

1956/220



THE RAROTONGA HARBOURS IMPROVEMENT AND
MAINTENANCE FUND REGULATIONS 1956

C. W. M. NORRIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 17th day of December 1956

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Cook Islands Act 1915, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

Title and Commencement

1. (1) These regulations may be cited as the Rarotonga Harbours Improvement and Maintenance Fund Regulations 1956.

(2) These regulations shall come into force on the day after the date on which they are publicly notified by the Resident Commissioner of Rarotonga.

Interpretation

2. In these regulations, unless the context otherwise requires,—

“Goods” includes wares and merchandise of every description and all chattels, livestock, and other articles; but does not include mails or passengers’ baggage:

“Harbour” includes any harbour, whether natural or artificial, and any haven, estuary, lagoon, navigable river, dock, pier, jetty, and work in or at which ships do or can obtain shelter, or ship or unship goods or passengers:

“Harbour works” includes any works for the improvement, protection, management, or utilisation of a harbour; and in particular, but without limiting the general meaning of the term, includes any basin, graving dock, slip, dock, pier, quay, wharf, jetty, bridge, viaduct, breakwater, embankment, or dam, or any reclamation from the sea or navigable river, or any excavation, deepening, dredging, or widening of any channel, basin, lagoon, or other part of a harbour, whether complete or incomplete, in the sea, or in, on, or near the shore of the sea or of any creek, bay, or arm thereof, or of any navigable river flowing thereinto, and all buildings thereon, and plant and machinery used in connection with any harbour works:

“Ton”—

- (a) In relation to flour, means two thousand pounds:
- (b) In relation to coal, coke, manure, sugar, cement, wheat, oats, barley, rice, bran, chaff, bagged vegetables, bagged salt, rope, twine, or freezer cargo, or to any other goods on which freight is charged according to weight, means twenty hundred-weight:
- (c) In relation to timber, means four hundred and eighty feet superficial measurement:
- (d) In relation to bricks, means three hundred and twenty bricks:
- (e) In relation to uncrated bicycles, means four bicycles:
- (f) In relation to uncrated motor cycles, means two motor cycles:
- (g) In relation to any other goods, means forty cubic feet measurement.

Rarotonga Harbours Improvement and Maintenance Rate

3. (1) The master, owner, charterer, or agent of any vessel from which goods imported from any place outside the Cook Islands or from the Island of Niue are landed on the Island of Rarotonga shall pay to the Treasurer of the Cook Islands as a Rarotonga harbours improvement rate the sum of one shilling a ton or part thereof in respect of all such goods:

Provided that no such rate shall be payable in respect of goods landed on the Island of Rarotonga from any vessel and re-shipped in the same vessel before it leaves its discharging berth.

(2) The ship's manifest relating to any such goods may be accepted for the purposes of this regulation as sufficient evidence of the nature and weight or measurement of the goods.

Rarotonga Harbours Improvement and Maintenance Fund

4. (1) The Treasurer at Rarotonga shall keep an account of the proceeds of the Rarotonga harbours improvement and maintenance rate imposed under these regulations, and all such proceeds shall be deposited with the Treasurer at Rarotonga and kept in a separate account to be known as the Rarotonga Harbours Improvement and Maintenance Fund.

(2) A summary of the accounts of the Fund for the preceding twelve months or from the date of the last audit, shall be published by the Resident Commissioner annually, together with a report on the harbour work carried out during the period covered by the accounts.

Administration of Fund

5. Subject to the provisions of the Cook Islands Act 1915 and of any other Act, the Rarotonga Harbours Improvement and Maintenance Fund shall be administered and applied by the Resident Commissioner of Rarotonga in accordance with these regulations.

Application of Fund

6. No part of the Rarotonga Harbours Improvement and Maintenance Fund shall be applied to any purpose other than to all or any of the following works for the improvement of the Rarotonga harbours:

- (a) The erecting or making of any harbour work or constructing or doing of any work or thing that conduces to the safety or convenience of ships or that facilitates the shipping or unshipping of goods or passengers or is intended to do so; and
- (b) The maintenance of lights, buoys, beacons, pilot establishments, and signal stations, and the maintenance of any lifeboat or other means of preserving life in case of shipwreck or marine accident.

7. These regulations shall bind the Crown.

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

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations impose a harbours improvement and maintenance rate of 1s. a ton on all goods (other than mails or passengers' baggage) imported into Rarotonga from any place outside the Cook Islands or from the Island of Niue. The rate is to be paid into a Rarotonga Harbours Improvement and Maintenance Fund and used only for the construction of harbour works and the maintenance of aids to navigation.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 19 December 1956.

These regulations are administered in the Department of Island Territories.