

Hon. Mr. Anderson.

HARBOURS AMENDMENT.

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A BILL INTITLED

AN ACT to amend the Harbours Act, 1908.

Title.

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

Short Title.

1. This Act may be cited as the Harbours Amendment Act, 1922, and shall be read together with and deemed part of the Harbours Act, 1908 (hereinafter referred to as the principal Act).

10 and twenty-nine of the principal Act, or in section forty-two of the Harbours Amendment Act, 1910, the provisions of this section shall apply to lands legally vested in any Harbour Board (being either foreshore lands between high- and low-water marks or lands below low-water mark the depth of water on which is not sufficient at high water, spring tides, for the purposes of navigation) where such lands are not necessary for the purposes of a harbour.

Utilization of mud-flats vested in Harbour Boards.

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20 (2.) If any such lands can, in the opinion of the Board, be made available for pastoral or agricultural purposes if reclaimed from the sea, the Board may, with the consent of the Governor-General in Council, grant leases thereof on condition that the lessee reclaims from the sea by embankment or otherwise the land comprised in the lease within a time to be defined therein.

(3.) With respect to such reclamation the provisions of sections one hundred and fifty to one hundred and fifty-five of the principal Act shall apply.

Payment of annual subscription to Harbours Association.

3. A Harbour Board affiliated to the Harbours Association of New Zealand may from time to time, out of its Harbour Fund, pay the annual subscription of the Board to the association, and the actual reasonable travelling-expenses, properly vouched, of its representatives incurred in attending meetings of the conference and of the executive. 5

Section 47 of principal Act amended

4. Section forty-seven of the principal Act is hereby amended by omitting from paragraph (a) the words "two clear days," and substituting the words "four clear days." 10

Section 94 of principal Act amended.

5. Section ninety-four of the principal Act is hereby amended by omitting from subsection one the words "in or out of," and substituting the words "within or into or out of."

Space occupied by deck cargo liable to harbour dues.

6. (1.) If any ship, British or foreign, other than a home-trade ship within the meaning of the Shipping and Seamen Act, 1908, carries as cargo in any uncovered space upon deck, or in any covered space not included in the cubical contents forming the ship's registered tonnage, any timber, stores, or other goods, excepting fresh fruit, all harbour dues payable on the ship's tonnage shall be payable as if there were added to the ship's registered tonnage the tonnage of the space occupied by such goods at the time at which such dues become payable. 15 20

(2.) The tonnage so to be added shall be the same as that determined pursuant to section two hundred and twenty-two of the Shipping and Seamen Act, 1908, and the master of the ship shall produce when harbour dues are demanded the memorandum delivered to him in terms of that section showing the amount of additional tonnage so determined. 25

For purposes of dues consignor and consignee deemed to be persons so named in manifest.

7. Section one hundred and five of the principal Act, as amended by the Harbours Amendment Act, 1910, is hereby further amended by adding the following subsection:— 30

"(2.) The consignor and consignee of any goods carried in a ship shall, until the contrary is shown, be deemed to be the persons so named in the ship's manifest." 35

Section 116 of principal Act amended.

8. Section one hundred and sixteen of the principal Act is hereby amended as follows:—

(a.) By omitting from paragraph (f) of subsection one the words "travelling on public service, or his baggage with which he is travelling," and substituting the words "in respect of any matter arising out of or incidental to such service." 40

(b.) By adding to subsection three the words "but does not include any sums actually expended by a Board for labour or material in connection with the docking or slipping of a vessel." 45

Vessels exempt from dues may become liable in certain circumstances.

9. Section one hundred and seventeen of the principal Act is hereby amended by adding thereto the following proviso:—

"Provided that if, after any vessel has put into a port under circumstances conferring on it exemption from harbour dues and pilotage rates, any of its cargo is discharged for purposes of sale or any fresh cargo is taken on board in that port, the vessel shall thereupon become 50

liable for such dues and rates as from the date of its entry into the port."

10. For the purpose of rectifying or improving boundary-lines or street or road levels on, or of providing access to, any reclaimed or other
5 land vested in or held by it, or any land adjacent thereto, a Board may, with the consent of the Minister, sell or give in exchange any portion of such land vested in or held by it, and may purchase or accept in exchange land adjacent to such land.

Board may sell or give in exchange land required for rectifying boundary-lines, &c.

11. Section one hundred and forty-seven of the principal Act is
10 hereby amended by adding the following paragraph:—

Power to construct tanks for fuel oil and to lay pipes.

“(g.) Erect, construct, lay down, and maintain, or grant or allow
to any person, body, or authority, upon such terms as to payment and otherwise as may be agreed on, the right
15 of erecting, constructing, laying down, and maintaining upon any wharf, quay, or dock, or upon any land vested in the Board, tanks and pipes for the storage and conveyance of fuel oil, or any of such purposes.”

12. The Board may, in any case where it is deemed advisable
20 that any sum of money at credit of any account of the Harbour Fund should be placed on deposit at interest, deposit such sum of money with any bank approved by the Board or, with the consent of the Governor-General in Council, may deposit such sum with any incorporated building society or any investment company whose business
includes the receipt of money on deposit.

Board may deposit at interest moneys to credit of accounts.

13. Section one hundred and eighty-four of the principal Act is
25 hereby amended by omitting from subsection one the words “or more than one thousand.”

Section 184 of principal Act amended.

14. Section one hundred and ninety-eight of the principal Act is
hereby amended by adding the following subsection:—

Sinking Fund Commissioners may repurchase debentures.

30 “(2.) The purchase by the Commissioners of any debenture securing repayment of any part of the loan for which a sinking fund was created shall be deemed to be an investment of the sinking fund within the meaning of this section.”

15. Section two hundred and seven of the principal Act as
35 amended by section fifty-three of the Harbours Amendment Act, 1910, is hereby further amended by adding the following paragraphs:—

Section 207 of principal Act amended.

“(1c.) Provide for the sealing-up under the supervision of an
officer of the Board of the ash-ejector of any steamship
40 entering the harbour:”

“(17A.) Provide for the safe navigation of any navigable river
within its jurisdiction, and regulate all matters relating
to the protection of life and property in or on vessels
using any such river.”

16. (1.) Section two hundred and eight of the principal Act is
45 hereby amended as follows:—

Section 208 of principal Act amended.

(a.) By omitting from subsection one the words “two shillings,”
and substituting the words “three shillings”; and by insert-
ing in the same subsection, after the words “levied upon
all,” the words “or any”:

(b.) By omitting subsection two, and substituting the following subsection :—

“(2.) Such by-laws may prescribe—

“(a.) The manner of levying and collecting such rate :

“(b.) The persons by whom (including any or all of 5
the persons mentioned in sections one hundred
and four and one hundred and five of this
Act) and the manner in which such rate shall
be paid to any authorized officer of the Board
or to any other person authorized by the 10
Board in that behalf :

“(c.) Where the weight or measurement of goods
on which such rate is levied is not to be
ascertained by actual weighing or measuring,
the manner in which such weight or measure- 15
ment is to be computed (including the pre-
scribing of what quantity of any goods shall
be deemed to be of a specified weight or
measurement), and such weight or measure- 20
ment so computed shall be final and con-
clusive in any proceedings for the recovery of
any such rate.”

(2.) Any by-laws heretofore made by a Board restricting a harbour-
improvement rate to some only of the goods received at the port,
or prescribing a method of computing the weight or measurement of 25
goods otherwise than by actual weighing or measuring, are hereby
declared to be as valid and effectual as if this section had been in force
and the by-laws had been made thereunder.

(3.) The Fourth Schedule to the Harbours Amendment Act, 1910,
is hereby amended by repealing so much thereof as relates to section 30
two hundred and eight of the principal Act.

17. Section seventeen of the Harbours Amendment Act, 1910,
is hereby amended by inserting in paragraph (f) of subsection one, after
the word “consecutive,” the word “ordinary.”

18. Section twenty-one of the Harbours Amendment Act, 1910, 35
is hereby amended by omitting from subsection two the words “fourteen
days,” and substituting the words “thirty days.”

19. Section thirty-two of the Harbours Amendment Act, 1910,
is hereby amended by adding to subsection one thereof the following
provisoes :— 40

“Provided that in the case of a ship built within the port it shall
for the purposes of this subsection be deemed to have entered that port
on such date subsequent to the completion of the ship as the Board
determines :

“Provided further that a pilotage-rates exemption certificate shall 45
remain in force only so long as the master or mate of the ship in respect
of which the certificate was issued is the holder of a pilotage-exemption
certificate entitling him to pilot that ship.”

Section 17 of
Amendment Act,
1910, amended.

Section 21 of
Amendment Act,
1910, amended.

Section 32 of
Amendment Act,
1910, amended.

20. The Fifth Schedule to the principal Act is hereby amended as follows :—

Fifth Schedule to principal Act amended.

- 5 (a.) By omitting from the paragraph relating to Harbourmasters' fees the words "one penny per ton," and substituting the words "twopence per ton"; and by omitting from the same paragraph the words "ten shillings," and substituting the words "one pound":
- 10 (b.) By omitting from the first of the paragraphs relating to port charges the words "fifteenpence per ton," and substituting the words "two shillings per ton"; and by omitting from the second of such paragraphs the words "two pounds two shillings yearly," and substituting the words "three pounds three shillings yearly":
- 15 (c.) By omitting from the first of the paragraphs relating to pilotage rates the words "sixpence per ton," and substituting the words "ninepence per ton"; by omitting from the second of such paragraphs the words "fourpence per ton," and substituting the words "sixpence per ton"; and by inserting in the third of such paragraphs, after the words "of the master," the words "or by stress of weather."
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