

# New Zealand.

ANNO VICESIMO NONO

VICTORIÆ REGINÆ.

No. 18.

## ANALYSIS.

Title.	10. The Governor empowered to appoint pilots.
1. Short Title.	11. Certain vessels exempt from pilotage.
2. Interpretation clause.	12. Penalty on masters evading pilotage.
3. Powers of Marine Board of New Zealand vested in the Governor.	13. Penalty on master refusing or hindering pilot.
4. Marine Board abolished.	14. Functions to be performed by Superintendents.
5. Repeal clause.	15. Superintendents may levy charges.
6. Governor in Council may delegate powers.	16. Extra charge for detention of pilot.
7. Governor in Council may cancel certificates &c.	17. Fees for certificate and renewal.
8. Powers to the Governor respecting ports and harbours.	18. Where notices to be sent.
9. Buoys &c. to vest in the Governor.	19. Recovery of fees and rates.
	20. When Act to come into operation.

## AN ACT to amend "The Marine Board Act 1863." Title. [26th September 1865.]

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

I. The Short Title of this Act shall be "The Marine Board Act Short Title. Amendment Act 1865."

II. In this Act the term "the said Act" means "The Marine Board Act 1863" and the term "the said Acts" means "The Marine Board Act 1863" and "The Steam Navigation Act 1862" the words "The Board" in "The Steam Navigation Act 1862" and in any Act amending the same and in this Act and the words "The Marine Board" in the unrepealed sections of the said Act shall be construed to mean the Governor or the person or persons to whom the respective powers created by the said Acts or by this Act or by any or either of them may be delegated under the authority of this Act. Interpretation clause.

III. From and after a day to be fixed by the Governor by Proclamation to be inserted in the *New Zealand Gazette* and also if the Governor shall think fit in the *Government Gazette* of each of the Provinces of New Zealand all the powers and authorities which by the unrepealed sections of the said Acts or either of them are given to or vested in or which may be exercised by the Marine Board of New Zealand shall vest in and may be exercised by the Governor. Powers of the Marine Board of New Zealand vested in the Governor.

IV. From and after the day so to be fixed the Marine Board of New Zealand as constituted by the said Act shall cease to exist. Marine Board abolished.

V. Sections V. VI. VII. VIII. IX. X. XII. XIV. XVIII. XXX. XXXV. XXXVII. of the said Act are hereby repealed and there is also hereby repealed so much of section XXIX. of the said Act as empowers or requires the Superintendent of each Province in New Zealand to perform the general functions and duties following— Repeal clause.

*Marine Board Act Amendment.*

To define for the purposes of the said Act the limit of any port within the Province.

To superintend and maintain harbour marks buoys lights and beacons at the time of the commencement of the said Act or thereafter erected or placed.

To appoint and suspend harbour-masters and to appoint suspend and remove other officers of the port.

To regulate the duties and conduct of the harbour-masters and other persons employed and acting in carrying out and effectuating the several objects of the said Act within any port the limits to which the powers and duties of harbour-master shall extend and the mode in which masters of vessels shall apply for and obtain the services of the harbour-masters.

Governor in Council  
may delegate powers.

VI. The Governor may by Order in Council from time to time delegate all or any of the powers and authorities vested in him by the said Acts or by this Act or by any or either of them unto any person or persons for any period and subject to any regulations restrictions or stipulations which may be specified in such order and every such delegation may from time to time alter or revoke Provided that any such alteration or revocation shall not affect the validity of instruments completed or acts done during the existence of such delegation.

Governor in Council  
may cancel certificates  
&c.

VII. It shall be lawful for the Governor in Council or his delegate or delegates appointed hereunder at any time to cancel and annul any certificates or licenses granted or issued and any rules regulations or by-laws made by any Board or any Marine Board under the said Acts or either of the said Acts and also to cancel and annul any rules regulations or by-laws and any appointments and any definitions of limits of any port made by any Superintendent under or by virtue or in exercise of any power contained in any of the sections or parts of sections of the said Acts which are hereby repealed and also to cancel and annul any rules regulations or by-laws made by any Superintendent under the said Acts relating to the performance of any duties or functions which by this Act are transferred from Superintendents to the Governor or to the Governor in Council Provided that until such certificates and licenses and such rules regulations and by-laws shall expire by effluxion of time or shall be cancelled or annulled under the powers or authorities herein or in the said Acts contained such certificates and licenses rules regulations and by-laws shall remain in full force.

Powers to the Governor  
respecting ports  
and harbours.

VIII. The Governor may—

Define for the purposes of the said Acts and of this Act the limits of any port

Fix and levy port charges

Erect superintend and maintain harbour marks buoys lights and beacons now or hereafter to be placed within the limits of any port or the approaches thereto.

Appoint and suspend or remove port or harbour-masters and other officers of the port or harbour.

Define and regulate the conduct and duties of port or harbour-masters and other persons employed in carrying out the objects of the said Act or of this Act within any port.

Buoys &c. to vest in  
the Governor.

IX. The Governor may purchase and acquire any lighthouses beacons buoys or sea-marks belonging to any Province And the same and all buoys beacons and sea-marks within the Colony or the coasts harbours navigable streams or estuaries thereof shall vest in the Governor.

The Governor em-  
powered to appoint  
pilots.

X. The Governor is hereby empowered to appoint all pilots and to

*Marine Board Act Amendment.*

provide for the maintenance of pilot establishments and remuneration of pilots and to regulate the duties and conduct of pilots and to fix the pilotage rates which shall be payable at each port not being greater than the rates specified in the schedule to this Act and to determine the nature of the services for which such rates respectively shall be payable the time of payment and the amount to be paid for detention of pilots on board vessels under quarantine or otherwise Provided that the Governor may at any time suspend or dismiss any pilot from acting.

XI. The Governor is hereby empowered by a certificate to be issued as hereinafter mentioned to exempt from pilotage such Colonial trading vessels as to him shall seem proper to be so exempted during such time as they shall continue to be navigated by masters holding such certificates which certificates shall specify the name of the master and of the vessel and shall state that the master is qualified to conduct and navigate his vessel into and out of the port or ports therein named and a register containing a counterpart of each such certificate shall be kept by the Board of all such Colonial trading vessels and the masters thereof who have received such certificates and every such master shall sign such register and all Colonial vessels so exempted during such exemption shall unless the master shall employ a pilot pay only one full rate of pilotage in and out of each such port in every year Provided that no such exemption shall be available unless the master shall when required by the Collector of Customs of the port or by any licensed pilot who may board the vessel produce and permit to be read by him the said certificate of exemption and unless from the time of approaching within six leagues of the port shore to the time of her anchoring in the port there shall be kept at the mast or mainmast head of such vessel such distinguishing flag as the Governor shall from time to time for that purpose direct Provided also that vessels exempted from pilotage at the commencement of this Act shall so continue for six months thereafter only unless further exempted pursuant to the provisions of this Act.

Certain vessels exempt from pilotage.

XII. If any vessel not exempt from pilotage or not employed in coasting only proceeds to sea from any port for which a pilot is so licensed as aforesaid or quits her station or anchorage in such port in order to proceed to sea without receiving on board some pilot so licensed for the purpose of conducting her to sea the master of such vessel shall over and above the amount which would have been payable for pilotage if a pilot's services had actually been engaged forfeit a penalty not exceeding fifty pounds.

Penalty on masters evading pilotage.

XIII. If the master of any vessel not exempt from pilotage or not employed in coasting only arriving from any place beyond the sea at or off any port for which a pilot is so licensed as aforesaid and intending to enter such port does not immediately upon demand receive on board such vessel the licensed pilot who first offers himself to conduct her into port or does not forthwith upon demand and upon the pilot producing if required his license give the vessel in charge to such pilot the master so offending shall over and above the amount which would have been payable for pilotage if the pilot's services had actually been accepted forfeit a penalty not exceeding fifty pounds.

Penalty on master refusing or hindering pilot.

XIV. The Superintendent of every Province is hereby empowered in addition to the functions and duties prescribed by "The Marine Board Act 1863" to perform the following functions and duties that is to say—

Functions to be performed by Superintendents.

To license and also from time to time to inspect and also to appoint officers to inspect from time to time ballast boats tank boats

*Marine Board Act Amendment.*

cargo boats lighters vessels whether decked or undecked and whether propelled by steam or not and all other vessels and boats whatsoever used or employed within any port of the Province for landing or embarking cargo passengers or luggage and also to license masters boatmen and others employed in working or navigating such vessels or boats as aforesaid and also to regulate the supply of ballast and water to shipping.

Superintendents may levy charges.

XV. The Superintendent of every Province with the consent of the Governor in Council may levy the following charges—

(1st.) For every vessel or boat whether coming from seaward or not whether exempted from pilotage fees or not and whether decked or undecked and whether propelled by steam or not navigating or plying whether for hire or not within any port of the Province a port charge half-yearly not exceeding six pence per registered or measured ton.

(2nd.) For every boatman or waterman and every person who shall be the master of or who shall work or navigate any such vessel or boat as last aforesaid used or employed in landing or embarking cargo passengers or luggage within any port of the Province a license fee yearly not exceeding two pounds two shillings.

Extra charge for detention of pilot.

XVI. If any pilot in charge of a vessel entering into or proceeding out of any port remains on board such vessel whilst under quarantine or is delayed in the performance of his duty by any act of the master the master or owner shall for every day the pilot remains on board or is delayed as aforesaid pay in addition to the amount of pilotage so fixed as aforesaid such sum as may from time to time be directed by the Governor by Order in Council and such additional amount shall be a port charge on the vessel.

Fees for certificate and renewal.

XVII. For every such certificate of exemption there shall be paid a fee of ... .. £ s. d.  
5 5 0

For every renewal thereof in respect of change of vessel by the master there shall be paid a fee of 1 1 0

Where notices to be sent.

XVIII. The notices which by section XXX. of "The Steam Navigation Act 1862" are required to be sent to the nearest Marine Board shall be sent to the Collector or Sub-Collector of Customs at the nearest port.

Recovery of fees and rates.

XIX. The fees and rates made payable under this Act shall be recoverable in like manner as fees and rates made payable under the said Act.

When Act to come into operation.

XX. This Act shall come into operation on and from a day to be fixed for that purpose by a Proclamation of the Governor to be published in the *New Zealand Gazette*.

### SCHEDULE.

#### HARBOUR MASTER'S FEES.

For every service performed by a Harbour Master under this Act a sum not exceeding one penny per ton of the vessel in respect of which the service is performed.

#### PILOTAGE RATES.

For every sailing vessel a sum not exceeding six pence per ton inwards and the same sum outwards.

For every steam vessel a sum not exceeding four pence per ton inwards and the same sum outwards.

For every day that a Pilot is detained on board any vessel whilst under quarantine or by any act of the master a sum not exceeding twenty shillings per day.

#### LIGHTHOUSE RATES.

For every steam vessel and for every vessel employed in the coasting trade on entering inwards at the Customs of this Colony four pence per ton.

For every other vessel entering inwards at the Customs of this Colony nine pence per ton.