

1956/192

**THE GREAT BARRIER ISLAND FORESHORE
LICENCE ORDER 1956**

C. W. M. NORRIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 21st day of November 1956

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Harbours Act 1950, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

ORDER

1. This order may be cited as the Great Barrier Island Foreshore Licence Order 1956.

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

“Boat” means any open, decked, or half-decked boat used in connection with any vessel for the time being lying in or belonging to or visiting Port Fitzroy Harbour or Whangaparapara Harbour or Okupu Harbour or Tryphena Harbour; and includes any boat lying in or belonging to or visiting any of those harbours and used for the purpose of business or pleasure by residents of the district of Great Barrier Island in which the means of propulsion is either exclusively by oars or partly by oars and partly by sail:

“Council” means the Great Barrier Island County Council; and includes its successors and assigns:

“Master” means the person for the time being in charge of any vessel, whether or not he is certificated:

“Vessel” includes every description of launch or ship, whether used in navigation or in any way kept or used as a hulk or storeship or for any other purpose whatsoever, whether business or pleasure; but does not include a boat as defined in this clause:

“Wharf” has the same meaning as in the Harbours Act 1950:

“Wharfinger” includes every person who is for the time being in charge of any wharf.

PART I—FORESHORE LICENCE

3. The Council is hereby licensed and permitted to use and occupy those parts of the foreshore of Great Barrier Island described in the First Schedule to this order for the purpose of maintaining thereon the wharves shown on the plans referred to in that Schedule.

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

- (a) The Foreshore Licence Regulations 1940* (except regulation 21) shall apply with respect to the licence:
- (b) The annual sum payable by the Council in respect of the licence shall be one shilling, payable on demand:
- (c) The term of the licence shall be fourteen years from the date of this order.

PART II—REGULATIONS AS TO USE OF HARBOURS AND WHARVES

5. The master of any vessel loading or discharging at any wharf or jetty shall be accountable for the proper slinging and landing of all goods, and shall be responsible for all damage that may occur either from the breakage of slings or from the goods being improperly slung or improperly handled.

6. It shall be the duty of the master to cause proper tarpaulins to be stretched from the wharf to the vessel loading or discharging as aforesaid, and to be there maintained while cargo or ballast is being handled or shipped.

7. Where any vessel does or causes any damage to any wharf or any part thereof, or to any machinery or building thereon or appertaining thereto, the master of the vessel shall forthwith report the occurrence to the wharfinger by telegraph, or by at once reporting to the wharfinger in person, or, should there be no wharfinger, he shall report to the Council in like manner.

8. Any damage done or caused as aforesaid may be repaired by the Council, and the cost thereof shall be recoverable by the Council from the master and owner of any such vessel, or either of them, in any Court of competent jurisdiction.

9. All goods landed on any wharf, or brought thereon for shipment, shall be placed as the wharfinger or other authorised person directs, and so as to keep all mooring posts or rings free and all rails or tramways clear.

10. Before any vessel or boat is removed from any wharf, the master or other person in charge of the vessel or boat shall cause all dirt or rubbish to be thoroughly cleared from the portion of the wharf occupied by that vessel or boat, and to be deposited at such places as may be appointed by the wharfinger.

11. No person shall make fast any boat to any steps or landing place or so near thereto as to obstruct the approach of other boats or vessels, nor shall the person in charge of any boat allow the boat to lie longer alongside than is required for landing passengers.

12. (1) No person shall drive, take, or work, or cause to be driven, taken, or worked, at other than a walking pace any vehicle or horse on any wharf on which vehicles or horses are permitted by the wharfinger to be taken.

(2) If any such vehicle is drawn by one horse, the person in charge shall walk at the head of and lead the horse; and no person shall ride on any wharf, but shall dismount and lead his horse.

(3) Every person driving or taking any horse drawn vehicle on any such wharf shall remain in attendance thereon, so as to have control of his horse or horses.

13. All watermen, stevedores, carters, and other persons employed on any wharf or any public landing place shall be under the control of the wharfinger, and shall obey all orders given by the wharfinger.

14. No person shall in any way obstruct or impede traffic on any wharf, nor make use of any provoking, abusive, obscene, or other improper language thereon.

15. (1) No person shall, otherwise than as specifically permitted by this order, obstruct or impede ingress to or egress from any wharf by any vessel, boat, or cable, or in any other way.

(2) If in breach of this clause any person obstructs or impedes ingress or egress as aforesaid, and does not, upon being ordered so to do by the wharfinger, remove the obstruction, then, irrespective of the penalty to which that person is liable for the obstruction, the wharfinger may remove, cast off, or cut any such obstruction, and may recover the cost of so doing from that person.

16. The wharfinger shall have power, on the authority of the Chairman of the Council, to close the wharves, or any of them or any portion thereof, whenever in his opinion it is advisable to do so, and no person shall enter upon any wharf or portion of any wharf so closed without the consent of the wharfinger.

17. The master of every vessel lying at a wharf shall give way to any vessel carrying mails, whether discharging cargo or passengers or not, and shall either vacate his berth or assist the master of the vessel carrying mails to moor alongside his vessel, and allow the cargo and passengers to be shipped or unshipped over and across the deck of his vessel, as the case may require, under such conditions as the wharfinger may impose.

18. The master of every vessel, whether carrying passengers or not, when lying alongside any wharf shall—

- (a) Fix, and at all times keep fixed, a safe and proper gangway from that vessel to the wharf. The gangway shall have side rails and stanchions, with ropes rove taut through the same, the top rail or rope being not less than 3 ft. high; and
- (b) Keep a gangway net properly secured beneath the gangway; and
- (c) At all times throughout the night—that is to say, from sunset to sunrise—show and exhibit a proper light fixed at each gangway; and
- (d) Conform to and obey all orders the wharfinger may give regarding the position, size, and kind of those gangways, nets, and lights.

19. The master, owner, or agent of every vessel shall produce the certificate of registry of his vessel, and shall give to the wharfinger or other person in charge a copy of the bill of lading, freight list, or

manifest of the cargo, or other proper accounts of the weights and measurements of all goods according as freight is payable, intended to be unshipped from the vessel on to a wharf, and also of all goods shipped from the wharf on to his vessel.

20. (1) Every person who uses any wharf, jetty, or landing reserve under the control of the Council, and any other wharf that may hereafter come under the control of the Council, for landing or shipping any goods, shall pay to the Council wharf dues according to the scale prescribed in the Second Schedule to this order.

(2) All such wharf dues shall be paid before the goods are delivered.

21. Every person whose goods are stored in any shed upon any wharf shall pay, before receipt of the goods, and when called upon by the Council or wharfinger so to do, storage for the goods as follows:

For the first five days: Free.

After the first five days: Double the rates prescribed in the Second Schedule to this order in respect of wharf dues shall be payable for every week or part of a week that the goods remain in the sheds.

22. No person shall allow any goods to remain on any wharf or in the approaches thereto, or in any store or warehouse on any wharf, for a longer period than three months.

23. No person shall remove goods from any wharf, pier, jetty, or landing place without having previously paid the dues payable thereon.

24. In the absence of the consignee the wharfinger shall take delivery of all goods landed on the wharf, and shall place the goods in the wharf shed, and shall keep the goods until payment to the Council of the expenses of the removal, wharfage, and storage dues as provided in clauses 20 and 21 of this order together with any other charges due to the Council on the goods; and in default of payment may, in the manner and in the time provided in section 201 of the Harbours Act 1950, sell the goods, and may exercise on behalf of the Council all the powers contained in the said section 201:

Provided that goods mentioned in clauses 29 and 31 of this order shall not be stored in any wharf shed.

25. If any goods, which in the opinion of the wharfinger it is not expedient to put in the wharf shed, are stored on any wharf, the owner of the goods shall pay storage for the goods at the same rate as is provided in clause 21 of this order.

26. If any cargo remains on any wharf for a longer period than forty-eight hours, or if any cargo in any way hinders the loading or unloading of any vessel, or is an impediment to the approaches, the wharfinger may have the cargo removed at the expense of the shipper, and in the case of inward cargo at the expense of the consignee or owner:

Provided that if any timber remains on any wharf for a longer period than twelve hours the wharfinger may have the timber removed at the expense of the shipper, consignee, or owner, as the case may be.

27. No person shall ship or unship timber, coal, produce, or cargo of any description, except at such time and places and in such order or mode as may be directed and deemed expedient by the wharfinger for the proper working of any vessel.

28. No person shall deposit any ballast, coal, coke, or patent or other fuel on any wharf or in any shed without special permission of the wharfinger.

29. No person shall discharge or land on any 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 or anything for the time being on that wharf or in that shed.

30. No person shall place or leave upon any wharf or in any shed any vegetable or animal matter or goods which are in a state of decay or putrefaction. Any goods which are, in the opinion of the wharfinger, unfit to remain on the wharf, or harmful to other goods stored on the wharf or in any shed, may be removed from the wharf or any shed by the wharfinger, and the consignee or owner shall, upon demand, repay to the Council the cost of that removal, and also in addition the amount of any damage done by the goods to any other goods on the wharf or in the shed.

31. All explosives, benzine, kerosene, and all goods of a dangerous or inflammable character shall be removed by the owner, agent, or consignee immediately on being landed, and the 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 the penalty provided for a breach of these regulations, and the Council shall not be responsible for any damage or loss which may accrue to any such goods.

32. No person shall be entitled to claim against the Council for the loss of any goods landed or placed on any wharf or in any shed, but nothing in this clause shall be deemed to relieve the Council from liability for negligence on the part of any servant of the Council acting within the scope and in the course of his employment.

33. The dues, tolls, and charges specified in the Third Schedule to this order shall be paid for the use of each and every wharf that now is or may hereafter come under the jurisdiction of the Council.

34. The master or owner or agent of every vessel occupying a berth at the wharves at Port Fitzroy, Whangaparapara, Okupu, or Tryphena shall for each and every adult passenger carried by that vessel landed on or shipped from any such wharf pay the sum of one shilling:

Provided that that charge shall not be payable in respect of passengers arriving at any such wharf from any place within the Great Barrier Island County, nor shall it apply to any passenger leaving any such wharf for any such place or places within the county.

35. The master or owner or agent of any vessel trading regularly between the ports of Great Barrier Island County and localities outside the county limits shall render to the Council on the seventh day of each calendar month a correct statement showing the number of adult passengers carried by that vessel to and from any such wharf during the previous month, and at the same time shall pay to the Council the total amount of berthage charges due in respect of passengers carried during that month by that vessel.

36. Every person who fails to comply with or does any act in contravention of any of the provisions of this order, or in any manner obstructs, impedes, or interferes with the doing of anything required or authorised to be done under this order commits an offence and is liable on summary conviction to a fine not exceeding £50.

37. The Orders in Council specified in the Fourth Schedule to this order are hereby revoked.

SCHEDULES

FIRST SCHEDULE

PARTS OF FORESHORE INCLUDED IN LICENCE

THOSE parts of the foreshore at Shoal Bay, Tryphena Harbour; Number 1 Wharf, Tryphena Harbour; Whangaparapa Harbour; Port Fitzroy Harbour; and Okupu (Blind Bay), all in Great Barrier Island, as shown on approved plans marked M.D. 7215, 7376, 7575, 4608, 7618, and 8300, respectively, and deposited in the office of the Marine Department at Wellington.

SECOND SCHEDULE

SCALE OF WHARF DUES

	s.	d.
Ballast (ships), per ton	1	0
Bricks, per 100	0	3
Bricks, per 100 above first 1,000	0	1½
Butter, up to 3 boxes, per box	0	1
Butter, over 3 boxes, per box	0	0½
Cattle over 10 months old, each	0	9
Cattle under 10 months old, each	0	1
Cement, per bag (18 to ton)	0	0¾
Chaff, per sack	0	0½
Coal other than for mining purposes, per ton	1	0
Crayfish, per sack or case	0	2
Coal for mining purposes, per ton	0	6
Cream, per ½ cwt. or under	0	0½
Cream, per cwt. up to 15 cwt.	0	0¾
Cream, over 15 cwt. not exceeding 1 ton	1	0
Fish, per bundle	0	0½
Firewood, per sack	0	2
Grass seed, per sack	0	1
Hides, great cattle, undressed, for first	0	2
Hides, great cattle, undressed, each additional	0	1½
Hides, small animals, per dozen or less	0	6
Horses, each	1	0
Kauri gum, per sack	0	2
Kauri gum, per case	0	2
Kerosene or benzine, per case of 2 tins	0	2
Benzine or fuel oil in 4 gal. drums	0	1
Benzine or fuel oil in 40 gal. drums	0	6
Lime, per sack	0	1
Manure, per bag, 12 to ton	0	0½
Manure, per bag, 16 to ton	0	0½

SECOND SCHEDULE—*continued*

	s.	d.
Manure, per ton	0	9
Oats and other grain, per bag	0	1
Oysters, per sack	0	2
Palings, per 1,000	7	0
Paint, oil, keg or drum, each	0	1
Lime, per ton	0	9
Cycles	0	6
Dinghies, per foot	0	3
Parcels, packages, boxes, jars, up to 12 lb., and returned empties on board by consignor or taken off boat by consignee	Free	
Parcels, packages, boxes, jars, up to 12 lb., and empties when left in charge of wharfinger, each	0	1
Personal luggage up to $\frac{1}{2}$ ton	Free	
Personal luggage over $\frac{1}{2}$ ton	1	0
Pigs, dead or alive	0	1
Pipes (iron and galvanised or copper), per 100 ft. lineal	0	2
Pipes (earthenware or cement), each	0	1
Pipes (field tiles), per 100	0	6
Ploughs, each	0	6
Posts or rails, per 100 or fraction thereof	2	0
Props, per 100	1	0
Harrows, each	0	3
Poultry, per dozen	0	3
Saddles, each, with or without bridles	0	3
Sand, stone, shingle, per cubic yard	0	6
Sheep or goats, each	0	1
Sheep skins in bundles of 25 to 40	0	9
Shingles, per 1,000	0	9
Slabs, or stakes, per 100	0	9
Fencing battens or droppers, per 100, 2 in. by 2 in. by 4 ft.	0	6
Sleepers, per 100	2	6
Tanks, empty, each	0	6
Timber, baulk or round, per 100 superficial feet	0	1 $\frac{1}{2}$
Timber sawn, per 100 superficial feet	0	2
Vegetables, per sack	0	1
Vehicles, two wheels, each	3	0
Vehicles, four wheels, each	4	0
Wool, per bale	0	6
Wool, per half bale	0	3
Wool, per sack	0	2

Any goods sent for repairs pay wharfage one way only, the owner being responsible.

For all goods and merchandise not specially provided for in the foregoing schedule landed or shipped from any wharf, jetty, or landing reserve, a rate of 2s. a ton weight or measurement, whichever is the greater, per weight or per ton measurement. Per ton means 20 cwt. per ton, measurement means 40 cubic feet.

SECOND SCHEDULE—*continued*

Weight shall be gross weight (including covering). Measurement shall be outside measurement of all packages. For smaller quantities according to the following scale:

Weight – For every fractional part of a ton as follows:

	s.	d.
140 lb. and under	0	2
140 lb. and not exceeding 500 lb.	0	6
Over 500 lb. and not exceeding 1,000 lb.	0	9
Over 1,000 lb. and not exceeding 1,500 lb.	1	0
Over 1,500 lb. to 1 ton	1	3

Measurement for every part of a ton as follows:

4 cubic feet and under	0	2
Over 4 cubic feet and under 9 cubic feet	0	6
Over 9 cubic feet and under 18 cubic feet	0	9
Over 18 cubic feet and under 27 cubic feet	1	0
27 cubic feet to a ton (40 cubic feet)	1	3

Separate consignments of goods shall be computed separately, and computing the whole of one firm's or person's consignments in the lump or as a whole as one consignment shall not be allowed, saving and excepting that when any firm or person ships or receives more than one package of goods on any one day by the same ship, then wharfage shall be charged on the total measurement of all the packages, and not separately.

All charges to be paid before goods are delivered.

THIRD SCHEDULE

SHIPS' WHARF DUES

	s.	d.
On every vessel under 20 register tons lying alongside a wharf, for each day or part of a day	2	6
On every vessel under 20 register tons, for every day or part of a day that the vessel lies alongside a vessel lying at a wharf	1	3
On every vessel under 20 register tons undergoing repairs or fitting out alongside a wharf, or lying off a wharf with a line attached thereto, per day or part of a day	0	6
On every vessel of 20 register tons and upwards lying at a wharf, 2s. 6d. for first 20 tons and for every additional ton, per ton per day or part of a day	0	0 $\frac{1}{4}$
Minimum charge on every sailing vessel of 20 register tons and upwards lying alongside a wharf, per day or part of a day	1	0
Minimum charge on every vessel propelled by mechanical power of 20 register tons and upwards lying alongside a wharf, per day or part of a day	2	6
On every vessel of 20 register tons and upwards lying alongside a vessel at a wharf, or lying off a wharf with a line attached thereto, or undergoing repairs, per ton per day or part of a day	0	0 $\frac{1}{2}$
Minimum charge for vessel last mentioned	0	6

THIRD SCHEDULE—*continued*

Provided that in the case of vessels trading regularly the following dues, tolls, and charges shall be paid quarterly in advance, commencing the quarters on the first days of January, April, July, and October in each year:

	s.	d.
On every vessel under 20 register tons, per quarter	10	0
On every vessel of 20 register tons and upwards, for first 20 register tons 10s., and for every additional ton, per quarter	0	6

FOURTH SCHEDULE

ORDERS IN COUNCIL REVOKED

Order in Council	Published in <i>Gazette</i>	
	Year	Page
Order in Council dated 11 April 1924 making regulations fixing dues and otherwise with respect to the Great Barrier Island County Council Wharves at Port Fitzroy and Whangaparapara	1924	917
Order in Council dated 15 December 1933 amending the first-mentioned Order in Council	1933	3408
Order in Council dated 21 June 1944 granting foreshore licences for wharves in Great Barrier Island and fixing dues for same	1944	831
Order in Council dated 12 November 1947 amending last-mentioned Order in Council	1947	1806

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

EXPLANATORY NOTE

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

This order consolidates and amends certain Orders in Council granting foreshore licences to the Great Barrier Island County Council and fixing dues and prescribing regulations relating to the use of wharves in the harbours of Great Barrier Island.

The order fixes a new scale of wharf dues and alters the basis of calculating storage dues and the charges payable in respect of passengers landed on the several wharves.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 22 November 1956.

These regulations are administered in the Marine Department.