

**Reprint
as at 1 July 2013**



**Coromandel County Foreshore
Licence Order 1973
(SR 1973/278)**

Denis Blundell, Governor-General

Order in Council

At the Government Buildings at Wellington this 12th day of
November 1973

Present:
The Hon H Watt presiding 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 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 Title

This order may be cited as the Coromandel County Foreshore Licence Order 1973.

2 Interpretation

In this order, unless the context otherwise requires,—

Council means the Coromandel County Council; and includes its successors and assigns

goods includes wares and merchandise of every description and all chattels, livestock, and other articles

irregular trading vessel means a trading vessel the dues in respect of which are not paid in advance

master means the person for the time being in charge of any vessel, whether or not he is certificated

regular trading vessel means a trading vessel the dues in respect of which are paid in advance

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.

Foreshore licence

3 Licence granted

The Council is hereby licensed and permitted to use and occupy those parts of the foreshore at the places described in Schedule 1 for the purpose of maintaining thereon the wharves shown on the plans referred to in that schedule (in this order referred to as the **wharves**).

4 Conditions of licence

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 Council in respect of the licence shall be \$0.10 payable on demand:

- (c) the term of the licence shall be 14 years from the date of this order.

Regulations as to use of harbours and wharves

5 Vessels coming alongside wharves

The master of any vessel coming alongside any of the 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 any of the wharves in connection with that vessel. The Council 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 Council from the master or owner by action in any court of competent jurisdiction.

6 Directions as to berthing

When 2 vessels are expecting to berth at any of the wharves at the same tide, the wharfinger, or any officer, authorised by the Council 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 order.

7 Cleaning wharves

Before any vessel is removed from any of the 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 Council so to direct the master.

8 Discharging ballast

The master of every vessel discharging ballast at any of the 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 of Transport or by any person appointed by the Minister for that purpose.

9 Animals on wharves

No person shall permit any animals to remain on any of the wharves at any time longer than is actually necessary for loading or unloading the same.

10 Dangerous goods on wharves

The owner, or consignee, or the agent of the owner or consignee, of any explosives, kerosene, motor spirits, fuel oil, or goods of a dangerous or flammable character landed on any of the 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.

11 Goods landed on wharves

All goods landed at any of the wharves shall be so landed at the shipper's own risk, and the Council shall be under no responsibility to deliver the same to the consignee.

12 Goods on wharves for shipment

Any goods placed on any of the 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.

13 Making fast and lying alongside

No person shall make fast any boat to any steps or landing place or so near thereto as to obstruct the approach of other vessels, nor shall any person permit any boat to lie longer alongside than is required for landing passengers.

14 Vehicles on wharves

No person shall drive, take, or work at other than a walking pace, or cause to be driven, taken, or worked at other than a walking pace, any cart, vehicle, or horse on any of the wharves.

15 Employees on wharves

All watermen, stevedores, carters, and other persons employed on the wharves or any public landing-place shall be under the control of the wharfinger, and shall obey all orders given by the wharfinger.

16 Obstruction on wharves

No person shall in any way obstruct or impede traffic on the wharves.

17 Obstruction by vessels or boats

- (1) No person shall, otherwise than as specifically permitted by these regulations, obstruct or impede ingress to or egress from the wharves by any vessel, boat, or cable, or in any other way.
- (2) If in breach of this clause any person obstructs or impedes ingress or egress as aforesaid, and does not, upon being ordered so to do by the wharfinger, remove the obstruction, then, irrespective of the penalty to which that person is liable for the obstruction, the wharfinger may remove, cast off, or cut any such obstruction, and the Council may recover the cost of so doing from that person.

18 Powers of wharfinger

The wharfinger shall have power, on the authority of the chairman of the Council, to close the wharves, or any portion of them whenever in his opinion it is advisable to do so, and no person shall enter upon the wharves or portion of them so closed without the consent of the wharfinger.

19 Claims against Council

No person shall be entitled to claim against the Council for the loss of any goods landed or placed on any of the wharves or in any wharf shed, but nothing in this clause shall be deemed to relieve the Council from liability for negligence on the part of any servant of the Council acting within the scope and in the course of his employment.

20 Offences

Every person commits an offence against this order who—

- (a) refuses to carry out the lawful instructions of the wharfinger; or
- (b) permits the remains of fish offal or other offensive matter to be placed in or about any of the wharves; or
- (c) without the consent of the wharfinger, uses any of the wharves for any purpose 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.

21 Penalty

Every person who commits an offence against this order is liable on conviction to a fine not exceeding \$100.

Clause 21: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Dues

22 Berthage dues

- (1) The master or owner or agent of every vessel berthing at any of the wharves shall pay to the Council berthage dues according to the scale set out in Schedule 2.
- (2) Masters or owners or agents of all regular trading vessels shall pay their berthage dues quarterly in advance to the treasurer of the Council. The quarters shall commence on 1 January, 1 April, 1 July, and 1 October in each year.
- (3) All berthage dues payable by irregular trading vessels shall be paid to the treasurer of the Council, and the payments shall be made by the master or owner or agent of the vessel on the first application by the treasurer of the Council.

23 Passenger dues

- (1) The master, owner, or agent of any regular trading vessel shall pay to the treasurer of the Council for each and every adult passenger carried by that vessel and landed on or shipped from any of the wharves the sum of \$0.15 and for each and every

child under 14 years of age \$0.05; but, in the case of organised sports bodies or other similar organisations that travel as a group, the charge for each person shall be \$0.05; and, in any case, no charge shall be payable in respect of any passengers travelling between any of the wharves.

- (2) All passenger dues shall be paid monthly on or before the seventh day of each month in accordance with a return which shall be furnished to the treasurer of the Council from the books or records of the master or owner or agent of the vessel which carried the passengers.

24 Wharfage dues

Every person who uses any of the wharves for landing or shipping any goods shall pay to the Council wharfage dues according to the scale prescribed in Schedule 3.

25 Freight lists of regular trading vessels

The master, owner, or agent of every regular trading vessel shall, not later than the seventh day of every month, furnish to the clerk of the Council 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 any of the wharves during the previous month, and shall at the same time pay to the treasurer of the Council the amount due for wharfage at the rates prescribed in Schedule 3 on all goods the weights and measurements of which are shown on the certified freight lists.

26 Storage dues

Every person whose goods remain in any wharf shed or on any of the wharves for more than 1 week from the date the goods were placed therein or thereon shall pay to the treasurer of the Council (when called upon by the Council or wharfinger so to do) before receipt of the goods, storage for the goods hereafter mentioned, that is to say: for each and every week or part of a week from the date the goods are first placed in the shed or on the wharf, double the rates set out in Schedule 3.

27 Removal of goods

Where any cargo remains on any of the wharves for a longer period than 48 hours, or where any such cargo hinders the loading or unloading of any vessel, or is an impediment to the approaches, the Council, 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 receipt of the goods.

28 Power to sell goods

In default of payment of the wharfage or storage dues payable in respect of any goods, the Council 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.

29 Accounting

Where the total amount of any dues or charges payable by any person under this order includes a fraction of a cent, the amount payable shall be calculated to the cent above.

Revocations

30 Revocations

The following Orders in Council are hereby revoked, namely:

- (a) Order in Council made on 3 July 1957 granting a foreshore licence to the Coromandel County Council (SR 1957/154):
 - (b) Order in Council made on 27 May 1968 amending the aforementioned Order in Council (SR 1968/88).
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Schedule 1

cl 3

Parts of foreshore included in licence

Those parts of the foreshore at Coromandel, Port Charles, Whitianga, and Whitianga Ferry, all in the Coromandel County as shown on approved plans marked MD 8186 and 11639, MD 7566 and 8185, MD 6972 and 8184, and MD 8190 respectively, and deposited in the office of the Ministry of Transport at Wellington.

Schedule 2

cl 22

Berthage dues

	(\$)
Regular trading vessels under 50 cubic metres for each wharf per quarter (paid in advance)	1.50
Regular trading vessels 50 cubic metres and upwards: for the first 50 cubic metres \$1.50 and for every additional cubic metre for each wharf per quarter (paid in advance)	0.03
Irregular trading vessels under 50 cubic metres lying alongside any of the wharves for each day or part of a day	0.15
Irregular trading vessels 50 cubic metres and upwards lying alongside any of the wharves for each day or part of a day: for the first 50 cubic metres 15c and for every additional cubic metre	0.03
Fishing vessels, per cubic metre per day	0.06
Any vessel lying alongside any of the wharves for the purpose of maintenance or repairs, per day or part thereof	3.00

Schedule 3 Wharfage dues

	(\$)
<i>Livestock</i>	
Cattle (calves) (each)	0.05
Cattle (yearlings to 2 years)	0.10
Cattle (full grown) (each)	0.15
Horses (each)	0.15
Pigs (each)	0.05
Sheep and goats (each)	0.02
<i>Merchandise</i>	
Motor spirits, fuel oils, etc (per 200 litres)	0.10
Butter (per box)	0.02
Butter, tonne lots or over (per tonne)	0.30
Cement (per bag)	0.02
Fence posts and sleepers (per 100)	0.65
Firewood (per tonne)	0.30
Lime and manure (per tonne)	0.15
Motor cycles (each)	0.30
Stone, shingle, and sand (per cubic metre)	0.20
Strainers (per 100)	1.25
<i>Timber</i>	
Baulk or round (per cubic metre)	0.06
Sawn (per cubic metre)	0.06
<i>Fish</i>	
Wet fish including crayfish	
(per tonne)	0.45
(per 45 kg)	0.02
Shell fish (per bag)	0.02
<i>Vehicles</i>	
Motor, 4-wheeled	0.75

For all goods and merchandise not specifically provided for in the foregoing scale, landed on or shipped from any of the said wharves, a rate of 45c per tonne weight or cubic metre measurement, whichever is the greater.

(\\$)

For consignments smaller than 1 tonne and 1 cubic metre the charge shall be according to the following scale:

If per weight

For every fractional part of a tonne as follows:

100 kg and under	0.10
Over 100 kg and not exceeding 250 kg	0.15
Over 250 kg and not exceeding 450 kg	0.20
Over 450 kg and not exceeding 700 kg	0.30
Over 700 kg to 1000 kg	0.40

If per cubic capacity

For every fractional part of 1 cubic metre:

0.1 m ³ and under	0.10
Over 0.1 m ³ and under 0.25 m ³	0.15
Over 0.25 m ³ and under 0.50 m ³	0.20
Over 0.50 m ³ and under 0.75 m ³	0.30
Over 0.75 m ³ to 1 m ³	0.40

Separate consignments of goods shall be computed separately, and computing the whole of 1 firm's or person's consignments in the lump or as a whole as 1 consignment shall not be allowed, unless any firm or person ships or receives more than 1 package of goods on any 1 day by the same ship, when wharfage shall be charged on the total measurements of all the packages, and not separately.

Schedule 3: amended, on 1 August 1975, by regulation 2 of the Coromandel County Foreshore Licence Order 1973, Amendment No 1 (SR 1975/201).

P G Millen,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publications Act 1989.
Date of notification in *Gazette*: 22 November 1973.

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- 1 General
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Notes

1 *General*

This is a reprint of the Coromandel County Foreshore Licence Order 1973. 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

Coromandel County Foreshore Licence Order 1973, Amendment No 1
(SR 1975/201)
