

1958/160



**THE WAIHEKE ROAD DISTRICT (MATIATIA) FORESHORE
LICENCE NOTICE 1958**

—

PURSUANT to the Harbours Act 1950, the Minister of Marine hereby gives the following notice.

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N O T I C E

1. This notice may be cited as the Waiheke Road District (Matiatia) Foreshore Licence Notice 1958.

2. In this notice, unless the context otherwise requires,—

“Board” means the Waiheke Road Board; and includes its successors and assigns:

“Goods” includes wares and merchandise of every description and all chattels, livestock, and other articles:

“Master” means the person for the time being in charge of any vessel, whether or not he is certificated:

“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 a part of the foreshore and land below low-water mark at Matiatia Bay, Waiheke Island, as shown on plans marked M.D. 5724, M.D. 7920, M.D. 8530, and M.D. 8659 and deposited in the office of the Marine Department at Wellington, for the purpose of maintaining thereon the wharf shown on those plans (in this notice referred to as the said wharf).

4. The licence granted under clause 3 of this notice 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 notice.

*S.R. 1940/128

Amendment No. 1: S.R. 1958/154

PART II—REGULATIONS AS TO USE OF WHARF

5. 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 wharf by or 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.

6. 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 this notice.

7. 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 wharf occupied by that vessel, and deposited how and where directed by any person authorised by the Board so to direct the master.

8. 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.

9. No person shall permit any animal to remain on the said wharf for any time longer than is actually necessary for loading or unloading the animal.

10. 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 landed on the said wharf shall cause the same to be removed from the 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.

11. 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.

12. 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.

13. No person shall be entitled to claim against the Board for the loss of any goods landed or placed on the said wharf or in any wharf shed, 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.

14. No person shall—

- (a) Refuse to carry out the lawful instructions of the wharfinger; or
- (b) Permit the remains of fish offal or other offensive matter to be placed in or about the said wharf; or
- (c) Use the said wharf for any purpose other than embarking or disembarking passengers or loading or unloading goods.

PART III—DUES

15. Every person who uses the said wharf with any vessel shall pay on demand to the Board for the use thereof the dues specified in the First Schedule to this notice.

16. Every person who uses the said wharf for landing or shipping any goods shall pay to the Board wharfage dues according to the scale prescribed in the Second Schedule to this notice.

17. If any vessel uses the said wharf for the discharge of any goods or cargo after the usual working hours or on wharf holidays, the master, owner, or agent of that vessel shall pay to the Board for the use of the said wharf a charge at the rate of one shilling per ton weight or per ton measurement (whichever is the greater), in addition to the said wharfage dues, on all goods or cargo so discharged from that vessel. This charge shall be made only when, in the opinion of the Board, it is necessary to employ labour to stack or remove cargo in sheds in consequence of the discharge of such goods or cargo as aforesaid.

18. The master, owner, or agent of every vessel shall, not later than the last day of every month, furnish to the Clerk of the Board a certified copy of the freight lists of the cargo carried by that vessel each trip, with proper accounts of the weights and measurements of all goods landed on and shipped from the said wharf during the previous month, and shall at the same time pay to the Treasurer of the Board the amount due for wharfage at the rates prescribed in the Second Schedule to this notice on all goods the weights and measurements of which are shown on the certified freight lists.

19. Where any cargo remains on the said wharf for a longer period than forty-eight hours, or where any such cargo hinders the loading or unloading of any vessel, or is an impediment to the approaches, the Board, through the wharfinger or other authorised person, may have the cargo removed at the expense of the owner, and the cost of the removal shall be payable by the owner before taking delivery of the goods.

20. Every person landing on or embarking from the said wharf shall pay to the Board an amount fixed by the Board, not exceeding one shilling:

Provided that no person who is landed on or embarked from the said wharf, and who has been issued by the master, owner, or agent of the vessel on which that person is carried with a return ticket covering the fare from Auckland City to Waiheke Island and also the return fare to the City, shall be liable to pay more than a total amount of one shilling:

Provided further that no dues or charges whatsoever shall be paid or payable by or in respect of any child under the age of five years landing on or embarking from the said wharf.

21. The passenger dues referred to in clause 20 hereof shall, in the first place, be paid by the persons liable to pay the same to the master, owner, or agent of the vessel on which they are carried, and that master, owner, or agent shall collect the same from his passengers in addition to or as part of the fare charged by him.

22. The master, owner, or agent of any such vessel shall pay to the Treasurer of the Board for each and every person carried by that vessel and landed on or embarked from the said wharf the sum of one

shilling prescribed by and subject to the restrictions in clause 20 of this order. All such passenger dues shall be paid monthly on or before the last day of each month in accordance with a return of all passengers landed on or embarked from the said wharf during the previous month. Every such return shall be furnished to the Treasurer of the Board by the master, owner, or agent of the vessel which carried the passengers, and shall be compiled from the books or records kept by him in respect of the trading of each vessel, and shall also contain particulars of the number of passengers carried on each trip by any such vessel.

23. In default of payment of any of the shipping wharfage dues, goods wharfage dues, or passenger dues hereinbefore referred to, the Board may recover the same as a debt due by the master, owner, or agent of any such vessel as aforesaid by action in any Court of competent jurisdiction, and may also, in any such action as aforesaid, require any such master, owner, or agent to account to the Board for any dues payable by him in respect of which he may have failed to furnish returns as required by the provisions of clause 22 hereof.

24. In default of payment of the wharfage charges payable in respect of any goods, the Board may, in the manner and in the time provided in section 201 of the Harbours Act 1950, sell the goods, and may exercise all the powers contained in the said section 201.

25. This notice is in substitution for the following Orders in Council:

- (a) Order in Council made on the 28th day of November 1951 granting a foreshore licence to the Devonport Steam Ferry Company Limited:*
- (b) Order in Council made on the 25th day of January 1955 amending the first-mentioned Order in Council†.

**Gazette*, 6 December 1951, p. 1783

†*Gazette*, 3 February 1955, p. 107

SCHEDULES

FIRST SCHEDULE

SHIPPING WHARFAGE

FOR every vessel a sum not exceeding 1d. per ton on the gross tonnage of the vessel for every day or part of a day during which the vessel occupies a berth alongside the wharf or during which the vessel lies off the said wharf with a line attached thereto.

SECOND SCHEDULE

GOODS WHARFAGE

1. For every head of great cattle or horses landed upon or shipped from the said wharf, the sum of 2s. 6d.
2. For every yearling or calf so landed upon or shipped from the said wharf, the sum of 1s.

SECOND SCHEDULE—*continued*

3. For every head of sheep or small cattle so landed upon or shipped from the said wharf, the sum of 6d.
4. For all goods not hereinbefore specially provided for landed on or shipped from the said wharf, a rate of 2s. 6d. per ton weight or measurement, whichever amount is the greater.

Dated at Wellington this 18th day of November 1958.

W. A. FOX, Minister of Marine.

EXPLANATORY NOTE

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

This notice consolidates and amends certain Orders in Council granting a foreshore licence to the Waiheke Road Board of a part of the foreshore at Matiatia, Waiheke Island, and fixes dues and prescribes regulations relating to the use of the wharf.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 20 November 1958.

These regulations are administered in the Marine Department.