

**1956/181**

## THE RANGITOTO ISLAND FORESHORE LICENCE ORDER 1956

C. W. M. NORRIE, Governor-General

### ORDER IN COUNCIL

At the Government Buildings at Wellington this 29th day of October 1956

Present:

THE RIGHT HON. S. G. HOLLAND PRESIDING 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 Rangitoto Island Foreshore Licence Order 1956.
2. In this order, unless the context otherwise requires,—
  - “Board” means the Rangitoto Island Domain Board; and includes its successors and assigns;
  - “Vessel” and “wharf” have the same meanings 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 Board is hereby licensed and permitted to use and occupy that part of the foreshore and land below low-water mark at Rangitoto Island, Auckland Harbour, as shown on the plan marked M.D. 10048 and deposited in the office of the Marine Department at Wellington, for the purpose of maintaining thereon a wharf as shown on that plan (in this order referred to as the said wharf).

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

- (a) The Foreshore Licence Regulations 1940\* shall apply with respect to the licence:
- (b) The annual sum payable by the Board 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—PASSENGER DUES

5. (1) All persons landing on or embarking from the said wharf shall pay to the Board dues at the following rates:

(a) In the case of persons aged twenty-one years and over, the sum of sixpence per person:

(b) In the case of persons aged twelve years and over but under the age of twenty-one years, the sum of threepence per person:

Provided that no person who is landed on or embarked from the said wharf by a regular trading vessel and who has been issued by the master, owner, or agent of the vessel with a return ticket covering the fare both to and from Rangitoto Island shall be liable to pay more than the appropriate fee of sixpence or threepence, as the case may be, in respect of each return trip.

(2) Where any such persons are carried by any regular trading vessel, the aforesaid dues at the appropriate rates shall be paid by them to the master, owner, or agent of the vessel, who shall collect the dues from those persons in addition to or as part of any fare charged by him; and those dues shall be paid to the Board by the master, owner, or agent, in the manner and at the times prescribed by subclause (3) of this clause.

(3) All passengers' dues collected as provided in subclause (2) of this clause shall be paid monthly on or before the seventh day of each month in accordance with a return furnished to the Board by the master, owner, or agent of each vessel which carried those passengers; and that return shall be compiled from the books or records kept by him in respect of the trading of each such vessel.

(4) No dues or charges whatsoever shall be payable by any child under twelve years of age landing on or embarking from the said wharf.

## PART III—REGULATIONS AS TO USE OF WHARF

6. The master of any vessel coming alongside the said wharf shall be responsible for the proper and safe berthing of his vessel, and the master and owner shall be responsible for any damage done to the said wharf in connection with that vessel. The Board may repair any such damage and charge the cost of doing so against the master or owner of the vessel doing the damage, and that cost may be recovered by the Board from the master or owner by action in any Court of competent jurisdiction.

7. When two vessels are expecting to berth at the said wharf at the same time, the wharfinger, or any officer authorised by the Board to do so, shall direct the master of each vessel where his vessel is to be berthed, and any master failing to carry out those directions commits a breach of these regulations.

8. Before any vessel is removed from the said wharf, the master shall cause all dirt and rubbish to be thoroughly cleared from the portion of the said wharf occupied by that vessel, and deposited how and where directed by any person authorised by the Board so to direct the master.

9. The master of every vessel discharging ballast at the said 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 of Marine or by any person appointed by the Minister for that purpose.

10. No person shall permit any animals to remain on the said wharf at any time.

11. The owner, or consignee, or the agent of the owner or consignee, of any explosives, kerosene, benzine, fuel oil, or goods of a dangerous or inflammable character shall cause the same to be removed from the said wharf immediately on being landed, and any owner, consignee, or agent failing to do so shall be responsible for any damage or loss that may accrue from any accident arising therefrom in addition to any penalty for the default.

12. All goods landed at the said wharf shall be so landed at the shipper's own risk, and the Board shall be under no responsibility to deliver the same to the consignee.

13. Any goods placed on the said wharf for shipment shall be placed there at the consignor's own risk, and the consignor shall be solely responsible for the safety of the goods until accepted by the master, owner, or agent of the vessel by which they are to be shipped.

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

15. Every person commits an offence against this order who—

- (a) Refuses to carry out the lawful instructions of the wharfinger;
- (b) Permits the remains of fish offal or other offensive matter to be placed in or about the said wharf;
- (c) Uses the said wharf for any purposes other than embarking or disembarking passengers or loading or unloading goods; or
- (d) Does any act in contravention of or fails to comply with any provision of this order.

16. Every person who commits an offence against this order is liable on summary conviction to a fine not exceeding £50.

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

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#### EXPLANATORY NOTE

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

This order grants a foreshore licence under the Harbours Act 1950 to the Rangitoto Island Domain Board for the purpose of maintaining a wharf, fixes the dues that may be charged by the Board in respect of passengers landing on or embarking from the wharf, and regulates the use of the wharf.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 1 November 1956.

These regulations are administered in the Marine Department.