

Regulations Fixing Dues and otherwise with respect to the Chatham Islands County Council Wharf at Waitangi, Chatham Islands.

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 24th day of September, 1934.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS it is enacted by section two hundred and twenty-six of the Harbours Act, 1923 (hereinafter called "the said Act"), that a Harbour Board shall have power, by by-laws made under the said Act, to do all or any of the things in the said section mentioned within the limits of the harbour, including, amongst other things, power to regulate the use of wharves and other landing-places, and generally regulate the traffic on the same, fix scales of dues, tolls, and charges to be paid for the use of wharves, and fix scales of dues for the storage of goods, and otherwise as mentioned in the said section :

And whereas it is enacted by section nine of the said Act that in harbours where there is no Harbour Board the Governor-General in Council shall have all the powers, functions, duties, and authorities by the said Act conferred upon Harbour Boards, and may exercise the same in accordance with the said Act under regulations to be made in the manner provided in section two hundred and twenty-six :

And whereas there is no Harbour Board at Waitangi, Chatham Islands, and it is desirable to make the following regulations with respect to the said wharf and to prescribe the dues and rates which shall be taken by the Council for the use thereof :

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, in exercise of the hereinbefore-recited power and authority, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby make regulations with respect to the said wharf as set forth in the First Schedule hereto ; and doth prescribe that the dues and rates set forth in the Second Schedule hereto shall be taken by the Council for the use thereof.

FIRST SCHEDULE.

REGULATIONS WITH RESPECT TO THE WHARF.

1. In these regulations, if not inconsistent with the context,—
 - "Council" means the Chatham Islands County Council :
 - "Goods, cargo" shall mean and include all merchandise, wares, and commodities of every description :
 - "Kerosene" shall include paraffin, petroleum, naphtha, benzine, turpentine, and other like goods :
 - "Ship, vessel" shall include launch or boat of any description carrying cargo or passengers :
 - "Wharf" shall mean and include any wharf, breastwork, jetty, landing-place, or the approaches thereto, under the control of the Council, and shall include any store, shed, or other building built on or attached to such wharf and under the control of the Council :
 - "Wharfinger" shall mean the person appointed by the Council to the charge of the wharf and shed, and shall include any person acting by or under the authority of the wharfinger.
2. The master or agent of every vessel shall give to the wharfinger or other person deputed by the Council one or more copies, as may be required, of the bills of lading or manifest of the cargo, or other proper account of all cargo intended to be landed from the vessel, and the name or names of the consignees to whom such goods are intended to be delivered. Such bills of lading, manifests, or other accounts shall contain full particulars of the weights or measurements of such cargo, according as freight is payable thereon.
3. Every master of a vessel shall be responsible for the proper slinging of all goods discharged on or laden from the wharf, and for any damage that may occur, either from the breakage of slings, or from the goods being imperfectly slung.
4. The Council will not be responsible for any claim arising from delay in the delivery of goods from any cause whatsoever.
5. Cargo landed or placed on the wharf during the absence of the wharfinger or his deputy shall not be deemed to be in the custody of the Council, nor shall it be responsible for any loss or damage that may accrue to such cargo from any cause whatsoever.
6. No person shall remove any goods from the wharf or shed, or place any goods thereon, without having either paid the dues thereon or arranged to the satisfaction of the wharfinger for payment thereof.

7. The Council will not be responsible for the wrong or non-delivery of goods which are erroneously or deficiently marked, or which have numerous old or imperfectly-erased marks thereon, or where two or more consignees have the same mark or marks for the same or similar description of goods.

8. No person shall receive from or deliver to any ship or boat any goods or cargo except through the wharfinger or other deputed person.

9. No goods shall be left on the wharf, or in the shed attached thereto, for a longer period than forty-eight hours without permission from the wharfinger ; and the wharfinger may, when in his opinion the public convenience and the proper working of the wharf and shed require it, at any time during or after the expiration of such period, cause any goods to be removed from such wharf or shed, or the approaches thereto, to any place he may think proper, at the expense and risk of the owner or his agent or the person in charge of such goods.

10. All goods which are not tallied by the wharfinger shall not be deemed for any purpose to be in the custody of the Council, nor shall it be responsible for their safe custody, or for any loss or damage that may accrue to the same in any manner whatsoever.

11. All goods landed on the wharf or placed thereon for shipment shall be placed as the wharfinger may direct, and no goods, cargo, or other articles shall be placed in the shed or on the wharf so as to be an impediment to the approach or an obstacle to the removal of other goods, or so as to encumber the working of the plant and appliances thereon.

12. No person, other than the consignee or his agent, shall cut or open any sack, bag, case, or package of any description on the Council's premises for any purpose whatever.

13. The Council shall not be responsible for the safe custody of packages containing acids, chemicals, inflammable oils, or other dangerous goods.

14. No goods or articles of any description which, in the opinion of the wharfinger, are likely to occasion damage to the shed or to other goods therein shall be placed or stored in any such shed.

15. No goods shall be landed or shipped in wet weather without the permission of the wharfinger, but the giving of such permission shall not throw upon the Council any liability for damage to such goods caused by handling in wet weather. The determination of the wharfinger that the weather is wet shall be conclusive.

16. The Council shall not be bound to find storage room, either in the shed or on the wharf, for any goods when, in the opinion of the wharfinger, no sufficient accommodation is available.

17. All cargo or goods landed on the wharf shall be in charge of the wharfinger, who shall place them in the shed or otherwise as he may think advisable. All goods may remain in the shed for a period of forty-eight hours, but may, with the wharfinger's permission, remain in the shed for such further period as the wharfinger may permit, at the consignee's or owner's risk, but the giving of such permission shall not throw upon the Council any liability for damage or deterioration from any cause whatever.

18. The Council shall not be responsible for loss or damage to goods while in its custody by fire, water used in extinguishing fire, vermin, earthquake, the action of the sea, theft, robbery, or other like cause, except when due to the negligence of the Council or its officers or servants.

19. All wharfage dues on inward cargo must be paid on the delivery of the goods, and on outward cargo before it is shipped.

20. All wool put into the shed shall be stowed by the owner or his agent in such manner as directed by the wharfinger or his deputy.

21. No goods of a dangerous or inflammable nature landed on the wharf shall go into the shed, and such goods shall remain at the owner's risk while lying on the wharf ; and the owner of any such goods shall be held responsible for any accident, damage, or loss that may result from such goods being on the wharf.

22. All complaints about the working of the wharf or shed, or against the wharfinger or his representative, shall be made in writing to the Council.

23. No person shall smoke in the shed.

24. No person shall commit a nuisance on, under, or about the wharf or any of the Council's premises.

25. No person shall scribble upon, cut, scratch, paint, or otherwise deface the wharf, shed, or other property of the Council.

26. No person shall place any placard, notice, or advertisement on any portion of the wharf or shed without the permission of the wharfinger.

27. No person shall play or tamper with any crane, truck, machinery or plant, nor make any use thereof except when entitled to do so under these regulations.