

(Hon. Mr. Reynolds.)

Marine Act Amendment.

ANALYSIS.

<p>Title. Preamble. 1. Short Title. 2. How to be read. 3. Section 7 of "The Marine Act, 1867," repealed. 4. Power of the Governor respecting ports.</p>	<p>5. Provisions as to the removal of obstructions to navigation. 6. Authority to levy Harbour Improvement Rate. 7. How rate to be disposed of. 8. Certain goods exempt.</p>
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A BILL INTITULED

AN ACT to amend "The Marine Act, 1867." Title.

WHEREAS it is expedient to amend "The Marine Act, 1867": Preamble.

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

5 1. The Short Title of this Act shall be "The Marine Act Amendment Act, 1875." Short Title.

2. This Act shall be read as part of "The Marine Act, 1867," hereinafter referred to as "the said Act." How to be read.

10 3. The seventh section of the said Act shall be and the same is hereby repealed: Provided that all ports defined under the said Act, or purporting to be defined thereunder, all port charges fixed under the said Act, all appointments of Port or Harbour Masters or other officers, and all acts matters or things lawfully done under or in pursuance of the said section, shall be and remain in full force and effect as if this Act had never been passed. Section 7 of "The Marine Act, 1867," repealed.

15 4. The Governor may by warrant under his hand—

Define for the purposes of the said Act the limits of any port, and from time to time may alter the limits of any port, whether the limits of such port have been already defined under the said Act or may hereafter be defined under this Act: Provided that no alteration of the limits of any port shall prejudice or affect any rights or powers which may be, or may have been, exercised in respect of such port by any Harbour Board or other body or authority having jurisdiction in such port, the limits whereof may be so altered;

Fix or alter the name by which any port already defined as aforesaid or hereafter to be defined shall be known or designated;

Fix and levy or at any time alter or revoke port charges;
Erect superintend and maintain harbour marks, buoys, lights, and beacons now or hereafter to be placed within the limits of any port or the approaches thereto;

Appoint suspend or dismiss Port or Harbour Masters and other officers of any port or harbour.

5. If any vessel ship boat lighter or craft of any kind be sunk stranded or run on shore in any port within New Zealand, and shall be permitted so to remain sunk stranded or run on shore, and the owner or master shall not clear such port of any such vessel ship boat lighter or craft, and of every part of the wreck thereof, within such time as the Harbour Master, or in his absence the Collector of Customs at such port, or such other person as the Governor may in this behalf authorize, shall by notice in writing require, or shall not give security to the satisfaction of such Harbour Master, Collector of Customs, or other person as aforesaid, for the removal of such vessel ship boat lighter or craft and wreck within such further time as the said Harbour Master, Collector of Customs, or other person as aforesaid may appoint, any Resident Magistrate or two Justices of the Peace are hereby authorized and required, upon the complaint of the said Harbour Master, Collector of Customs, or other person as aforesaid, to issue their warrant for the removing such vessel ship boat lighter or craft, or the wreck thereof, in such manner as such Harbour Master, Collector of Customs, or other person as aforesaid shall direct, and for causing the same to be sold, and out of the money arising from such sale to defray the expenses of such removal, paying the overplus (if any) to the owner of such vessel ship boat lighter or craft, or, if he cannot be found, into the Public Account on behalf of such owner; and if the money arising from such sale shall not be sufficient to defray the expenses aforesaid, the excess thereof beyond the proceeds of such sale shall be chargeable to the owner of the vessel ship boat lighter or craft, and if not paid within twenty days after having been demanded by authority of the Resident Magistrate or Justices aforesaid, shall be recovered in the manner in the said Act provided for the recovery of penalties thereunder.

6. It shall be lawful for the Governor in Council from time to time, in the manner provided by the tenth section of the said Act, to make alter or revoke by-laws and regulations providing that a general Harbour Improvement Rate, not exceeding in any case two shillings per ton, may be levied upon all goods wares and merchandise discharged at or shipped from any port, and in and by any such regulations and by-laws the Governor may provide for the manner of levying and collecting such rate, and by whom the same shall be paid, and in what manner the same shall be paid to Harbour Boards or other bodies or persons having the control or management of the affairs of such ports.

7. The rate so to be levied and collected shall be expended and laid out in the carrying out construction maintenance and repair of harbour works, for the permanent improvement of the port within which the same may be levied, or for the payment of interest upon moneys borrowed for the purposes of such works, in such manner and at such times as the Harbour Board or any other body or authority having the power to construct such works may from time to time determine.

For the purposes of this section the expression "Harbour Works" shall mean any works and undertakings which, by virtue of any Act or Ordinance, any Harbour Board or other body or authority is by law empowered or authorized to carry out construct maintain or repair in the port in or for which such Harbour Board or other body or authority may have been constituted, or have jurisdiction.

8. The rate to be levied and collected under this Act shall in no case be levied and collected on goods wares or merchandise, the property of Her Majesty or of the Government of the Colony, or of any Provincial Government.