

**Reprint
as at 1 July 2013**



**Whangamata Foreshore Licence
Order 1960
(SR 1960/53)**

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.

Contents

	Page
1	2
2	2

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.

	Part 1	
	Foreshore licence	
3		3
4		3
	Part 2	
	Goods wharfage and ships' wharf dues	
5		4
	Part 3	
	Regulations as to use of wharf	
6		4
7		4
8		4
9		4
10		5
11		5
12		5
13		5
14		5
15		6
16		6
17		6
18		6
19		6
20		7
21		7
	Schedule	
	Wharf dues	8

Order

1

This order may be cited as the Whangamata Foreshore Licence Order 1960.

2

In this order, unless the context otherwise requires,—

boat means any open, decked, or half-decked boat attached to or used in connection with any ship or other vessel lying in or belonging to or visiting Whangamata, and also any such boat

2

used for the purposes of business or pleasure by residents of the County of Thames, in which the means of propulsion is either exclusively by oars or partly by oars and partly by sails

Council means the Thames County Council

master includes the person actually in charge of any vessel, whether or not he is certificated

vessel includes every description of launch or ship (not being a boat), whether used in navigation or in any way kept or used as a hulk or storeship or for any other purpose whatsoever, whether business or pleasure

wharf means the County Wharf at Whangamata; and includes the foreshore and land below low-water mark extending for 1 chain on each side of the said wharf necessary for the working thereof

wharfinger includes every person actually in charge of the wharf for the time being.

Part 1

Foreshore licence

3

The Council is hereby licensed and permitted to use and occupy a part of the foreshore and land below low-water mark at Whangamata, as shown on plan marked MD 6597 and deposited in the office of the Marine Department at Wellington, for the purpose of maintaining thereon the wharf as shown on the said plan.

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 Council in respect of the licence shall be 1 shilling, payable on demand:
- (c) the term of the licence shall be 14 years from 11 February 1960.

Part 2
Goods wharfage and ships' wharf dues

5

Every person, firm, or company who uses the wharf shall pay to the Council the wharf dues specified in the Schedule.

Part 3
Regulations as to use of wharf

6

The master of any vessel loading or discharging at the wharf shall be deemed accountable for the proper slinging and landing of all goods, and responsible for all damage that may occur either from the breakage of slings or from the goods being improperly slung or improperly handled.

7

The master of every vessel loading or discharging at the wharf shall cause proper tarpaulins or net to be stretched from the wharf to the vessel, and shall maintain the tarpaulins or net while cargo or ballast is being landed or shipped.

8

Where any vessel does or causes any damage to the wharf or any part thereof, or to any machinery or building thereon or appertaining thereto, the master shall forthwith report the occurrence to the wharfinger by telegraph or in person, or, should there be no wharfinger, he shall report to the Council in like manner.

9

Any damage done or caused as aforesaid may be repaired by the Council, and the cost thereof shall be recoverable by the Council from the master and owner of the vessel, or either of them, in any court of competent jurisdiction.

10

The owner of all goods landed on the wharf, or brought thereon for shipment, shall place the goods so as to keep all mooring posts or rings free and all rails or tramways clear, as the wharfinger directs.

11

Before any vessel or boat is removed from the wharf, the master or other person in charge of the vessel or boat shall cause all dirt or rubbish to be thoroughly cleared from the portion of the wharf occupied by the vessel or boat and to be deposited at such places as may be appointed by the wharfinger.

12

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.

13

- (1) 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 the wharf.
- (2) If any such cart or vehicle is drawn by 1 horse, the person in charge of the horse shall walk at the head of and lead the horse; and no person shall ride on the wharf, but shall dismount and lead his horse.
- (3) Every person driving or taking any horse-drawn vehicle on the wharf shall remain in attendance thereon, so as to have control of his horse or horses.

14

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

15

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

16

- (1) No person shall, otherwise than as specifically permitted by these regulations, obstruct or impede ingress to or egress from the wharf 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.

17

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

18

The master of every vessel lying at the wharf shall give way to any mail steamer, whether discharging cargo or passengers, and shall either vacate his berth or assist the master of the mail steamer to moor alongside his vessel and allow the cargo and passengers to be shipped or unshipped over and across the deck of his vessel, as the case may require, under such conditions as the wharfinger may impose.

19

The master of every vessel, whether carrying passengers or not, when lying alongside the wharf shall—

- (a) fix, and at all times keep fixed, a safe and proper gangway from the vessel to the wharf. The gangway shall have side rails and stanchions, with ropes rove taut

through the same, the top rail or rope being not less than 3 ft high:

- (b) keep a gangway-net properly secured beneath the gangway:
- (c) at all times throughout the night — that is to say, from sunset to sunrise — show and exhibit a proper light fixed at each gangway:
- (d) conform to and obey all orders the wharfinger may give regarding the position, size, and kind of every such gangway and light.

20

The master, owner, or agent of every vessel loading or discharging at the wharf shall produce to the wharfinger the certificate of registry of his vessel, and shall give to the wharfinger a copy of the bill of lading, freight list, or manifest of the cargo, or other proper accounts of the weights and measurements of all goods according as freight is payable, intended to be unshipped from the vessel on to the wharf, and also of all goods shipped from the wharf on to his vessel.

21

Every person commits an offence, and is liable on conviction to a fine not exceeding £20, who does any act in contravention of or fails to comply with any provision of this Part.

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

Schedule
Wharf dues

cl 5

	s.	d.
For every ton of general cargo by weight or measurement at the Council's option	2	6
For every fraction or part of ton by weight or measurement at the Council's option as follows:		
1 cwt to 2 cwt or 1 cubic foot to 4 cubic feet	0	3
Over 2 cwt and up to 4 cwt or over 4 cubic feet and up to 8 cubic feet	0	6
Over 4 cwt and up to 8 cwt or over 8 cubic feet and up to 16 cubic feet	1	0
Over 8 cwt and up to 12 cwt or over 16 cubic feet and up to 24 cubic feet	1	6
Over 12 cwt and up to 16 cwt or over 24 cubic feet and up to 32 cubic feet	2	0
Over 16 cwt and up to 20 cwt or over 32 cubic feet and up to 40 cubic feet	2	6
Except the following goods, upon which the charges shall be as specified hereunder by weight or measurement at the Council's option, or as otherwise defined:		
Bicycles, each	1	0
Bricks, per 1 000	4	0
Butter, per ton	1	3
Carts or drays, each	4	6
Cattle, great (live), per head	2	0
Cattle, small (live), per head	1	0
Cheese, per ton	1	3
Dogs, each	0	6
Empties (returned), per ton	1	3
Exhibits to or from any exhibition	Free	
Fencing strainers, per 100	1	0
Firewood, per cord	1	6
Flax, green, per ton	2	0

	s.	d.
Flour, per ton	1	3
Foals (live), per head	2	3
Gravel, shingle, stone, sand, or other similar material for public-road formation, per cubic yard	0	4
Gravel, shingle, stone, sand or other similar material for purposes other than public-road formation, per cubic yard	0	6
Hides, ox or horse, undressed (when not in sacks), each	0	1
Lime, agricultural, per ton	1	6
Lime, hydraulic, per ton	2	6
Luggage, personal, up to 1 cwt	Free	
Manure, per ton	1	6
Motor lorries (1 ton)	6	0
Motor lorries (2 ton)	7	0
Motor lorries (3 ton)	8	0
Motor lorries (over 3 ton)	10	0
Motorcars (seven-seaters)	7	6
Motorcars (five-seaters)	6	0
Motorcars (two-seaters)	4	6
Motor bus	8	6
Charabanc	8	6
Motorcycles, each	1	0
Motorcycle sidecars, each	1	0
Palings, per 100	1	0
Posts and rails, per 100	1	0
Props, per 100	4	0
Slabs, per 100	2	3
Sleepers, per 100	6	0
Shingles, per 1 000	1	6
Sulkies, racing, each	1	0

	s.	d.
Tanks, water, up to 400 gallons capacity, each	2	0
Tanks, water, over 400 gallons capacity, each	2	6
Timber, baulk or round, landed, per ton	0	9
Timber, baulk or round, shipped, per ton	1	0
Timber, sawn, per ton	1	0
Wheels, cart or carriage, unattached	0	9
Wool, per bale	1	3
For every vessel paying quarterly—		
Vessels of 20 tons register and under per quarter	10	0
Vessels of over 20 tons register for each additional ton, per quarter	0	6
All such quarterly payments shall be paid by the master or owner of a vessel to the Council in advance on the first days of January, April, July, and October in each year		
For every vessel not paying quarterly the master or owner shall pay to the Council—		
Vessels of 20 tons register and under, per day	2	6
Vessels of over 20 tons register for each additional ton, per day	0	0 ¹ / ₄
Vessels fitting out, repairing, or laying up, per ton, per day	0	0 ¹ / ₆

The minimum charge payable by the master or owner of a vessel to the Council for vessels fitting out, repairing, or laying up shall be £2 10s. per calendar month or part of calendar month.

No charge shall be made for Sundays or holidays, unless on any such days cargo is worked, or passengers are embarked or disembarked, or work in the nature of fitting out is done on the vessel.

T J Sherrard,
Clerk of the Executive Council.

Reprinted as at
1 July 2013 **Whangamata Foreshore Licence Order 1960**

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

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes**1 *General***

This is a reprint of the Whangamata 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
