

1968/185



**THE WESTPORT HARBOUR REGULATIONS 1965,
AMENDMENT NO. 2**

—
ARTHUR PORRITT, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 30th day of September 1968

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, Amendment No. 2, and shall be read together with and deemed part of the Westport Harbour Regulations 1965* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of September 1968.

2. Vessels laying-up—The principal regulations are hereby amended by inserting, after regulation 28, the following regulation:

“28A. (1) The Harbourmaster may permit any vessel to be laid-up in the Harbour for fitting-out, repair, or any other purpose (and of this the Harbourmaster shall be the sole judge).

“(2) In respect of any such vessel so laid-up, the Harbourmaster, in addition to all other powers conferred upon him, whether under these regulations or otherwise, shall have the following powers:

“(a) He may, at or before the time of that laying-up, or at any time while the vessel is laid-up, call upon the master, owner, agent, or person in charge of the vessel to produce to him a Lloyd’s or New Zealand Government survey certificate showing that the vessel is sound of hull, seaworthy, and in a fit and proper condition to lay-up in the Harbour. If such a certificate is not produced to the Harbourmaster on demand

*S.R. 1965/112
Amendment No. 1: S.R. 1967/188

or after reasonable notice, the Harbourmaster may, by notice in writing to the master, owner, agent, or person in charge of the vessel, require him to remove it from the Harbour within a time specified by the Harbourmaster. If the vessel is not removed within that time, the Harbourmaster may remove the vessel or may cause the vessel to be sold for removal from the Harbour. All expenses incurred by the Harbourmaster incidental to the removal or sale shall be charged against the vessel and the master, owner, agent, or person in charge of the vessel, and shall be recoverable as a debt due to the Crown or by deduction from the proceeds of the sale:

“(b) Where any berth occupied by a vessel which has been laid-up is reasonably required for any vessel for the purpose of receiving or discharging cargo or passengers, he may order the removal of, or may remove, the vessel which has been laid-up to another berth or to an anchorage in another part of the Harbour. All costs incidental to the removal of the vessel by the Harbourmaster shall be charged against the vessel and the master, owner, agent, or person in charge thereof, and shall be recoverable as aforesaid.”

3. Berthage—Regulation 48 of the principal regulations is hereby amended by inserting in subclause (1), after the words “Each time a vessel”, the words “(except a vessel paying a laying-up charge)”

4. Electricity—(1) Regulation 55 of the principal regulations (as amended by regulation 4 of the Westport Harbour Regulations 1965, Amendment No. 1) is hereby further amended by omitting from subclause (1) the expression “4.1c”, and substituting the expression “6c”.

(2) Regulation 4 of the Westport Harbour Regulations 1965, Amendment No. 1, is hereby consequentially revoked.

5. Laying-up charges—The principal regulations are hereby further amended by inserting, after regulation 64, the following regulation:

“64A. (1) The master, owner, or agent of any vessel which has been laid-up within the Harbour, whether for the purpose of fitting-out, repair, or any other purpose, shall, instead of berthage charges, pay to the Department in respect of the vessel the following laying-up charge:

“(a) For every vessel occupying a berth moored outside a vessel occupying a berth, $\frac{1}{3}$ c per ton per day:

“(b) For every vessel not occupying a berth or moored as aforesaid, $\frac{1}{2}$ c per ton per day.

“(2) Notwithstanding anything in regulation 50 of these regulations, Saturdays, Sundays, and public holidays shall be included in computing the period for which laying-up charges shall be payable.”

6. Harbour improvement rate—The principal regulations are hereby further amended by inserting, after regulation 84, the following regulation:

"84A. (1) Subject to subclause (3) of this regulation, there shall be payable to the Department as a harbour improvement rate a charge at the rate of 25c per ton in respect of all goods discharged from or shipped on any vessel in the Port.

"(2) The charge shall be payable by the owner and the master of the vessel and also—

"(a) In the case of a charge in respect of goods discharged from that vessel, by any person who has paid or made himself liable to pay any other charges in respect of that vessel in the port of her arrival or discharge:

"(b) In the case of a charge in respect of goods shipped on that vessel, by any person who has paid or made himself liable to pay any other charges in respect of that vessel in the port which she clears outwards;—

and the master, the owner, and any such other person shall be jointly and severally liable for the charge.

"(3) No charge shall be payable under this regulation in respect of—

"(a) Goods landed on any wharf for the convenience of the discharging vessel and re-shipped in the same vessel before she leaves her discharging berth:

"(b) Goods in respect of which wharfage rates are payable under regulation 82 of these regulations.

"(4) For the purpose of this regulation, the tonnage of goods shall be computed either by weight or measurement according to the manner in which freight is charged."

P. J. BROOKS,
Clerk of the Executive Council.

EXPLANATORY NOTE

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

Regulation 2 makes provision for the laying-up of vessels in the Port of Westport, subject to the conditions specified in the regulation.

Regulation 3 exempts from berthage charges any vessel paying a laying-up charge.

Regulation 4 increases from 4.1c a unit to 6c a unit the charge for electricity supplied by the Marine Department to vessels in the Port.

Regulation 5 prescribes a laying-up charge of $\frac{1}{4}$ c per ton per day in respect of vessels laid up at a berth or moored outside a vessel occupying a berth, and of $\frac{1}{4}$ c per ton per day in other cases.

Regulation 6 imposes a charge of 25c per ton as a harbour improvement rate in respect of all goods discharged in or shipped from the Port.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 3 October 1968.

These regulations are administered in the Marine Department.