



ANALYSIS

Title
1. Short Title

2. Control of waters by local authority
or public body
3. Notice to Harbour Boards of loss
of or damage to goods

1962, No. 74

An Act to amend the Harbours Act 1950

[6 December 1962

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 1962, and shall be read together with and deemed part of the Harbours Act 1950 (hereinafter referred to as the principal Act).

2. Control of waters by local authority or public body—
(1) Section 8A of the principal Act (as inserted by section 6 of the Harbours Amendment Act 1961) is hereby amended by inserting, after subsection (10), the following subsection:
“(10A) The Governor-General may from time to time, by Order in Council, grant to any incorporated body that is not a public body as defined in this section, either solely or jointly with any public body as so defined, and whether or not the incorporated body has any district under its jurisdiction, the control of any waters the control of which could be granted to a public body under this section. In every such case, the provisions of this section shall, with the necessary modifications, apply as if the incorporated body were a public body as defined in this section.”

(2) Section 165 of the principal Act (as substituted by section 9 of the Harbours Amendment Act 1961) is hereby amended—

- (a) By inserting in subsection (1), after the words “grant to any public body”, the words “either solely or jointly with any other public body”:
- (b) By adding to subsection (10) the words “and includes any other incorporated body declared by the Governor-General, by Order in Council, to be a public body for the purposes of this section”.

3. Notice to Harbour Boards of loss of or damage to goods—The principal Act is hereby further amended by inserting, after section 262, the following section:

“262A. (1) Where a Harbour Board delivers to a person entitled to take possession thereof any goods, or any case or package or other container from which it is alleged that any goods have been unlawfully removed, no action shall be brought against the Harbour Board for any damage done to or loss of the goods while the Harbour Board was bailee thereof, unless notice in writing giving reasonable particulars of the damage or loss is given to the Harbour Board within thirty days after the date on which the Harbour Board so delivered the goods or the case or package or other container from which it is alleged that they have been improperly removed.

“(2) Where a Harbour Board fails to deliver to a person entitled to take possession thereof any goods, or any case or package or other container, no action shall be brought against the Harbour Board for the loss of the goods or of the case or package or other container (including any goods therein) while the Harbour Board was bailee thereof, unless notice in writing of the non-delivery giving reasonable particulars of the goods or of the case or package or other container is given to the Harbour Board within thirty days after the date on which demand, supported by a delivery order or other document entitling the person claiming the goods, or the case or package or other container and the goods therein, to take possession thereof, was first made to the Harbour Board for the delivery thereof.

“(3) Notwithstanding the foregoing provisions of this section, a Harbour Board may consent to the bringing of any such action where no such notice has been given.

“(4) Notwithstanding the foregoing provisions of this section, application may be made to the Court, after notice

to the intended defendant, for leave to bring such an action at any time before the expiration of the period of limitation in respect of the action, notwithstanding that the notice required by this section has not been given; and the Court may, if it thinks it is just to do so, grant leave accordingly, subject to such conditions (if any) as it thinks it is just to impose, where it considers that the failure to give the notice was occasioned by mistake of fact or by mistake of any matter of law other than the provisions of this section or by any other reasonable cause or that the intended defendant was not materially prejudiced in its defence or otherwise by the failure to give the notice in writing.

“(5) Where any notice has to be given under this section it may be given either—

“(a) By delivering it to the Secretary to the Harbour Board to which it has to be given; or

“(b) By sending it by post in a registered letter addressed to the Secretary to that Harbour Board.

“(6) Where a notice is sent by post in manner prescribed by subsection (5) of this section, it shall be deemed to have been given at the time at which the letter would have been delivered in the ordinary course of post.”

This Act is administered in the Marine Department.
