

**1965/112**

## THE WESTPORT HARBOUR REGULATIONS 1965

BERNARD FERGUSON, Governor-General

### ORDER IN COUNCIL

At the Government House at Wellington this 23rd day of June 1965

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 regulations.

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## REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Westport Harbour Regulations 1965.

(2) These regulations shall come into force on the 1st day of July 1965.

**2. Interpretation**—(1) In these regulations unless the context otherwise requires,—

“Act” or “the Act” means the Harbours Act 1950:

“At anchor” means made fast and secured to an anchor:

“Ballast” includes any material or thing used for the stabilising or trimming of vessels:

“Berth” means the place at which a vessel is anchored or moored:

“Boat” means every description of vessel used in navigation, not being a ship:

- “Buoys” and “beacons” include all marks and signs within the harbour in aid of navigation:
- “Cargo” and “goods” mean all wares, merchandise, and commodities of every description; and include all chattels, livestock, and other articles:
- “Cattle” includes oxen, horses, sheep, swine, and goats:
- “Collector of Dues” includes any person whose duty it is to collect harbour dues and any person acting for him:
- “Consignee”, in relation to any goods means the person to whom the goods are consigned; and includes the owner of the goods, the agent for the owner, the agent for the sale or custody of the goods, the holder of any bill of lading or any other document representing the goods, and any person having any right, title, or interest to or in the goods or the possession thereof:
- “Dangerous goods” has the same meaning as in the Dangerous Goods Act 1957:
- “Day” means the period commencing at midnight on one day and ending at midnight on the following day; and includes any portion of a day:
- “Department” means the Marine Department:
- “Dues” and “charges” include any due, rate, fee, toll, tax, pilotage rate, port charge, or payment payable or leviable under the Act or a special Act:
- “The Harbour” or “the Port” means the Port of Westport as defined by Warrant of the Governor dated the 8th day of February 1901, and published in the *Gazette* of the 14th day of February 1901 at page 401:
- “Harbourmaster” means the person appointed to that office; and includes his deputy and any person acting under the authority or instructions of the Harbourmaster or his deputy:
- “Hour” includes any portion of an hour:
- “Licensed” means licensed by the Department, or by any person authorised to issue any licence:
- “Master”, in relation to any ship, means the person (not being a pilot) having command or charge of the ship, either permanently or for the time being:
- “Minister” means the Minister of Marine:
- “Owner”, in relation to a vessel, includes any person who is the owner of the vessel jointly with any other person or persons; and also includes the agent of the owner and the charterer of the vessel:
- “Owner”, in relation to goods, includes any consignee, consignor, shipper, or agent for sale or custody of the goods; and also includes the master and the agent of the ship carrying the goods in the case of goods carried in a ship within but not beyond the limits of the Port:
- “Petroleum” has the same meaning as in the Dangerous Goods Act 1957:
- “Pilot” means any person licensed and appointed to act as pilot for the Port of Westport:
- “Refuse” includes ashes, clinkers, sweepings, coal, sulphur, phosphates, dust, sawdust, straw, rubbish, bones, waste, food, dirt, offal, carrion, garbage, waste paper, shavings, empty receptacles, and rags; but does not include sewage:

“Secretary-Manager” means the Secretary-Manager or executive officer for the time being to the Westport Harbour; and includes any person acting under his authority or instructions:

“Ship” includes every description of vessel, whether used in navigation or in any way kept or used as a hulk or storeship or for any other purpose, and not propelled exclusively by oars:

“Tidal land” means such parts of the bed, shore, or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring tides:

“Tidal water” means any part of the sea or of a river within the ebb and flow of the tide at ordinary spring tides:

“Tons” or “tonnage”, in relation to any vessel, and words of like import having reference to a vessel’s tonnage, mean the net register tons as shown on the certificate of registry of the vessel:

“Tug” includes any of the Department’s vessels being used for towing:

“Vessel” means a ship or boat or any other description of vessel used or designed to be used in navigation:

“Wharf” includes all wharves, quays, piers, jetties, and premises in, on, or from which passengers or goods may be taken on board or landed from ships or vessels.

(2) Except where the context otherwise requires, these regulations shall apply only within or in relation to the Harbour.

#### PART I—VESSELS AND MASTERS

**3. Certificate of registry to be produced**—The master of any vessel shall, upon the request of the Secretary-Manager or the Harbourmaster, produce for inspection the certificate of registry of the vessel.

**4. Berths to be allotted by Harbourmaster**—The Harbourmaster shall have absolute discretion in the allotment of berths to vessels coming to the Port:

Provided that the right of vessels to berths for unloading and loading shall, as between vessels entering in the same tide, and other things being equal, be determined according to the following rules:

- (a) Passenger vessels shall take precedence over cargo vessels:
- (b) Steamships shall take precedence over sailing vessels:
- (c) As between vessels of the same class, priority of arrival in the roadstead and not priority of arrival at the wharf shall give precedence over other vessels of that class.

**5. Master to comply with directions of Harbourmaster**—The master of every vessel—

- (a) Shall anchor, moor, or place his vessel where the Harbourmaster directs:
- (b) Shall not move or allow his vessel to be moved from that place without permission of the Harbourmaster:
- (c) Shall remove his vessel from any such place when ordered so to do by the Harbourmaster.

**6. Vessels not to obstruct fairway, etc.**—No person shall anchor or moor a vessel in the fairway of any channel, or anchor or moor a vessel so as to obstruct the approach to any wharf or landing.

**7. Sufficient equipment for mooring to be provided**—The master of a vessel moored to any wharf, mooring buoy, or dolphin shall moor his vessel with sufficient cables, warps, hawsers, fenders, or mooring ropes as may be required by the Harbourmaster.

**8. Harbourmaster's staff to attend**—The Harbourmaster's staff shall, as far as convenient, attend on vessels arriving at or departing from a berth, or shifting from one berth to another, to receive or cast off lines, but it shall not be obligatory on the Department to provide any such service.

**9. Master to comply with directions of Harbourmaster for safety of shipping**—The master of every vessel shall, whenever ordered by the Harbourmaster, do whatever the Harbourmaster considers necessary or expedient for the safety and in the interest of shipping in the Port, having regard to the state of the weather, congestion of shipping, and any other circumstances.

**10. Crown not responsible for security of vessels**—No instruction or direction given by the Harbourmaster to the master of any vessel, and no act performed by the Harbourmaster in respect of any vessel, shall place any responsibility for the security of the vessel upon the Crown or upon any officer of the Department.

**11. Vessels use Harbour at risk of owners**—Neither the Crown nor any officer of the Department shall be under any responsibility for vessels or boats lying within the Harbour. Their security and safety, whether at anchor or moored alongside of any wharf, pier, or jetty, or at any mooring buoy or dolphin, shall be at the risk of the owners, and neither the Crown nor any officer of the Department shall in any case be answerable for any loss or damage to vessels from any cause whatsoever.

**12. Assistance to be given to Harbourmaster**—The master of every vessel and the crew thereof shall, when requested by the Harbourmaster, give and afford all possible assistance in the performance of any duties of the Harbourmaster in relation to that vessel.

**13. Harbourmaster may make fast any vessel**—The Harbourmaster is hereby empowered to make fast and attach any rope or tackle to any vessel; and no person shall, without the consent or authority of the Harbourmaster, cut or cast off any rope or tackle made fast or attached to any vessel, wharf, mooring buoy, or other place where the same has been fastened or attached by the Harbourmaster or by his order or direction.

**14. Careening, etc., of vessels**—No master shall careen, heave down, or haul his vessel on shore without the permission of the Harbourmaster.

**15. Fire on vessel or wharf or in shed**—In the event of fire occurring on any vessel, or on any wharf, or in any shed adjacent to any vessel, the Secretary for Marine may, by any officers of the Department, take

steps to extinguish or reduce the fire; but neither the Crown nor any officer of the Department shall be responsible for any damage done to the vessel, its cargo, or otherwise in consequence of any action so taken.

**16. Chutes for refuse**—No master shall permit any chute to remain on his vessel in such a position or condition that it could be possibly used for the discharge of refuse into the Harbour or on to any wharf.

**17. Materials dropped into Harbour**—If any cargo or other material is, by accident or otherwise, dropped or let fall overboard, the person or persons present at the time shall forthwith report the same to the Harbourmaster, who may take such steps as seem to him advisable to recover and land the cargo or other material. All expenses of that recovery and landing shall be a debt due to the Crown from the master and the owner of the vessel out of which the goods were being landed or into which they were being shipped and from any person responsible for letting the goods drop or fall overboard.

**18. Escape of materials from tanks, holds, or bilges, etc.**—No person shall—

- (a) Discharge or wash out any tank or any vessel's hold or bilge, or allow any materials, fluids, or oil therefrom to be pumped into, drain into, or escape into the Harbour; or
- (b) Allow crude oil, petroleum, residue from vessel's engines, sludge, or oil to flow, escape from, or be deposited from any tank, stoveship, pipeline, or vessel into the Harbour or into any stream, channel, or drain flowing or discharging into the Harbour or on to the foreshore of the Harbour.

**19. Openings to be closed or protected**—(1) The master of every vessel lying alongside any wharf shall have closed against use or shall have properly screened and protected, in a manner to be approved by the Harbourmaster, all openings out of which steam, fluids, discharges from latrines, rubbish, or other substance or thing is liable to be discharged to ensure that no such substance or thing is discharged on to the deck of the wharf, or any structure, machinery, appliance, or goods thereon.

(2) Any person who commits a breach of subclause (1) of this regulation shall, in addition to incurring a penalty be liable to pay the expenses of the removal of any such substance or thing and to make good any damage whatsoever caused by the breach and to pay all expenses incurred in remedying the breach.

**20. Fenders to be used**—(1) The master of any vessel arriving at any wharf shall, in accordance with the Harbourmaster's requirements, use sufficient fenders suitable for protecting the wharf from injury.

(2) All fenders belonging to any vessel shall be removed by the master of the vessel when his vessel vacates a berth at any wharf.

**21. Damage to wharf to be reported**—(1) Where a vessel causes any damage to a wharf or any part thereof, or to any machinery, plant, appliances, building, or property thereon or adjacent thereto, the master of the vessel shall forthwith report the occurrence to the Harbourmaster.

(2) Any damage done or caused as aforesaid may be repaired by the Department, and the cost thereof shall be recoverable by the Minister from the master or owner of the vessel.

**22. Powers of Harbourmaster on non-compliance with regulations—**Where any provision of these regulations regulating the mode and place of mooring and anchoring vessels or their position or government in the Harbour, or the unmooring or removal out of or to any other place in the Harbour, are not complied with in the case of any vessel, the Harbourmaster may moor, unmoor, place, or remove that vessel.

**23. Expenses incurred by Harbourmaster—**All costs, charges, and expenses incurred by the Harbourmaster or the Crown in or about ensuring the compliance with any provision of these regulations shall be paid on demand by the master or owner of the vessel to the Department.

**24. Use of whistles, sirens, and foghorns—**The master of any vessel shall not allow any steam-whistle, siren, or foghorn on board the vessel to be sounded in the Harbour, except for navigation purposes or in order to indicate their impending departure in the usual way.

**25. Vessels to slow down in certain cases—**The master of any vessel approaching any harbour work or any vessel being towed or any dredging machine, whether at work or moored in the Harbour, shall reduce the speed of his vessel at such a distance before passing the work, vessel, or dredging machine as is necessary to avoid damage to that work, vessel, or dredging machine.

**26. Crown not liable for damage caused by dredge moorings—**No claim for loss or damage caused by any vessel coming in contact with dredge moorings shall be made against the Crown or any officer of the Department; and any loss or damage to dredge moorings caused by any vessel shall be made good by the master and the owner of that vessel.

**27. Vessel touching bar—**The master of any vessel which touches the bar when outward bound shall inform the Signal Station by radiotelephone or morse lamp after the vessel is clear of the bar, and the officer on duty at the Signal Station shall acknowledge that communication.

**28. Vessel to vacate berth to allow other vessel to discharge—**The master of any vessel occupying a berth for the purpose of loading or after being loaded shall, when required by the Harbourmaster to do so, remove his vessel from that berth for any vessel wishing to discharge.

#### PART II—PILOTS AND PILOTAGE

**29. Ordinary pilotage—**The display of harbour beacons and of other shore signals (including signals of every description from the Signal Station) for the time being used for the purpose of aiding and directing vessels entering or leaving the Port shall be deemed to be pilot service, and is hereinafter referred to as "ordinary pilotage".

**30. Special pilotage**—(1) If in any case the Harbourmaster considers a vessel cannot safely enter or leave the Port without a pilot, or that for other reasons a pilot should board her, the master shall not enter or, as the case may be, leave the Port without a pilot.

(2) Where pilotage is provided for any vessel pursuant to subclause (1) of this regulation, or where the owner, master, or agent of any vessel applies to the Harbourmaster for a pilot, the service to be rendered is hereinafter referred to as "special pilotage".

**31. Payment of pilotage charges**—(1) The appropriate charges prescribed by regulation 47 hereof shall be payable to the Department by the master and the owner of any vessel for which pilotage (whether ordinary or special) is provided.

(2) The charges for special pilotage shall be paid, whether special pilotage services have been actually rendered or not, in all cases where the master or owner of a vessel has applied for a pilot.

(3) All outward pilotage charges shall be paid either before or at the time of making the application for a pilot by the master or the owner of the vessel.

(4) The charges for ordinary pilotage and special pilotage shall not both be made in respect of the same entry or the same departure of a vessel to or from the Port.

(5) Any vessel arriving and taking on board coal only to be used in the ship for bunkering and for no other purpose, and not also loading cargo, shall, upon a written statement to this effect being given to the Harbourmaster by the master of the vessel, be charged half pilotage rates.

**32. Duties of pilots**—Each pilot shall be stationed at such place within the limits of his licence as the Secretary for Marine from time to time directs, and shall obey the orders of the Harbourmaster at all times, and no pilot shall absent himself from his station, unless on duty, without permission from the Harbourmaster.

**33. Order in which vessels entitled to services of pilot**—Unless another vessel is in a position of danger, every pilot engaged on special pilotage service shall offer his services to the inward-bound vessel nearest to him having a pilot-signal flying, but preference in pilotage shall be given to Her Majesty's vessels and mail vessels regularly employed in the postal service.

**34. Pilot's licence to be carried**—Every pilot shall carry his licence, and shall produce it to the master of any vessel boarded by him on demand.

**35. Licensed pilots to be employed**—No master of any vessel shall employ any pilot other than a duly licensed pilot, unless he has first exhibited the signal for a pilot and a duly licensed pilot has not offered his services within a reasonable time.

**36. Pilots to assist vessels in distress**—Pilots shall by every means in their power assist vessels in distress.



**37. Application for outward special pilotage**—The master or the owner of any vessel requiring outward special pilotage shall make application in writing at the Harbourmaster's office at least 24 hours before sailing time.

**38. Pilotage on Sundays and holidays**—Pilots shall provide special pilotage services on Sundays or on public holidays if required.

**39. Vessels to be cleared before going to sea**—No pilot shall conduct a vessel to sea until she has been regularly cleared at the Customhouse and Harbour Office. The master shall show his clearance to the pilot if asked, and no pilot shall be bound to take a vessel to sea without seeing such a clearance.

**40. Expenses of pilot detained on board**—In addition to the regular pilotage charges, when a pilot is detained on board a vessel, whether by stress of weather, quarantine, or otherwise, there shall be payable by the master and the owner to the Department the sum of £2 for every day or part of a day during which the pilot is absent from his station; and, if the pilot has been carried to a distance, the master and the owner of the vessel shall pay to the Department his reasonable travelling expenses in returning to his station.

**41. Complaints against pilots**—(1) Any complaint against a pilot by the master of any vessel shall be reported in writing to the Secretary-Manager by the person making it.

(2) Any complaint by any pilot or other person connected with the harbour service shall be made by him in writing to the Secretary-Manager.

**42. Casualty occurring to vessel in charge of pilot**—(1) Any casualty occurring to a vessel while in charge of a pilot shall be reported immediately in writing to the Secretary-Manager by the pilot. The report shall state the nature and the cause of the accident, the amount of damage (if any) apparently sustained by the vessel, and all other matters relating to the pilotage and casualty.

(2) If any casualty occurs to any outward-bound vessel, the pilot shall, before leaving the vessel, demand from its master a written statement concerning the casualty and the conduct and proceedings of the pilot, and that statement shall be given to the Secretary-Manager by the pilot. If any casualty occurs to an inward-bound vessel, the master shall, as soon as practicable, report the same in writing, with full particulars, to the Secretary-Manager.

(3) The Secretary-Manager shall, on receiving any report made in accordance with this regulation, attach thereto any remarks he may consider applicable to the case.

**43. Pilot to answer questions by Secretary-Manager**—Every pilot shall answer in writing (if required) all questions put to him by the Secretary-Manager, and shall give all information in his possession respecting the grounding, collision, or injury to any vessel.

**44. Pilots to assist officers boarding vessels**—The pilot in charge and the master of any vessel entering, departing from, or moving within the Port shall, by every means in his power, consistent with the safety

of the vessel, assist every duly authorised public officer in boarding or leaving the vessel, and no person on board any such vessel shall interfere with or obstruct any authorised public officer or pilot while carrying out his duties.

**45. Dismissal or suspension of pilots**—Any pilot guilty of any of the offences mentioned in section 226, section 227, section 228, or section 229 of the Act, or failing, refusing, or neglecting to do anything required by these regulations, shall, in addition to the penalties and liabilities prescribed by the Act and by these regulations, be liable to dismissal or suspension from his appointment and to have his licence as a pilot withdrawn or suspended, as the Secretary for Marine may direct.

**46. Crown not liable for casualty to vessel in charge of pilot**—The pilot in charge of any vessel shall exercise every care and precaution, but the Crown shall not be liable for casualties which may occur to any vessel while under the charge of a pilot.

### PART III—CHARGES

**47. Pilotage**—(1) The charges payable for ordinary pilotage in respect of every vessel entering or departing from the Port shall be at the rate of 1d. per ton net register.

(2) The charges payable for special pilotage in respect of every vessel entering or departing from the Port shall be at the following rates:

- (a) In the case of a vessel other than a sailing vessel, 2d. per ton net register:
- (b) In the case of a sailing vessel, 3d. per ton net register.

**48. Berthage**—(1) Each time a vessel is berthed alongside a wharf, or alongside another vessel which is itself berthed alongside a wharf, the following berthage charges shall be payable by the master and the owner of the vessel on demand to the Collector of Dues namely:

- (a) For the first 51 hours or part thereof, at the rate of 3d. per ton net register:
- (b) For each additional 25 hours or part thereof after the first 51 hours, at the rate of 1d. per ton net register:
- (c) For each 25 hours or part thereof after the first 101 hours on which (weather permitting) cargo or ballast is not loaded or unloaded continuously during the usual working hours prevailing in the Port (but not including the 25 hours' period on which discharging or loading is completed), at the rate of 1d. per ton net register, in addition to the charge under paragraph (b) of this subclause:

Provided that the minimum berthage charge shall be 10s.

(2) Where any vessel arrives within the Port for the purpose of taking on board only coal for consumption on board that vessel and for no other purpose, and does not also load cargo, then, on a statement in writing to this effect being given to the Harbourmaster by the master of the vessel, half the berthage rate specified in subclause (1) of this regulation shall be payable in respect of that vessel.

**49. Weather conditions preventing loading or unloading**—(1) Exemption from payment of berthage charges may be claimed on the grounds that the weather does not permit of loading or unloading and on no other grounds.

(2) The Harbourmaster shall be the sole judge as to whether the weather permits of the loading or unloading of cargo or ballast for the purposes of regulation 48 of these regulations.

**50. Sundays and holidays excluded**—Sundays and public holidays shall be excluded in computing the period for which, and the rate at which, berthage charges are payable, if no cargo or ballast is loaded or unloaded on any such days.

**51. Vessels remaining in port by reason of weather or bar conditions**—Vessels required to remain in port because of weather or the impassability of the bar shall, if no cargo or ballast is loaded or unloaded, be free from the charges under paragraphs (b) and (c) of regulation 48 (1) of these regulations during the period the vessel so remains in port.

**52. Vessel detained by Harbourmaster**—If a vessel is ready to sail, and by order of the Harbourmaster is prevented from leaving within the periods as shown in regulation 48 of these regulations, the charges under paragraph (b) or paragraph (c) of subclause (1) of that regulation shall not be made for the period it is detained.

**53. Overseas vessels loading coal**—(1) On the application of the master or agent of any overseas vessel taking on board coal for bunkering purposes and in addition a quantity of cargo coal for transport beyond New Zealand, there shall be payable in respect of that vessel half the ordinary pilotage charges specified in regulation 47 hereof and half the berthage charges specified in regulation 48 (2) hereof and, in addition, a charge at the rate of 1s. per ton on that cargo coal.

(2) The application shall be made in writing, and shall be lodged at the Westport Harbour Office not later than 24 hours after the departure of the vessel from the Port.

**54. Warps and swinging wires**—Vessels shall be charged £2 for the use of any warp or swinging wire which may be provided by the Department, but nothing in this regulation shall be deemed to place the Department under any obligation to keep on hand, procure, or supply warps or swinging wires.

**55. Electricity**—(1) The master and the owner of any vessel using electricity supplied by the Department shall be liable for payment for the supply of that electricity at the rate of 5d. per unit of electricity consumed, plus £2 for connection fee.

(2) Charges for electricity consumed shall be based on readings taken of the vessel's own meter before connecting to shore power and at the time of disconnecting from shore power.

(3) The Harbourmaster or his deputy may board any vessel using power supplied by the Department for the purpose of obtaining such meter readings.

**56. Charges for towage**—The following shall be the towage charges:

- (a) For towing vessels (other than sailing vessels) of 2,000 tons net register and over, into, or out of the Port
- |    |    |    |
|----|----|----|
| £  | s. | d. |
| 25 | 0  | 0  |
- (b) For towing vessels (other than sailing vessels) of less than 2,000 tons net register but not less than 1,500 tons net register into or out of the Port
- |    |   |   |
|----|---|---|
| 20 | 0 | 0 |
|----|---|---|
- (c) For towing vessels (other than sailing vessels) of less than 1,500 tons net register but not less than 1,000 tons net register into or out of the Port
- |    |    |   |
|----|----|---|
| 17 | 10 | 0 |
|----|----|---|
- (d) For towing vessels (other than sailing vessels) of less than 1,000 tons net register into or out of the Port
- |    |   |   |
|----|---|---|
| 15 | 0 | 0 |
|----|---|---|
- (e) For towing sailing vessels (including sailing vessels with auxiliary engines) into or out of the Port, 9d. per ton net register:  
Provided that the charge shall not exceed £25 or be less than £10 for each towing:
- (f) For the use of a tug in shifting any vessel from one part of the Harbour to any other part of the Harbour, £3 15s. per half hour or part thereof. The time so charged shall be taken from the time at which the tug leaves her usual berth until the time at which she has returned and is moored in her berth after completion of the service:
- (g) For specially sounding the bar at the request of the master or owner of any vessel, the sum of £5:  
Provided that this charge shall not be payable if the vessel uses the tug for towing inwards or outwards immediately after such soundings have been taken:
- (h) All charges under this regulation are to be increased by 25 per cent for services performed on Sundays and public holidays.

**57. Special agreements for towage**—The Secretary-Manager, or, in his absence, the Harbourmaster, may make a special agreement for the performance of any work not specified in regulation 56 of these regulations, and may also make any agreement as to the remuneration for a tug attending on vessels in distress or cast or run ashore.

**58. Application for towage**—Applications for outward towage shall be made in writing to the Harbourmaster or to the master of the tug before the services of the tug are required, and no deduction shall be made from the charge if the tug is prevented from towing the vessel through the act or default of the person in charge of the vessel to be towed, or for any other reason for which the tug is not responsible.

**59. Priority in towage**—(1) Subject to the state of the tide and weather, outward-towage work shall be taken in the order of the application, and inward-towage work shall be undertaken according to the priority of arrival in the roadstead.

(2) The Harbourmaster may vary that order if for any reason he thinks it necessary, and the Crown shall not be liable for any loss arising from any such variation of the order of towage, or any delay in performing towage, or any inability to provide towage at any particular time.

**60. Towage not to affect salvage claim**—The scale of towage rates set out in regulation 56 of these regulations shall not prejudice any claim to salvage remuneration for any extraordinary services that may be rendered by the Department to any vessel or cargo, or arising out of any circumstances not existing or contemplated at the time of making the ordinary application for the use of the tug.

**61. Towage scale not to apply to salvage**—The ordinary towage scale shall not apply to salvage services, or to claims for or in the nature of salvage.

**62. Payment of towage charges**—(1) All towage charges shall be due and payable when the application for the services of the tug is made, and shall be paid to the Secretary-Manager. If payment has not been made as provided by this subclause, the Harbourmaster or master of the tug may require payment before the performance of the services.

(2) No applicant for the services of a tug shall be entitled to any rebate on or refund of any charges paid on account thereof, and, where no payment has been made, the applicant shall be liable for the charges as if the service required had been duly rendered.

**63. Additional charges for towage**—The master of a tug may make a fair additional charge for towing vessels from or to any point beyond 3 miles from the Signal Station.

**64. Towage by dredge**—The foregoing provisions relating to towage by tug shall apply to any towage services provided by the Department's dredge.

#### PART IV—WHARVES AND GOODS

**65. Goods to be landed at wharves**—No person shall, without the prior consent in writing of the Secretary-Manager or the Harbourmaster, land or ship cargo at any place within the Harbour, except at wharves or landing places under the control of the Department.

**66. Exempt-goods certificate**—Unless Government goods claiming exemption from wharfrage charges are accompanied by a certificate from the appropriate Government officer claiming that exemption, wharfrage charges shall be levied thereon.

**67. Access to wharves**—No person shall be allowed in, on, or upon any wharf, shed, or premises of the Department, unless on legitimate business.

**68. Goods not to be sold on wharves**—No person shall hold any auction or sale of, or sell or expose for sale, any goods on or in any wharf, shed, or premises of the Department without the prior consent in writing of the Secretary-Manager or the Harbourmaster.

**69. Nuisance**—No person shall commit a nuisance in, on, under, or about any wharf, shed, or premises.

**70. Smoking on wharves prohibited**—No person shall smoke while on, in, or upon any wharf, shed, or premises if in proximity to any goods or where a notice board prohibiting smoking is erected.

**71. Packing goods, etc., on wharves prohibited**—No person shall sort, pack, or unpack any goods, or screen coal or other bulk goods, or carry out any kind of work connected with the repair or fitting out of any vessel, on any wharf or in any shed or upon or about any premises of the Department without permission from the Secretary-Manager or the Harbourmaster.

**72. Collector of Dues may enter vessels**—It shall be lawful for any Collector of Dues to enter any vessel in order to ascertain the dues payable in respect of goods therein.

**73. Masters to assist Collector of Dues**—The master of every vessel shall, on demand, produce to any Collector of Dues the certificate of registry of his vessel and shall also give to the collector such information as may be required to enable the Department to levy such dues and charges on the vessel and goods on board as are liable to payment of dues or charges to the Department.

**74. Rubbish to be cleared on departure**—Before any vessel leaves any wharf, the master of the vessel shall, at the expense of himself or the owner of the vessel, clear or cause to be cleared all rubbish, broken material, spilled cargo, or dirt from that portion of the wharf on or over which cargo to or from the vessel has been handled. Any clearing or cleansing not done by the master as aforesaid may be done by the Department, and the cost thereof shall be paid by and be recoverable from the master and the owner of the vessel.

**75. Master to supply documents to Collector**—The master of every vessel shall, on demand, give to any person collecting dues on behalf of the Department a copy of the bill of lading, freight list, manifest of cargo, or other proper account of all goods intended to be unshipped from the vessel while in the Port, and also of such goods as have been shipped by the vessel while in the Port, and also the names of the owners to whom all or any such goods in the vessel are intended to be delivered or from whom those goods have been received.

**76. Shipper of goods to supply account of goods to Collector**—The shipper of any goods shall give to the Department, or to the person collecting dues on behalf of the Department, a true and correct account of all goods intended to be shipped by him.

**77. Goods not to obstruct access to wharf**—No person shall put goods on any wharf under the control of the Department so as to impede the approaches to the wharf or obstruct the removal of other goods from the wharf.

**78. Goods on wharves at owner's risk**—All goods placed on any wharf or in any place under the control of the Department shall be at the owner's risk.

**79. Harbourmaster may close off wharves**—The Harbourmaster may, if he considers it necessary for the convenience of loading and unloading of vessels, or for the better regulating of the traffic, or for any other purpose authorised by the Secretary for Marine, block off, fence, or otherwise stop from being used any portion or portions of the wharves under the control of the Department.

**80. Liability for water damage to goods**—The master of any vessel lying alongside any wharf under the control of the Department shall be responsible for all damage caused to all goods lying on the wharf by the escape of water from the vessel.

**81. Cargo nets to be used**—The master of every vessel shall, before loading or discharging cargo or discharging or embarking passengers, ensure that proper and sufficient save-alls or nets are at all times provided and securely fastened to the satisfaction of the Harbourmaster.

**82. Wharfage rates**—The following wharfage rates shall be payable to the Department in respect of all goods landed on or shipped from any of the wharves or landing places in the Harbour under the control of the Department, namely:

	s.	d.
Minimum charge, per consignment .....	1	4
On all goods and luggage not otherwise specified, per ton weight or measurement, at the option of the Department .....	7	5
Bicycles, each .....	1	10
Cement, per ton .....	5	0
*Coal for shipment .....	Free	
Flax or tow, per bale .....	0	11
Motor vehicles (other than motor cycles), set up, each .....	18	3
Motor cycles, each .....	6	8
Palings, per 100 .....	1	10
Posts and sleepers, per 100 .....	2	5
Returned empties .....	Half rates	
Timber, not otherwise specified—		
Inwards, per 100 feet super .....	1	4
Outwards, per 100 feet super .....	0	8
Vehicles not otherwise specified, each—		
Four-wheeled .....	18	3
Two-wheeled .....	8	6

\*A special coal rate of 1s. per ton is levied separately on coal shipped.

**83. Storage charges**—The following charges shall be payable to the Department for the storage of any goods placed in any store or warehouse or upon any wharf in the Harbour and under the control of the Department:

	s.	d.
On goods (other than timber) not removed within 12 working hours, per day, per ton .....	3	8
On timber not removed within one week, per day, per 100 super feet .....	0	8

**84. Loading hours**—No ship shall discharge or take in cargo at times other than ordinary working hours without the authority of the Harbourmaster upon written application by the master or owner of the ship.

#### PART V—DANGEROUS GOODS

**85. Dangerous goods to be removed from wharves**—All dangerous goods or goods of an inflammable character shall be removed from the wharves by the owner, agent, or consignee immediately on being unloaded; and any such owner, agent, or consignee failing to do so shall be responsible for any damage or loss arising therefrom, in addition to being liable to the penalty provided for a breach of these regulations. The Department, through its authorised officers, may require any such goods to be removed to a fit place at the expense and risk of the owner, agent, or consignee; and the Crown shall not be responsible for any damage or loss which may occur to the goods.

**86. Crown not responsible for dangerous goods**—The Crown shall not in any circumstances be responsible for the safe custody of containers containing acids, chemicals, or dangerous goods.

**87. Berthing of vessels carrying kerosene, etc.**—No master of any vessel having kerosene, benzine, motor spirit, or other inflammable goods on board shall bring his vessel alongside any wharf or alongside any other vessel without the express permission of the Harbourmaster.

**88. Storing of dangerous goods**—No person shall load or unload at any wharf or approaches thereto, or place in any shed, any goods or articles of any description which, in the opinion of the Harbourmaster, are likely to cause damage to any wharf or shed under the control of the Department.

#### PART VI—GENERAL PROVISIONS

**89. Copy of regulations for masters**—A copy of these regulations shall be delivered by the boarding pilot or Harbourmaster to the master of any vessel entering the Harbour, and the master shall give a receipt in writing for the same if called upon to do so.

**90. Complaints against officers**—Every complaint made by any person not in the service of the Department against any officer or servant of the Department shall be made in writing and addressed to the Secretary-Manager, who shall forthwith forward a copy of the complaint to the officer or servant. The Secretary-Manager shall make a preliminary inquiry into the circumstances and report to the Minister of Marine.

**91. Obstruction of officers**—No person shall—

- (a) Impede or obstruct the Harbourmaster or any pilot or any officer of the Department in the execution of his duties; or
- (b) Disobey the lawful orders of the Harbourmaster when acting in the performance of his duty.



**92. Abusive or insulting language**—No person shall use any abusive or insulting language on or in any wharf, shed, or premises under the control of the Department or on any vessel thereat.

**93. Placing notice prohibited**—No person shall, without the written consent of the Secretary-Manager, place any placard or notice upon any wharf, shed, premises, or land under the control of the Department.

**94. Ballast, etc., not to be taken without authority**—No person shall, without prior authority in writing of the Secretary-Manager, remove any ballast, rock, stone, slate, shingle, gravel, sand, earth, cinders, rubbish, driftwood, or other substance or thing from any tidal land or tidal water or from the bed of the sea below high-water mark in any part of the Harbour or from any land under the control of the Department.

**95. Protection of breakwaters**—No person shall remove or displace the rocks, stones, or material of any breakwater, training-wall, or structure within the Harbour.

**96. Notice boards**—No person shall interfere with, damage, or deface, any board erected by the Department in the Port for the purpose of publishing any regulations, notices, or instructions.

**97. Use of lifesaving gear**—No person shall interfere with any lifesaving gear, boat hook, drag, grapnel, lifebuoy, or other apparatus the property of the Crown placed within the Port, except for the purpose of saving life or in dragging for drowned persons.

**98. Unauthorised entry on dredge or tugboat**—No person shall go on or remain on board any dredge or tugboat under the control of the Department without the authority of the Harbourmaster.

**99. Regulations not to apply to naval ships**—Nothing in these regulations shall apply to any vessel of the New Zealand Naval Forces or to any vessel forming part of the armed forces of any other country.

**100. Master and owner of vessel jointly and severally liable**—Where by any provision of these regulations any obligation or liability is imposed on the master and the owner of any vessel, the master and the owner shall be jointly and severally liable.

**101. Regulations not to derogate from General Harbour Regulations**—Nothing in these regulations shall derogate from any provision of the General Harbour Regulations 1954\* or the General Harbour (Safe Working Load) Regulations 1935† or any other General Harbour Regulations made under section 241 of the Act.

\*S.R. 1954/235 (Reprinted with Amendments Nos. 1 and 2: S.R. 1961/165)  
Amendment No. 3: S.R. 1962/118  
Amendment No. 4: S.R. 1963/204

†*Gazette* 1935, Vol. II, p. 1863  
Amendment No. 2: S.R. 1961/68  
Amendment No. 3: S.R. 1962/132

**102. Offences**—Every person commits an offence who does any act in contravention of or fails to comply with any provision of these regulations.

**103. Revocations**—The bylaws and regulations specified in the Schedule to these regulations are hereby revoked.

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SCHEDULE

Reg. 103

BYLAWS AND REGULATIONS REVOKED

Bylaws or Regulations	Gazette Reference or Serial Number
Bylaws relating to Westport Harbour made by Order in Council on 13 April 1927	<i>Gazette</i> , 14 April 1927, p. 961
Bylaw relating to Westport Harbour made by Order in Council on 27 April 1932	<i>Gazette</i> , 28 April 1932, p. 1149
Amending bylaw relating to Westport Harbour made by Order in Council on 11 March 1933	<i>Gazette</i> , 23 March 1933, p. 472
Additional bylaws relating to Westport Harbour made by Order in Council on 13 December 1933	<i>Gazette</i> , 14 December 1933, p. 3334
The Westport Harbour Amending Regulations 1958	S.R. 1958/156

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

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EXPLANATORY NOTE

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

These regulations are made pursuant to section 6 of the Harbours Act 1950, which provides that in harbours where there is no Harbour Board the Governor-General in Council shall have all the powers, functions, duties, and authorities of a Harbour Board and may make regulations providing for any matters with respect to which a Harbour Board may make bylaws.

These regulations replace the existing bylaws relating to Westport Harbour and their amendments, and make provision for matters that are usually the subject of bylaws made by Harbour Boards.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 24 June 1965.

These regulations are administered in the Marine Department.