

1955/97



## THE TIMBER FLOATING REGULATIONS 1955

C. W. M. NORRIE, Governor-General

### ORDER IN COUNCIL

At the Government House at Wellington this 13th day of July 1955

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Timber Floating Act 1954, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

### REGULATIONS

1. (1) These regulations may be cited as the Timber Floating Regulations 1955.
- (2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.
2. In these regulations, unless the context otherwise requires,—
  - “The Act” means the Timber Floating Act 1954:
  - “Conservator” means the Conservator of Forests appointed under the Forests Act 1949 for the conservancy in which is situated the river, stream, or creek affected by the subject matter:
  - “Licence” means a licence under the Act to float, raft, or drive timber; and “licensee” has a corresponding meaning:
  - “Minister” means the Minister of Forests:
  - “Timber” includes trees when they have fallen, or have been felled, and whether sawn, hewn, split, or otherwise fashioned.
3. A bond required for the purposes of the Act shall be in or to the effect of the form set out in the First Schedule hereto.
4. A licence issued under the Act shall be in or to the effect of the form set out in the Second Schedule hereto.
5. There shall be payable to the Conservator in respect of the documents under the Act specified in the Third Schedule hereto (being documents issued or effected after the commencement of these regulations) the fees specified in that Schedule.
6. The Minister may in his discretion, in any case where he considers it reasonable and equitable to do so, reduce any fee specified in the Third

Schedule hereto, or waive payment of any such fee, or refund out of money appropriated by Parliament to the person paying any such fee the whole or any part of the fee.

7. The regulations under the Timber Floating Act 1884 made by Order in Council on the 22nd day of December 1884\* are hereby revoked.

\*Gazette, 2 January 1885, Vol. I, p. 10.

SCHEDULES

FIRST SCHEDULE

BOND BY HOLDER OF TIMBER FLOATING LICENCE

KNOW all men by these presents that we ..... (hereinafter called the Principal Party) and ..... (hereinafter called the Sureties) are jointly and severally held and firmly bound unto Her Majesty the Queen in the sum of ..... pounds for which payment well and truly to be made we bind ourselves and each of us and our successors and assigns [executors or administrators] firmly by these presents.

WHEREAS the Principal Party hereto made application for a licence to use the ..... situated in Block ..... of the ..... Survey District in the ..... Land District in accordance with and subject to the provisions of and for the purposes expressed in the Timber Floating Act 1954: And whereas the Minister of Forests before issuing the licence requires the Principal Party and the Sureties to enter into the above written bond:

Now the condition of this bond is that if the Principal Party hereto its successors or assigns [his executors or administrators] shall henceforth at all times pay all damages that may be recovered against the Principal Party as the Licensee and pay from time to time the cost and expenses that may be incurred by the Conservator of Forests or otherwise in consequence of the neglect failure or refusal of the Licensee or his agents servants or workmen to comply with fulfil or perform respectively any of the conditions special conditions stipulations and requirements contained in the licence or any extension thereof or the provisions of the said Act, the payment or recovery of which damages or cost or expenses may be claimed sued for and recovered notwithstanding that the licence or extension thereof may have expired or been cancelled or transferred, then this Bond shall be void and of no effect but otherwise shall remain in full force.

Dated this ..... day of ..... 19.....

Signed by the abovenamed ..... as Principal }  
Party in the presence of [or, as the case may re- }  
quire, in the case of a company or other cor- }  
poration]

Signed by the abovenamed ..... as Surety in }  
the presence of [or, as the case may require in }  
the case of a company or other corporation]

Signed by the abovenamed ..... as Surety in }  
the presence of [or, as the case may require in }  
the case of a company or other corporation]

## SECOND SCHEDULE

## TIMBER FLOATING LICENCE

*Timber Floating Act 1954*

Licence No.....

..... Conservancy.

..... [Name], having made application for a licence under the Timber Floating Act 1954 to float, raft, or drive timber on the [Name of river, stream, or creek] and having complied with the provisions of the said Act in respect to that application, is hereby granted a licence for the period from the ..... day of ..... 19.... to the ..... day of ..... 19.... (inclusive) to float, raft, or drive timber down and along the course of the said [Name of river, stream, or creek] as described in the First Schedule hereto and to construct such dams, booms, and other devices situated as described in the Second Schedule hereto, subject to the Timber Floating Act 1954, the Timber Floating Regulations 1955, and the terms conditions and special conditions set forth herein.

Dated at ..... this ..... day of ..... 19....

.....  
Minister of Forests.

## FIRST SCHEDULE

ALL that course of the ..... situated in Block ..... of the ..... Survey District in the ..... Land District, as the same is shown coloured red on the plan drawn hereunder.

## PLAN

## SECOND SCHEDULE

DAMS, booms, and other devices authorized to be constructed: [*State locations*].

## CONDITIONS

Certain conditions are implied in this licence by virtue of the Timber Floating Act 1954. The remaining conditions of this licence are as follows:

1. The Licensee shall keep a register of all logs put into the said river, stream, or creek pursuant to this licence. The said register shall show the brands, numbers, and marks of all such logs and the numbers of all such logs delivered at any sawmill or otherwise removed from the said river, stream, or creek. The Licensee shall supply a copy of that register to the Conservator of Forests whenever notified in writing to do so.
2. All sunken, derelict, or stranded logs floated, rafted, or driven under this licence shall be raised and removed by the Licensee within one month from the time of sinking, stranding, or becoming derelict. Should the Licensee fail to comply with this condition the logs may be raised or removed by the Conservator of Forests and the cost of raising and removal shall be recoverable from the Licensee.

SECOND SCHEDULE—*continued*

3. This licence is issued subject to the Harbours Act 1950, the regulations thereunder, and the by-laws made by any Harbour Board or local authority for the time being in force and relating to the protection of life and property on or in vessels and the safe navigation of any harbour or navigable waters, and the Conservator of Forests may require the Licensee within such time as the Conservator may stipulate to do any act or thing necessary to remove or abate any danger to life or property or obstruction to navigation caused by the Licensee or his agents, servants, or workmen or for which the Licensee may in any way be responsible, and should the Licensee fail to carry out the requirements of the Conservator in this behalf the Conservator may cause those requirements to be given effect to and recover the cost thereof from the Licensee.

## SPECIAL CONDITIONS

## THIRD SCHEDULE

*Table of Fees*

Description of Document	Fee
	£   s.   d.
Application for licence	1   0   0
Licence	4   0   0
Consent to transfer, assignment, or extension of licence	1   0   0
Certified copy of any licence or bond	1   0   0

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 specify the form of bond to be given by the holders of licences to float, raft, or drive timber under the Timber Floating Act 1954, the form of those licences, and the fees payable in respect of licences and other transactions under that Act.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 14 July 1955.

These regulations are administered in the New Zealand Forest Service.