

By-laws relating to Westport Harbour.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 13th day of April, 1927.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the powers and authorities conferred upon him by sections nine and two hundred and twenty-six of the Harbours Act, 1923, and of all other powers and authorities enabling him in that behalf, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby make the following by-laws in respect of the Harbour of Westport; and doth hereby order that such by-laws shall come into force on the first day of May, one thousand nine hundred and twenty-seven, and that they shall then supersede all by-laws theretofore existing in respect of the said harbour.

BY-LAWS.

INTERPRETATION.

1. THE following terms used in these by-laws shall (except where inconsistent with the context) have the meanings here-by given to them, viz. :—

- “The Department” shall mean the Marine Department.
- “Cargo,” “goods,” shall mean and include all wares, merchandise, and commodities of every description, and all chattels, live-stock, and other articles.
- “Cattle” shall include oxen, horses, sheep, swine, and goats.
- “Harbour,” “Port,” shall mean the Port of Westport as defined by Order in Council issued on the 8th day of February, 1901.
- “Harbourmaster” shall mean the person appointed to that office by the Marine Department, and shall include his deputy and any person acting under the authority or instructions of the Harbourmaster.
- “Licensed” shall mean licensed by the Department, or by any person authorized by the Department to issue any license.
- “Master” extends to and includes the person, not being a pilot, having the command or charge of a vessel either permanently or for the time being.
- “Owner,” when used in relation to a vessel, shall include any person who is the owner of the vessel jointly with any other person or persons; and “persons,” for the purpose of the foregoing definition of “owner,” shall include a corporation body and joint-stock company.
- “Owner,” when used in relation to goods, includes any consignor, consignee, shipper, or agent for sale or custody of such goods, as well as the owner thereof.
- “Pilot” shall mean any person duly licensed and appointed by the Department to act as a pilot for the Port of Westport.
- “Secretary-Manager” shall mean the Secretary-Manager for the time being to the Westport Harbour, or any person acting for him under the authority of the Department.
- “Ship” or “vessel” 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.
- “Steamer,” “steamship,” shall include sailing-vessels using auxiliary power for the purpose of propulsion.
- “Tidal land” shall mean 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,” “tonnage,” and words of like import having reference to a vessel’s tonnage, shall mean or refer to the net register number of tons or tonnage.
- “Wharf” shall mean and include all wharves, quays, piers, jetties, and premises in or on which passengers or goods may be taken on board of or landed from ships or vessels.
- “Week,” “day,” “hour,” shall be taken to mean and include a portion of a week, day, or hour when a whole week, day, or hour has not been required or used.

SHIPS.

2. Steamships about to pass any dredging machine, whether at work or merely moored in the harbour, or any public

work in progress, or any vessel being towed, must slow their engines at such a distance before approaching such dredge, work, or vessel as to obviate damage to such dredge, work, or vessel.

3. Vessels occupying berths for the purpose of loading or after being loaded shall, when required by the Harbourmaster so to do, vacate their berths for vessels wishing to discharge.

4. The Harbourmaster shall have absolute discretion in the allotment of berths to vessels coming to the port: Provided, however, that the right of vessels to berths for unloading and loading shall, as between vessels entering on 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. No master or other person having command or charge of any vessel shall allow any steam-whistle, siren, or fog-horn on board the vessel to be sounded in the harbour except for navigation purposes, and except also that on days other than Sundays vessels employed in carrying passengers may sound their steam-whistles, sirens, or fog-horns in the usual way to indicate their impending departure.

6. In the event of a fire happening on any vessel or on any wharf, or in any store, shed, or building adjacent to any vessel, the Department may, by any of its officers, take such steps as may be deemed advisable to extinguish or reduce such fire, and the Department shall not be responsible for any damage done to such vessel, its cargo, or otherwise in consequence of any action so taken.

7. No master shall permit any shoot to remain on his vessel in such a position or condition that it could be possibly used for the discharge of ashes, galley, or other refuse into the harbour or on to the wharf.

8. 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, and the Harbourmaster shall be at liberty to take such steps as may seem to him advisable to recover and land such cargo or other material; and all expenses of such recovery and landing shall be a debt due to the Department from the owner, agent, and master of the vessel out of which such goods were being landed, or into which they were being shipped, or from any person responsible for letting such goods drop or fall overboard.

9. No ballast, rubbish, gravel, earth, stones, cinders, cases, oil-tins, or any other substance or thing shall be thrown or permitted to be thrown overboard from any vessel or boat within the limits of the harbour, and no ballast, rubbish, gravel, earth, stones, cinders, cases, oil-tins, or other substance or anything whatsoever, whether soluble or insoluble, is to be placed by any means at any place below the high-water mark within the harbour or on any lands in which the Department has any estate or interest, without the written permission of the Department. Any person who commits a breach of this by-law shall, in addition to incurring a penalty, be liable to pay the expenses of the removal of such substance or thing to whatever place the Harbourmaster or Secretary shall deem fit.

10. The Department takes no charge of or responsibility over 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, are at the risk of the owners, and the Department will in no case be answerable for any damage to vessels from any cause whatever.

11. No instruction or direction given by the Harbourmaster to the master of any vessel, and no act performed by the Harbourmaster in respect to any vessel, shall place any responsibility for the security or safety of any such vessel upon the Department.

12. All masters and owners of vessels shall, when so required, attend at the harbour office and shall answer such questions with respect to any casualty or accident to any person, ship, vessel, or boat, and produce such books, papers, or documents as may be considered necessary.

WHARVES AND GOODS.

13. No person shall hold any auction sale, sell, or expose for sale any goods on any land or wharf under the control of the Department without the consent of the Harbourmaster, and no sorting, bulking, or packing of timber or other goods, or screening of coal, will be permitted on any land or wharf under the control of the Department without the like consent.