

AMENDED: See Act, 19 18 No. 10

## New Zealand.


 REPEALED: See 6th Schedule to  
 Act, 19 23 No. 40

Except Sec 20

## ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> <li>1. Short Title and commencement.</li> <li>2. Candidate to make deposit.</li> <li>3. Section 38 of principal Act amended.</li> <li>4. Section 63 of principal Act amended.</li> <li>5. Section 118 of principal Act amended.</li> <li>6. Section 142 of principal Act amended.</li> <li>7. Section 147 of principal Act amended.</li> <li>8. Section 163 of principal Act amended.</li> <li>9. Section 167 of principal Act amended.</li> <li>10. Qualifications of Harbourmasters and Pilots.<br/>Repeal.</li> <li>11. Section 207 of principal Act amended.</li> <li>12. Section 207 of principal Act amended.</li> </ol> | <ol style="list-style-type: none"> <li>13. Section 222 of principal Act amended.</li> <li>14. Section 13 of Amendment Act, 1910, amended.</li> <li>15. Section 125 of Amendment Act, 1910, amended.</li> <li>16. Section 26 of Amendment Act, 1910, amended.</li> <li>17. Section 42 of Amendment Act, 1910, amended.</li> <li>18. Governor may vest control of foreshore in local authority. Control of bathing on certain foreshores. By-laws to be approved by Minister.</li> <li>19. Sections 51 and 52 of Amendment Act, 1910, modified in respect to Westport and Grey-mouth Harbour Boards.</li> <li>20. Validation of poll of ratepayers of Wanganui Harbour District taken 29th April, 1914.</li> </ol> |
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1914, No. 11.

AN ACT to amend the Harbours Act, 1908.

Title.

[15th August, 1914.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. (1.) This Act may be cited as the Harbours Amendment Act, 1914, and shall form part of and be read together with the Harbours Act, 1908 (hereinafter referred to as the principal Act). Short Title and commencement.

(2.) This Act, except section twenty hereof, shall commence on the first day of April, nineteen hundred and fifteen.

(3.) Section twenty hereof shall come into operation at the date of the passing of this Act.

2. (1.) No person shall be deemed to be a candidate at any election of members of a Harbour Board unless at the time of nomination he has deposited with the Returning Officer the sum of three pounds. Candidate to make deposit.

(2.) If at the election the candidate does not poll one-eighth of the votes polled by the successful candidate, or, as the case may be, by the successful candidate polling the fewest votes, the deposit shall be forfeited to the Harbour Fund, but otherwise, or if the candidate is elected without a poll, shall be returned to him.

Section 38 of  
principal Act  
amended.

3. Section thirty-eight of the principal Act is hereby amended by adding the following subsections:—

“(4.) During the absence of any officer of the Board by reason of illness, leave of absence, or other cause, the duties and powers of such officer may be performed and exercised by an acting officer to be appointed by the Board either generally or for some occasion only, or by the Chairman temporarily:

“Provided always that any such temporary appointment by the Chairman must be approved at the next ordinary meeting of the Board.

“(5.) A minute duly made and authenticated of the appointment of any such officer shall, as regards all persons having any business with the Board and acting in good faith, be deemed conclusive evidence of the validity of the appointment and of his authority to act as such, and shall relieve all persons having business as aforesaid from the necessity of making any inquiry in the matter.”

Section 63 of  
principal Act  
amended.

4. Section sixty-three of the principal Act is hereby amended by adding to subsection one thereof the words “(including a reasonable charge for the storage of the goods by the Board after the expiration of the time allowed by its by-laws as aforesaid).”

Section 118 of  
principal Act  
amended.

5. Section one hundred and eighteen of the principal Act is hereby amended by adding the words “except for services rendered by the officers or servants of the Board.”

Section 142 of  
principal Act  
amended.

6. (1.) Section one hundred and forty-two of the principal Act is hereby amended by omitting the words “any road or street over,” and substituting the words “any road or street or main sewer over or through”; and by adding at the end of the section the words “or main sewer.”

(2.) Section forty-three of the Harbours Amendment Act, 1910, is hereby amended by inserting, after the words “road or street,” wherever they occur, the words “or main sewer.”

Section 147 of  
principal Act  
amended.

7. Section one hundred and forty-seven of the principal Act is hereby amended as follows:—

(a.) By adding at the end of paragraph (b) the words “or for the use or convenience of importers or exporters or of shipping owners or agents, or for any purpose connected with the harbour which the Board may determine”:

(b.) By omitting from the first proviso to paragraph (d) the words “three years,” and substituting the words “seven years.”

Section 163 of  
principal Act  
amended.

8. Section one hundred and sixty-three of the principal Act is hereby amended by omitting from paragraph (a) the words “by this or any special Act.”

Section 167 of  
principal Act  
amended.

9. (1.) Subsection two of section one hundred and sixty-seven of the principal Act is hereby repealed, and the following substituted in lieu thereof:—

“(2.) No money shall be drawn out of the bank except by authority of the Board; and all moneys shall be paid by the Board in cash, or by cheque signed by the Chairman or by any two members of the Board and countersigned by the Treasurer.”

Repeal.

(2.) So much of the Fourth Schedule to the Harbours Amendment Act, 1910, as amends the said section one hundred and sixty-seven is hereby repealed.

10. (1.) Section two hundred and five of the principal Act is hereby amended by inserting, after paragraph (f), the following paragraph:—

“(ff.) Prescribing rules for determining the qualifications in respect of age, time of service, skill, character, and otherwise to be required of persons appointed as Harbourmasters or appointed or licensed as Pilots.”

Qualifications of Harbourmasters and Pilots.

REPEALED: Vide Inset.

(2.) Paragraph (26) of section two hundred and seven of the principal Act is hereby repealed.

Repeal.

11. Section two hundred and seven of the principal Act is hereby amended by omitting paragraph (8), and substituting the following paragraph:—

“(8.) Regulate the use of cranes, weighing and other machines, weights and measures, conveniences or appliances, and all buildings and works belonging to the Board, and fix charges and set out the terms upon which the same may be used.”

Section 207 of principal Act amended.

12. Section two hundred and seven of the principal Act is hereby amended by inserting, after the word “copy” in paragraph (30), the words “or copies.”

Section 207 of principal Act amended.

13. Section two hundred and twenty-two of the principal Act is hereby amended by inserting, after the word “Customs,” the words “officers of the Department of Agriculture, Industries, and Commerce.”

Section 222 of principal Act amended.

14. Section thirteen of the Harbours Amendment Act, 1910, is hereby amended by omitting the words “of any ship registered,” and substituting the words “of any British ship registered”; and by inserting, after subsection five, the following subsections:—

Section 13 of Amendment Act, 1910, amended.

“(5A.) Any person acting under a power of attorney executed by a person entitled to vote under this section shall be entitled to vote on behalf of that person on producing to the officer in charge of the polling-booth satisfactory proof of his identity and authority in such manner as may be prescribed by regulations.

“(5B.) Any firm one of whose members is entitled to vote pursuant to subsection four of this section may, if no member of the firm is resident at the place where the election is to be held, appoint, by writing under the firm’s name, some person to vote at such election in respect of the payment of dues or the ownership of any ship by the firm, as the case may be.

“(5C.) Any person entitled to vote at any such election on behalf of any other person or a body corporate shall not thereby be debarred from exercising any right to vote to which he may be entitled in his own behalf.”

15. Section twenty-five of the Harbours Amendment Act, 1910, is hereby amended by adding the following subsections:—

Section 125 of Amendment Act, 1910, amended.

“(5.) The Board may at any time hold a special meeting, to be called either on a resolution of the Board or on a requisition in writing delivered to the Board, and signed by the Chairman or by any three members, specifying the day for which such special meeting is to be called.

“(6.) Every notice of a special meeting shall be in writing under the hand of the Secretary, and shall be sent to each member four clear days at least before such meeting.

“(7.) In the case of extraordinary business to be brought before an ordinary meeting, or of a special meeting, or of a proposal to alter or revoke a resolution, the notice of the meeting shall set forth the business to be brought before the meeting.”

16. Section twenty-six of the Harbours Amendment Act, 1910, is hereby amended by inserting in subsection one, after the words “powers and duties by,” the words “the principal Act or.”

17. Section forty-two of the Harbours Amendment Act, 1910, is hereby amended by inserting in subsection one, after the words “local authority,” the words “or Harbour Board.”

18. (1.) Where the foreshore outside the limits of a harbour is not vested in any Harbour Board or other local authority, the Governor may, by Order in Council, grant, for a period not exceeding twenty-one years, the control of such part or parts thereof as he thinks fit to any local authority, Domain Board, or persons acting as trustees for the inhabitants of the locality, upon such conditions as may be prescribed in the Order.

(2.) The local authority, Board, or persons to whom the control of foreshore is so granted may make such by-laws as are necessary for the preservation and control of the foreshore and for the proper conduct and clothing of persons bathing on or in the vicinity of such foreshore.

(3.) The said local authority, Board, or persons may, subject to the provisions of section one hundred and fifty of the principal Act, erect or license or permit the erection or continuance of baths and bathhouses on the foreshore the control of which has been so granted to them, and may make by-laws regulating the use thereof and fixing the charges for such use.

(4.) By-laws made under this section (other than by-laws made by a local authority) shall not have effect unless and until approved in writing by the Minister.

19. (1.) Notwithstanding anything in section fifty-one or section fifty-two of the Harbours Amendment Act, 1910, the annual statements and accounts required to be made by the said section fifty-one shall, in the cases of the Westport Harbour Board and the Greymouth Harbour Board, be made in respect of the period of twelve months ending on the thirty-first day of March in each year, and the said statements and accounts shall be produced at a meeting of the said Boards respectively to be held during the first week in May in each year, or at some adjournment thereof.

(2.) Except as otherwise provided in this section, the provisions of the said sections shall, *mutatis mutandis*, apply to the Harbour Boards hereinbefore referred to.

20. Whereas by section eight of the Wanganui Harbour District and Empowering Act, 1913, it is provided that the Wanganui Harbour Board shall not borrow any money under the authority of that Act except with the consent of the ratepayers of the Wanganui Harbour District ascertained in manner prescribed by the Local Bodies' Loans Act, 1908: And whereas by section forty of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1913, it is provided, *inter alia*, that the poll of the ratepayers on the proposal to borrow moneys under the authority of

Section 26 of Amendment Act, 1910, amended.

Section 42 of Amendment Act, 1910, amended.

Governor may vest control of foreshore in local authority.

Control of bathing on certain foreshores.

By-laws to be approved by Minister.

Sections 51 and 52 of Amendment Act, 1910, modified in respect to Westport and Greymouth Harbour Boards.

Validation of poll of ratepayers of Wanganui Harbour District taken 29th April, 1914.

the said Wanganui Harbour District and Empowering Act, 1913, should be taken over the whole of the Wanganui Harbour District in the manner prescribed by the Local Elections and Polls Act, 1908: And whereas a poll of the ratepayers of the Wanganui Harbour District to borrow moneys under the authority of the Wanganui Harbour District and Empowering Act, 1913, was taken on the twenty-ninth day of April, nineteen hundred and fourteen, and the Chairman of the Wanganui Harbour Board, acting under the Local Bodies' Loans Act, 1913, has declared that such proposal was carried, and the Returning Officer at such poll, acting under the Local Elections and Polls Act, 1908, has declared that such proposal was carried: And whereas doubts have arisen as to the method in which such poll should have been taken, and whether the same was taken in every particular in accordance with law: And whereas doubts have also arisen as to the due appointment of the Returning Officer at such poll; and it is expedient that such poll be validated. Be it therefore enacted as follows:—

(1.) The poll of ratepayers of the Wanganui Harbour District on the proposal to borrow the sum of one hundred and fifty thousand pounds under the authority of the Wanganui Harbour District and Empowering Act, 1913, taken on the twenty-ninth day of April, nineteen hundred and fourteen, shall be deemed and is hereby declared to have been duly taken and held in all respects in accordance with the requirements of both the Wanganui Harbour District and Empowering Act, 1913, and the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1913.

(2.) The consent of the ratepayers of the Wanganui Harbour District and of the whole of such district shall be deemed to have been duly given and ascertained to the proposal to borrow the sum of one hundred and fifty thousand pounds.

(3.) The Wanganui Harbour Board is hereby declared to be fully and duly authorized and empowered to borrow the said sum of one hundred and fifty thousand pounds.