

**Reprint
as at 1 July 2013**



**Rangitoto Island Foreshore Licence
Order 1960
(SR 1960/52)**

H E Barrowclough, Administrator of the Government

Order in Council

At the Government House at Wellington this 13th day of April 1960

Present:

His Excellency the Administrator of the Government in Council

Pursuant to the Harbours Act 1950, His Excellency the Administrator of the Government, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This order is administered by the Ministry of Transport.

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Order

- 1 This order may be cited as the Rangitoto Island Foreshore Licence Order 1960.

- 2 In this order, unless the context otherwise requires,—
 - Board** means the Rangitoto Island Domain Board; and includes its successors and assigns
 - 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 1 Foreshore licence

3

The Board is hereby licensed and permitted to use and occupy those parts of the foreshore and land below low-water mark at Rangitoto Island, Auckland Harbour, as shown on plans marked MD 6021 and MD 10048 and deposited in the office of the Marine Department at Wellington, for the purpose of maintaining thereon the wharves as shown on those plans (in this order referred to as the **said wharves**).

4

The licence granted under clause 3 shall be subject to the following conditions:

- (a) the Foreshore Licence Regulations 1960 (SR 1960/32) shall apply with respect to the licence:
- (b) the annual sum payable by the Board in respect of the licence shall be 1s, payable on demand:
- (c) the term of the licence shall be 14 years from 26 February 1958.

Part 2 Passenger dues

5

(1) All persons landing on or embarking from either of the said wharves shall pay to the Board dues at the following rates:

- (a) in the case of persons aged 15 years of age and over, the sum of 6d per person:
- (b) in the case of persons aged 4 years and over but under 15 years of age, the sum of 3d per person:

provided that no person who is landed on or embarked from either of the said wharves by a regular trading vessel and who has been issued by the master, owner, or agent of the vessel with a return ticket covering the fare both to and from Rangitoto Island shall be liable to pay more than the appropriate fee of sixpence or threepence, as the case may be, in respect of each return trip.

- (2) Where any such persons are carried by any regular trading vessel, the aforesaid dues at the appropriate rates shall be paid by them to the master, owner, or agent of the vessel, who shall collect the dues from those persons in addition to or as part of any fare charged by him; and those dues shall be paid to the Board by the master, owner, or agent, in the manner and at the times prescribed by subclause (3).
- (3) All passengers' dues collected as provided in subclause (2) shall be paid monthly on or before the seventh day of each month in accordance with a return furnished to the Board by the master, owner, or agent of each vessel which carried those passengers; and that return shall be compiled from the books or records kept by him in respect of the trading of each such vessel.
- (4) No dues or charges whatsoever shall be payable by any child under 4 years of age landing on or embarking from either of the said wharves.

Part 3

Regulations as to use of wharves

6

The master of any vessel coming alongside either of the said wharves 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 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.

7

When 2 vessels are expecting to berth at either of the said wharves 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 these regulations.

8

Before any vessel is removed from either of the said wharves, 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.

9

The master of every vessel discharging ballast at either of the said wharves shall have all such ballast taken away and deposited above high-water mark, or at such place as may be approved by the Minister.

10

No person shall permit any animals to remain on either the said wharves at any time.

11

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 either of the said wharves 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.

12

All goods landed at either of the said wharves 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.

13

Any goods placed on either of the said wharves 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.

14

No person shall be entitled to claim against the Board for the loss of any goods landed or placed on either of the said wharves, 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.

15

Every person commits a breach of this order who—

- (a) refuses to carry out the lawful instructions of the wharfinger;
- (b) permits the remains of fish, offal, or other offensive matter to be placed in or about either of the said wharves;
- (c) uses either of the said wharves for any purposes other than embarking or disembarking passengers or loading or unloading goods; or
- (d) does any act in contravention of or fails to comply with any provision of this order.

16

Every person who commits a breach of this order commits an offence, and is liable on conviction to a fine not exceeding £20.

Clause 16: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Part 4 Revocations

17

The following enactments are hereby revoked:

- (a) the Rangitoto Island Foreshore Licence Order 1956 (SR 1956/181);
- (b) the Rangitoto Island Foreshore Licence Notice 1958 (SR 1958/26);
- (c) the Rangitoto Island Foreshore Licence Notice 1958, Amendment No 1 (SR 1959/68).

Reprinted as at
1 July 2013

**Rangitoto Island Foreshore Licence
Order 1960**

T J Sherrard,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 13 April 1960.

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Notes**1 General**

This is a reprint of the Rangitoto Island Foreshore Licence Order 1960. The reprint incorporates all the amendments to the order as at 1 July 2013, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Criminal Procedure Act 2011 (2011 No 81): section 413
