

1960/84



**THE CHATHAM ISLANDS (WAITANGI) FORESHORE
LICENCE ORDER 1960**

H. E. BARROWCLOUGH, Administrator of the Government
ORDER IN COUNCIL

At the Government House at Wellington this 15th day of June 1960

Present:

HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN COUNCIL
PURSUANT to the Harbours Act 1950, His Excellency the Administrator
of the Government, acting by and with the advice and consent of the
Executive Council, hereby makes the following order.

O R D E R

1. This order may be cited as the Chatham Islands (Waitangi)
Foreshore Licence Order 1960.

2. In this order, unless the context otherwise requires,—

“Council” means the Chatham Islands County Council:

“Goods” includes all merchandise, wares, and commodities of every
description; and also includes animals:

“Vessel” includes a launch or boat of any description carrying
cargo or passengers:

“Wharf” includes any wharf, breastwork, jetty, landing place, or
the approaches thereto, under the control of the Council; and
also includes any store, shed, or other building built on or
attached to the wharf and under the control of the Council:

“Wharfinger”, in relation to any wharf, means the person appointed
by the Council to the charge of the wharf; and includes every
person who is for the time being in charge of the wharf; and
also includes any person acting by or under the authority of the
wharfinger.

PART I—FORESHORE LICENCE

3. The Council is hereby licensed and permitted to use and occupy
a part of the foreshore and land below low-water mark at Waitangi,
Chatham Islands, as shown on plan marked M.D. 6450 and deposited
in the office of the Marine Department at Wellington, for the purpose
of maintaining thereon the wharf and shed as shown on the said plan
(in this order together referred to as the wharf).

4. The licence granted under clause 3 of this order shall be subject to the following conditions:

- (a) The Foreshore Licence Regulations 1960* shall apply with respect to the licence:
- (b) The annual sum payable by the Council in respect of the licence shall be 1s., payable on demand:
- (c) The term of the licence shall be 14 years from the 28th day of July 1958.

PART II—REGULATIONS AS TO USE OF WHARF AND SHED

5. The master of every vessel discharging ballast at the wharf shall have all such ballast taken away and deposited above high-water mark, or at such place as may be approved by the Minister or by any person appointed by the Minister for that purpose.

6. Every master of a vessel shall be responsible for the proper slinging of all goods discharged on the wharf from that vessel or laden from the wharf on to that vessel and for any damage that may occur to the wharf, either from the breakage of slings or from the goods being imperfectly slung.

7. The Council shall not be responsible for any claim arising from delay in the delivery of goods from any cause whatsoever.

8. Goods landed or placed on the wharf during the absence of the wharfinger or his deputy 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 any such goods from any cause whatsoever.

9. The Council shall not be responsible for the wrong delivery or non-delivery of goods which are erroneously or deficiently marked, or which have numerous old or imperfectly erased marks thereon, or where two or more consignees have the same mark or marks for the same or a similar description of goods.

10. No person shall receive from or deliver to any vessel any goods except through the wharfinger.

11. No person shall leave any goods on the wharf for a longer period than 48 hours without permission from the wharfinger; and the wharfinger may, when in his opinion the public convenience and the proper working of the wharf require it, at any time during or after the expiration of that period, cause any goods to be removed from the wharf or the approaches thereto to any place the wharfinger thinks proper, at the expense and risk of the owner or his agent or the person in charge of the goods.

12. All goods which are not tallied by the wharfinger shall not be deemed for any purpose to be in the custody of the Council, nor shall the Council be responsible for their safe custody, or for any loss or damage that may accrue to the goods in any manner whatsoever.

13. The owner of all goods landed on the wharf or placed thereon for shipment shall place the goods as the wharfinger directs, and no person shall place any goods on the wharf so as to be an impediment to the approaches thereto or an obstacle to the removal of other goods, or so as to encumber the working of the plant and appliances thereon.

14. No person, other than the consignee or his agent, shall cut or open any sack, bag, case, or package of any description on the wharf for any purpose whatever.

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

16. No person shall place or store any goods or articles of any description which, in the opinion of the wharfinger, are likely to occasion damage to the wharf or to other goods thereon.

17. No person shall land or ship any goods in wet weather without the permission of the wharfinger, but the giving of that permission shall not throw upon the Council any liability for damage to the goods caused by handling in wet weather. The determination of the wharfinger that the weather is wet shall be conclusive.

18. The Council shall not be bound to find storage room on the wharf for any goods when, in the opinion of the wharfinger, no sufficient accommodation is available.

19. The owner of all goods landed on the wharf shall place the goods in charge of the wharfinger, who shall place them in the shed or otherwise as he thinks advisable. All goods may remain in the shed for a period of 48 hours, but may, with the wharfinger's permission, remain in the shed for such further period as the wharfinger permits, at the consignee's or owner's risk, but the giving of that permission shall not throw upon the Council any liability for damage or deterioration from any cause whatever.

20. The Council shall not be responsible for loss or damage to goods while in its custody by fire, water used in extinguishing fire, vermin, earthquake, the action of the sea, theft, robbery, or other like cause, except when due to the negligence of the Council or its officers or servants.

21. All wool put into the shed shall be stowed by the owner or his agent in such manner as directed by the wharfinger or his deputy.

22. The owner of all goods of a dangerous or inflammable nature landed on the wharf shall not put the goods into the shed, and the goods shall remain at the owner's risk while lying on the wharf; and the owner of any such goods shall be held responsible for any accident, damage, or loss that may result from the goods being on the wharf.

23. All complaints about the working of the wharf, or against the wharfinger or his representative, shall be made in writing to the Council.

24. No person shall smoke in the shed.

25. No person shall commit a nuisance on, under, or about the wharf.

26. No person shall scribble upon, cut, scratch, paint, or otherwise deface the wharf.

27. No person shall place any placard, notice, or advertisement on any portion of the wharf without the permission of the wharfinger.

28. No person shall interfere with any crane, truck, machinery, or plant, nor make any use thereof, except when entitled to do so under this Part of this order

29. No person owning or being in charge of any dog shall permit it to enter or remain on the wharf, unless the dog is either engaged in shipping stock or is led by a strap or chain, or is otherwise under the immediate control of the person accompanying the dog.

30. No person shall have any absolute right to be on the wharf, unless he has legitimate business to warrant his presence thereon. Every person on the wharf shall, when asked by the wharfinger, state the nature of his business thereon.

31. Any person having no legitimate business on the wharf shall leave the wharf if requested to do so by the wharfinger.

32. No child under 10 years of age shall be allowed on the wharf unless accompanied by an adult, or unless he is embarking or landing as a passenger on or from any vessel.

33. (1) All boatmen, stevedores, carters, or others engaged on the wharf shall be under the control of and shall obey the orders of the wharfinger.

(2) No person shall disobey any such orders, or in any way obstruct the traffic on the wharf, or make use of abusive or improper language thereon, or on board of any vessel alongside thereof.

34. No person shall commit any act resulting or likely to result in a breach of the peace on the wharf.

35. Every person commits an offence, and is liable on summary conviction to a fine not exceeding £20, who does any act in contravention of or fails to comply with any provision of this Part of this order.

PART III—REVOCATION

36. The Chatham Islands (Waitangi) Foreshore Licence Notice 1958* is hereby revoked.

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

*S.R. 1958/175

EXPLANATORY NOTE

This note is not part of the order, but is intended to indicate its general effect.

This order replaces the Chatham Islands (Waitangi) Foreshore Licence Notice 1958. The licence is in the same terms as the existing one but is granted by Order in Council instead of by the Minister of Marine in order to remove doubts as to the validity of the regulations in Part II.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 16 June 1960.

These regulations are administered in the Marine Department.