered to take charge of and store cargo and goods if not removed from any wharf by the consignee within the time allotted for the purpose, or cause the same to be delivered to the consignee at his risk and expense.

"27. The Council shall not be bound to find storage room either in the shed or on the wharf when, in the opinion of the wharfinger, no sufficient accommodation is available. After notification to the owners, shippers, or consignees of any goods or to the vessel's agent that room is not available, the Council shall not be held responsible for any loss or damage that may accrue to the goods by the elements or otherwise during the time such goods may remain on the wharf.

"28. The Council will not be responsible for any damage sustained by goods while in their custody by fire or by water used in extinguishing fire, or by vermin, unless in case of proved negligence on the part of the Council or its servants.

"29. No person shall be allowed on the wharf or in the sheds or buildings used therewith unless such person has, in the opinion of the wharfinger, legitimate business thereon.

"30. The wharfinger shall have the power to close the wharf or any portion thereof whenever in his opinion it is advisable to do so.

"31. No person shall disobey the orders of the wharfinger when acting in the due performance of his duty, nor in any way obstruct the traffic on the wharf.

"32. Every boatman, stevedore, porter, carter, cab-driver, motor-driver, or any person employed on the wharf shall be under the control and shall obey the orders of the wharfinger.

"33. No child of tender years shall be allowed on the wharf unless accompanied by an adult.

"34. No person shall scribble upon, cut, scratch, or otherwise deface any part of the wharf or any shed thereon or connected therewith.

"35. All complaints against the wharfinger or any person under his direction must be made in writing to the Chairman of the Council and a copy of each complaint shall first be furnished to the wharfinger.

"36. No person taking a vehicle on the wharf shall allow such vehicle to be driven at a greater than a walking pace.

"37. All persons in charge of vehicles, whether for the conveyance of passengers or goods or otherwise shall, when on the wharf or its approaches be under the control of the wharfinger; and such persons shall immediately upon being so ordered by the wharfinger remove such vehicles to any part of the wharf or its approaches to which he may be directed, or shall, if so desired by the wharfinger, remove such vehicle altogether from the wharf, but the wharfinger shall not order such removal without reasonable cause.

"38. Any person who accidentally or otherwise damages or destroys any of the Council's property shall be liable for the cost of repair or renewal thereof.

"39. The ordinary business hours of the Council upon the wharf shall be from 8 a.m. to 12 noon and from 1 p.m. to 5 p.m., Mondays to Fridays inclusive. Saturdays, Sundays, and holidays are excepted.

"40. The cost over and above the ordinary cost of day work of all labour, including the wharfinger, during any hours not being ordinary business hours of the Council as above defined, shall be paid by the master or owner of the vessel in addition to the usual charge.

"41. The following days shall be observed as holidays by the Council and its officers—namely, New Year's Day, 2nd January, Anniversary Day, Good Friday, Easter Monday, Anzac Day, King's Birthday, Labour Day, Christmas Day, and Boxing Day.

"42. Consignees shall be liable for all wharfage and other charges on all inward cargo, shippers shall be liable for all wharfage and other charges on all outward cargo. All charges shall be paid to the Council at the time of receiving and shipping.

"43. The Council shall appoint the wharfinger and all other persons necessary for the working of the wharf.

"44. If any person fails or refuses or neglects to do anything required by these regulations to be done, observed, or performed, or in any manner obstructs, impedes, or interferes with the doing of any thing enjoined, required, or authorized to be done, or wilfully does anything prohibited by these regulations, every such person in each and every case so offending shall be liable to a penalty not exceeding twenty pounds."

T. J. SHERRARD,
 Clerk of the Executive Council.