

Revised by sec. 42 of Ord. 30 of 1931

CHAPTER 119.

HARBOURS AND PILOTAGE.

[No. II of 1924.]

[No. XXXIX of 1924.]

[2nd February, 1924, and 31st December, 1924.]

1. This Ordinance may be cited as the Harbours and Pilotage Ordinance. Short title.

2. In this Ordinance and in the regulations made hereunder unless the context otherwise requires,— Interpretation.

“ the board ” means the harbour board constituted by this Ordinance;

“ harbour of Georgetown ” means the harbour of the port of Georgetown, the limits of which are—
between a line drawn in a northerly direction from a point on the shore due north from the lighthouse to the extent of two nautical miles, thence due west to the extent of one and a half nautical mile, thence due south until it strikes the land; and another line drawn across the Demerara river from the southern boundary of plantation La Penitence on the east bank to the southern boundary of plantation Klein Pouderoyen on the west bank of that river, including therein the land up to mean high water mark at spring-tides on the east and west banks aforesaid :

“ the harbour of New Amsterdam ” means the harbour of the port of New Amsterdam the limits of which are—

bounded on the north by a line stretching from the northern end of the side-line dam between the Ordnance Fort lands and plantation Seawell (lot no. 1) on the east sea coast to the eastern side of the side-line dam between plantation Zeezigt, now known as Cotton Tree and Mon Choisi (lots nos. 2 and 3) on the west sea coast;

on the south by a line extending from the western end of the side-line dam between the town of New Amsterdam and plantation Overwinning on the east bank of the river, across the river to the eastern side of the side-line dams between plantations Ithaca and Gelderland (lots nos. 2 and 3) on the west bank of the river;

the eastern and western boundaries of the said port or harbour between those lines extending to mean high water mark spring-tides;

“the lightship” means the lightship at present stationed outside the harbour of Georgetown and includes any vessel, structure, beacon, or buoy placed thereabouts in lieu thereof;

“the harbour master” means the harbour master appointed under this Ordinance, and includes any deputy harbour master;

“visiting officer” means a visiting officer acting under the Quarantine Ordinance, or any other Ordinance for the time being in force relating to quarantine, and includes the harbour master and any officer of customs;

“pilot” means a person licensed as a pilot and duly appointed under this Ordinance;

“pilotage district” means:—

(a) the harbour of Georgetown, and that portion of the sea bounded on the south by the northern boundary of that harbour, and on the north by a line drawn in an easterly and westerly direction through the lightship, and on the east and west by parallel lines running in a northerly direction and at a distance of five hundred yards on either side of the middle of the channel from the northern boundary of the harbour of Georgetown to the line running in an easterly and westerly direction through the lightship;

(b) the sea between the rivers Demerara and Essequibo;

(c) the Essequibo and Mazaruni rivers as far as Kartabo Point;

(d) any district declared so to be by the Board as hereafter in this Ordinance provided.

“vessel” includes every kind and description of navigable craft;

- “ master ” includes the person for the time being in charge of a vessel, but does not include a pilot ;
“ the regulations ” means the regulations made under this Ordinance.

THE HARBOUR BOARD.

3.—(1) The control, improvement, lighting, and regulation of the harbour of Georgetown and other harbours of the colony and the approaches thereto shall be vested in a board to be styled the Harbour Board, consisting of the Colonial Secretary as chairman, the Comptroller of Customs as vice-chairman, and the following unofficial members, namely, two elected members of the Legislative Council, the president of the Chamber of Commerce for the time being or other member of the Council nominated by that Chamber, and any other persons not exceeding two in number appointed by the Governor. Creation of Board.

(2) Four members of the Board, of whom the chairman or vice-chairman must be one, shall form a quorum.

(3) The Governor shall nominate the unofficial members from time to time, and they shall hold office for three years from the date of appointment, but any unofficial member may resign by writing under his hand addressed to the Colonial Secretary, and an unofficial member nominated as a member of the Legislative Council shall be deemed to have resigned on ceasing to be a member of that Council.

(4) An unofficial member of the Board who fails to attend three consecutive meetings thereof, except with the permission of the Governor, shall cease to be a member of the Board and his place shall be filled by the Governor in accordance with the provisions of sub-section (7) of this section.

(5) In the event of the absence of the chairman or vice-chairman, the Governor may nominate anyone to act as chairman whether already a member of the Board or not.

(6) The chairman shall have an original and casting vote and all proceedings shall be subject to the veto of the Governor.

(7) In the event of the death, resignation, or absence from the colony of any of the unofficial members, the Governor may appoint to fill the vacancy or vacancies some other person or persons to be a member or members of the Board, either permanently or temporarily as the case may require.

(8) The Governor, on the recommendation of the Board, may appoint some fit and proper person to be secretary to the Board, who shall be paid a salary from the revenue of the Board fixed by the Board.

DUES, CHARGES, AND FEES.

Collection of
dues and fees :

4. The Board may levy and collect the following dues and fees (not exceeding the rates specified in this section) and the following moneys:—

I.—Tonnage dues:—

(a) on every sailing vessel of one hundred tons and up to five hundred tons, per ton \$0 25

(b) on every sailing vessel under one hundred tons (not to be collected more than four times in any one year) per ton 0 05

(c) on any sailing vessel over five hundred tons net register, and on every steam vessel, except as hereinafter exempted, landing or taking on board cargo at any port of the colony a tonnage due of twenty-five cents per ton on the registered tonnage of the vessel, or a tonnage due on the weight or measurement of the goods landed or taken on board, to be computed on weight in respect of goods on which the freight is calculated by weight, on measurement in respect of goods on which the freight is calculated by measurement, and, in respect of goods on which freight is calculated neither by weight nor measurement, in the manner mentioned in the table approved by the Board and published in the Gazette:

Proviso :

Provided that—

- (i) in no case shall the tonnage dues computed in either or both of those ways exceed the amount which would be payable once on the registered tonnage as aforesaid; and
- (ii) where a steamer carrying mails after arriving at any port of the colony from any port beyond the seas and paying tonnage dues as aforesaid leaves that port and subsequently, within twenty-one days thereafter, enters any port of the colony on the return voyage, the tonnage dues payable on the return voyage shall not exceed the difference between the tonnage dues payable on the whole

of the steamer's registered tonnage and the tonnage dues paid on the previous arrival;

- (d) the agent or consignee of every sailing vessel over five hundred tons net register and of every steam vessel, except as hereinafter exempted, arriving with cargo at any port of the colony and electing to pay a tonnage due on the weight or measurement of the goods landed or taken on board, shall deliver to the secretary or other proper officer of the Board, at the time of the entry of the vessel, an estimate of the tonnage of all goods on board the vessel intended to be landed at ports in the colony, and shall forthwith pay provisionally to the Board the amount of tonnage dues chargeable on the estimated tonnage; and the agent or consignee of the vessel, within thirty days, or any further time allowed by the chairman or vice-chairman after the time of entry of the vessel, shall deliver to the secretary or other proper officer of the Board a freight list of all goods on board the vessel landed at any port in the colony, showing the weight or measurement of those goods together with the bills of lading for them, and thereupon there shall be computed and determined by the secretary or other proper officer of the Board the exact amount of tonnage dues chargeable on the vessel, and if that amount is more than the amount provisionally paid, the agent or consignee shall forthwith pay the difference to the secretary or other proper officer of the Board, and if that amount be less than the amount provisionally paid, the secretary or other proper officer shall refund the difference on the authority of the chairman or vice-chairman :

Provided that—

Proviso :

- (i) each bill of lading shall, (except as hereinafter provided), show the weight of the goods which it covers if freight is calculated thereon according to weight, or measurement if freight is calculated according to measurement or on any other basis, and
- (ii) if the agent or consignee of the vessel fails to deliver the bills of lading showing the

required particulars as aforesaid within the time allowed by this paragraph, the chairman or vice-chairman shall have power to require the deposit of an amount equal in his opinion to one and a half times the amount of the tonnage dues payable in respect of the vessel, but the deposit shall be refunded if, within three months of the date of entry of the vessel, or any further period allowed by the Board, all the bills of lading containing the required particulars are delivered to the secretary or other proper officer of the Board, and the correct tonnage dues are paid.

- (e) Notwithstanding anything hereinbefore contained to the contrary, the Board, on the application of the agent of any vessel or vessels, may permit the acceptance, either for a specified period with respect to vessels belonging to a particular owner or owners, or with respect to a particular vessel in lieu of bills of lading, other evidence of the verity of freight lists, or any particular freight list, which it deems satisfactory, and the procedure as to that evidence and consequent on its production shall be the same, mutatis mutandis, as in the case of bills of lading delivered in accordance with the requirements of paragraph (c) of this section;
- (f) the agent or consignee of every sailing vessel over five hundred tons net register, and of every steam vessel, except as hereinafter exempted, leaving any port of the colony with goods taken on board at that port and electing to pay a tonnage due on the weight or measurement of the goods landed or taken on board, shall, within three days after the departure of the vessel, produce to the secretary or other proper officer of the Board an account showing the weight or measurement of all those goods, and thereupon there shall be computed and determined by the secretary or other proper officer of the Board the amount of tonnage dues chargeable and to be paid on the vessel, and the account shall also show the nature and description of the goods taken on board at the port aforesaid; and the

- agent or consignee of the vessel shall be liable for the amount of those tonnage dues and shall pay them to the secretary or other proper officer of the Board within three days after departure of the vessel;
- (g) if any larger quantity of goods is landed from or taken on board of any steam vessel, except as hereinafter exempted, than is set forth in the freight list or account hereinbefore mentioned, the vessel from which those goods were landed or on board of which they were taken, and the agent or consignee thereof, shall be liable to the payment of the full amount of the tonnage dues on the larger quantity, in addition to any penalty imposed by any Ordinance for the time being in force;
- (h) cargo transferred from one vessel to another in any part of the colony, or landed or warehoused for the purpose of being shipped to some place outside the colony, shall be exempt from tonnage dues, but if they are sold or brought into consumption in the colony, then they shall be subject to the same rate of tonnage dues as would otherwise have been chargeable;
- (i) where in any case the tonnage of a vessel is not a whole number of tons, the tonnage shall be deemed, for the purposes of this part of this section, to be the whole number nearest the actual number of tons;
- (j) everyone required to deliver any freight list or account prescribed by this Ordinance for the purpose of computing and determining the amount of tonnage dues on a vessel who neglects or refuses to do so within the time for delivery prescribed by this Ordinance, shall, on conviction thereof before a magistrate, be liable to a penalty not exceeding one hundred dollars;
- (k) the following vessels shall be exempted from the payment of tonnage dues, that is to say,—
- (i) vessels belonging to His Majesty or belonging to or chartered by His Majesty, or his Majesty's Government or any foreign Government recognised by His Majesty, not employed in the carriage of merchandise on freight;

- (ii) vessels employed on any work of public utility and which, in the opinion of the Governor, ought to be exempt;
- (iii) vessels which, in the opinion of the chairman of the Board are yachts used for pleasure and not in any trade or business; and
- (iv) coasting vessels, whereby is meant vessels trading exclusively within the limits of the colony.

II.—Berthing and landing charges at Fort Groyne:—

- (a) upon every vessel of two hundred tons and over, berthing at the Fort Groyne, the sum of twenty-four dollars with a maximum charge of seventy-two dollars; and twenty-eight cents per ton for every ton or part ton of cargo landed on the groyne;
- (b) upon every vessel under two hundred tons register, five cents per registered tonnage per day, and twenty-eight cents on every ton or part ton of cargo landed on the groyne:

Proviso:

Provided that the Board shall have power to make special arrangements as to dues or fees payable for the landing of merchandise.

III.—Light Dues:—

- (a) upon every vessel, other than a coasting vessel, or a vessel under ten tons burthen, entering any port of the colony from the sea, a light due of four cents per ton on the registered tonnage of the vessel;
- (b) upon every coasting vessel of ten tons burthen and upwards which enters the port of New Amsterdam from the sea, a light due of two cents per ton;
- (c) the master, owner, or agent of the vessel shall, immediately after her arrival in port, pay to the Board the amount due for light dues; and the vessel, together with her appurtenances, may be detained by any officer of the Board, officer of customs, or other person duly authorised in writing by the chairman or vice-chairman, until the amount due has been paid; and if the aforesaid amount is not paid within seven days, the vessel together with her appurtenances, after due notice in the Gazette by the Board or

order of the Board, may be sold to recover the amount due. Any surplus remaining from the sale may be paid to the owner of the vessel :

Provided that the following shall be exempted from the payment of light dues, namely,— Proviso.

- (i) vessels belonging to His Majesty, or belonging to or chartered by His Majesty or his Majesty's Government or any foreign Government recognised by His Majesty, not employed in the carriage of merchandise on freight;
- (ii) all vessels entering any port solely for bunker coal, stores or provisions for use on board those vessels; and
- (iii) vessels going to or returning from New Amsterdam for the purpose of any contract with the Government when not carrying passengers or cargo.

IV.—Shipping fees:—

- (a) the following fees shall be payable upon all engagements and discharges of seamen effected under the Merchant Shipping Act, 1894, or any amending Act, before the harbour master of the port of Georgetown or the deputy harbour master of the ports of New Amsterdam, Springlands, or Morawhanna :—

engagement of seamen, 48 cents for each;
discharge of seamen, 48 cents for each;
and the harbour master or deputy harbour master may refuse to proceed with any engagement or discharge unless the fees payable thereon are first paid;

- (b) for the purposes of this section the harbour master or deputy harbour master shall each be deemed to be a superintendent within the meaning of the Merchant Shipping Act, 1894.

V.—All moneys and fees payable under the River Navigation Ordinance, or under regulations made under it. Chapter 123.

VI.—All fees payable to inspectors of shipping and surveyors of ships under the Shipping Casualties (Investigation and Prevention) Ordinance, or under any regulations made under it. Chapter 124.

5.—(1) The Board may by order direct from time to time in what manner the dues, fees, and moneys specified in the last preceding section shall be collected, but until Collection of moneys and their expenditure.

any direction is given they shall be collected as in that section mentioned and deposited in a bank to the account of the Board, and may be paid thereout from time to time to the written order of the Board under the hands of the chairman and vice-chairman or, in the absence of either or both of them, by a member or two members of the Board.

(2) The salary of the harbour master and the cost of upkeep of his department (or that proportion thereof which the Governor in Council from time to time considers equitable in view of the colonial character of the department), and any fees payable to inspectors of shipping, including all annually recurrent charges, shall be a first charge on the account.

(3) The Board may expend the sums it deems necessary for any purpose connected with the control, lighting, or improvement of any of the harbours of the colony,

Annual
estimates :

6. The Board, on or before the first day of November in each year, shall submit to the Governor in Council for approval the estimates of the Board for the ensuing financial year, and when the estimates have been approved by the Governor in Council, whether as submitted by the Board or as altered by the Governor in Council, the Board may levy and collect during the next ensuing financial year the dues and fees therein contained :

Proviso.

Provided that, with the previous sanction of the Governor in Council and the approval of the Legislative Council, the Board may fix and levy any other dues, fees, or charges it deems necessary from time to time for the purposes of this Ordinance.

Saving.
(No. XX of
1921.)

7. The Board established by this Ordinance shall be the successor of the Board established in pursuance of the Harbour Board Ordinance, 1921, and shall levy, collect, receive, and enforce the recovery of, all or any dues, fees, or moneys which would have been payable under any Ordinance in force at the commencement of this Ordinance to the last-mentioned Board in the same manner and to the same extent as that Board might have done.

INVESTMENTS.

[Ordinance No. X of 1923.]

Investments
may be made
by the
Board ;

7A.—(1) The Board may invest the whole, or any part it thinks fit, of the amount of three hundred thousand dollars, the balance remaining of the amount raised by them on loan for the purpose of harbour improvement, on the securities

in which trustees are by law authorised to invest, and on the security of any bonds issued or guaranteed by the Government of the colony, and on the security of immovable property within the colony to the extent of not more than one-half of the appraised value thereof.

(2) Any investments made by the Board under the preceding sub-section shall continue until the Board, with the approval of the Governor, determines to undertake further works of harbour improvement and thereupon the investments made under the authority of that section shall be realised as soon as convenient and in any manner the Board deems fit.

to continue until Board undertakes works of harbour improvement.

(3) The Board may from time to time invest any of its surplus funds in securities such as are mentioned in sub-section (1) of this section and, whenever it thinks fit, may realise any of those investments.

Board may invest surplus funds.

LOANS.

8. The Board with the approval of the Governor in Council may from time to time raise a loan or loans for the purpose of harbour improvements on the security of the dues aforesaid, and the cost of all loan works in connection with the harbours shall in the first instance be defrayed out of the moneys so raised.

Loans.

Loan works.

ACCOUNTS.

9. All accounts of the Board shall be subject to audit from time to time by the Auditor.

Audit.

10. The Governor may from time to time make rules for the keeping of the accounts of the Board, and subject to those rules, or in the absence thereof, the keeping of the accounts shall be subject to the financial regulations in force from time to time for Government departments in the colony.

Rules for accounting and application of financial regulations.

THE HARBOUR MASTER.

11.—(1) The Governor may appoint a harbour master and the number of deputy harbour masters which the Board thinks fit, who shall hold office during pleasure and receive the salary assigned to them by the Board with the approval of the Governor in Council.

Appointment of harbour master and deputy harbour masters.

(2) In the absence of the harbour master the deputy harbour masters, or each and every one of them, shall have all his powers.

PILOTS.

Compulsory pilotage.

12. From and after a date to be specified by the Board by notice in the Gazette, pilotage shall be compulsory.

Harbour master pilot master.

13. The harbour master shall be ex officio the pilot master.

Establishment of pilotage service.

14. The Board shall establish and maintain a pilotage service, and the salaries or wages of all persons employed therein shall be paid out of the revenues of the Board.

Pilotage office.

15. The office of the harbour master in Georgetown or any other place the Board directs shall be the pilotage office in Georgetown.

Pilot's licence.

16. No one shall be entitled to be employed as a pilot in the pilotage service unless he holds a pilot's licence under the provisions of the Harbours and Pilotage Ordinance or under this Ordinance.

Chapter 199.

Pilot's licence.

17. No pilot's licence shall be granted to any other than a British subject and the licence shall be in the form from time to time approved by the Board.

Pilot to join pilotage service.

18. No one who was licensed as a pilot before the coming into operation of compulsory pilotage established by this Ordinance shall thereafter be allowed to pilot a vessel unless he joins the pilotage service.

Deputy harbour masters.

Pilotage office in New Amsterdam.

19. A deputy harbour master shall be assigned to the ports of New Amsterdam, Springlands, and Morawhanna, and the office of the deputy harbour master of New Amsterdam shall be the pilotage office of that port.

Deputy harbour masters to act under orders of harbour master.

20. In dealing with all matters provided for by this Ordinance or by the regulations, the deputy harbour masters of New Amsterdam, Springlands, and Morawhanna, shall act under the orders of the harbour master, who may require them to do all the acts and things at those ports he (the harbour master) is from time to time required to do.

RECOVERY OF PILOTAGE DUES.

Persons liable for the payment of pilotage dues.

21. The following persons shall be liable to pay pilotage dues for any vessel for which the services of a licensed pilot are obtained, namely,—

- (a) the owner or master;
- (b) as to pilotage inwards, those consignees or agents who have paid or made themselves liable to pay

- any other charge on account of the vessel in the port of her arrival or discharge;
- (*c*) as to pilotage outwards, those consignees or agents who have paid or made themselves liable to pay any other charge on account of the vessel in the port of her departure.

22. Every consignee or agent (not being the owner or master) who is hereby made liable for the payment of pilotage dues in respect of any vessel may retain, out of any money in his hands received on account of the vessel or belonging to the owner thereof, the amount of all dues so paid by him, together with any reasonable expenses incurred by him by reason of that payment or liability.

Recovery of dues paid by consignee or agent.

REGULATIONS.

23.—(1) The Board may, subject to the approval of the Governor in Council, make, alter, or amend regulations (and may limit the application thereof in any way that it thinks fit) relating to any or all of the following matters:—

Regulations.

- (*a*) the duties to be performed by the harbour master and the deputy harbour masters;
- (*b*) the mooring of vessels in the harbours;
- (*c*) the landing of passengers from vessels;
- (*d*) communication from shore with vessels arriving with immigrants;
- (*e*) the plying of passenger boats in the harbours and the charges to be made for the use thereof;
- (*f*) the marking of load-lines on vessels;
- (*g*) the use of public stollings in the harbours;
- (*h*) the dealing with articles found in pilotage districts and the disposal thereof;
- (*i*) the sanitary conditions of the harbours;
- (*j*) the prevention of encroachment in the harbours;
- (*k*) the removal of obstructions to navigation in pilotage districts;
- (*l*) the regulation of traffic in the harbours for securing the safety of vessels and the prevention of accidents.
- (*m*) the beaching of boats in the harbours;
- (*n*) the erection, extension, alteration, and numbering of, and addition to, stollings and wharves;
- (*o*) the appointment of a committee of examiners to deal with applications for pilot licences and the remuneration of the examiners;
- (*p*) the qualifications required for entering the pilotage service;

- (q) the fees payable to the Board for pilotage service;
- (r) the instruction by pilots of apprentices in manœuvring and management of vessels in pilotage districts;
- (s) the duties of pilots and other employees of the Board;
- (t) the instruction of pilot apprentices, and of boatmen employed by the Board, by the harbour master and deputy harbour masters;
- (u) the uniform to be worn by pilots' apprentices;
- (v) the registering of pilots and apprentices, with particulars of age, service, address, and any other particulars to the Board seeming necessary for the more efficient conduct of the pilotage service;
- (w) the granting of leave, pensions, and gratuities to employees of the Board other than those mentioned in section twenty-five of this Ordinance;
- (x) the control, improvement, lighting, or regulation of labour, of the harbours of the colony and the proper maintenance of the pilotage service;
- (y) the conduct of its own proceedings.

(2) The Board may, subject to the like approval, attach penalties to any breach of the regulations not in any case exceeding two hundred and forty dollars, and may prescribe the mode and the procedure to be adopted for enforcing the penalties, the documents or other evidence that shall be necessary in proceedings and the time within which those proceedings shall be taken.

MISCELLANEOUS.

Claims for injuries to vessel.

24. All claims for injuries to a vessel founded upon the negligence or misconduct of the master of another vessel shall be triable, provided they do not exceed one hundred dollars, either in the judicial district where the cause of action arose, or in the Georgetown judicial district, and in either case the adjudicating magistrate, in the event of conflicting testimony on any technical point, may associate the harbour master with himself for advice thereon.

Pensions and leave.

25. The Ordinance or Ordinances and regulations from time to time in force providing for pensions and leave for public officers shall mutatis mutandis apply to the harbour master, the secretary of the Harbour Board, and all pilots engaged in the pilotage service, and those pensions shall be payable out of the funds of the Board.

26.—(1) No pilot may lawfully quit the pilotage service unless he has—

- (a) been dismissed by the Board, or
- (b) obtained the consent thereto of the Board, or
- (c) given to the pilot master one month's notice in writing in that behalf.

Circumstances in which pilot may leave pilotage service.

(2) A pilot continuously absent without leave for fourteen days or more shall be deemed to have quitted the service, unless his absence has been occasioned by circumstances beyond his control, and of that the Board shall be the sole judge.

(3) A pilot who has quitted the service contrary to sub-section (1) of this section shall forfeit all rights to any moneys or wages then due to him and shall not be entitled to any pension whatsoever.

27.—(1) Any master who employs a person other than a licensed pilot to pilot his vessel without having taken reasonable steps (the proof whereof shall lie on him) to obtain a licensed pilot, shall be liable for each offence to a fine not exceeding two hundred and fifty dollars.

Employment of unqualified pilot;

Penalty.

(2) If anyone other than a master, or a seaman being bonâ fide one of the crew of the vessel, is on the bridge of the vessel, or is in any other position (whether on board the vessel or elsewhere) from which the vessel is navigated, that person shall, for the purpose of this section be deemed to be piloting the vessel unless the contrary is proved.

28.—(1) A master of a vessel shall not, except in circumstances of unavoidable necessity (the proof whereof shall lie on him), take a pilot without his consent beyond the district for which he is licensed, or beyond the point up to which he has been engaged, and if a master acts in contravention of this section he shall be liable in respect of each offence to a fine not exceeding one hundred dollars.

Taking pilot beyond his district without his consent.

Penalty.

(2) When a pilot is taken beyond the district for which he is licensed, or beyond the point for which he has been engaged to pilot the vessel either without his consent or in circumstances of unavoidable necessity, he shall be entitled to maintenance and to the sum of three dollars

and thirty-six cents per diem, recoverable in the same manner as pilotage dues, and that sum shall be paid to the Board.

(3) The sum to be paid shall be computed from and inclusive of the day in which the vessel passes beyond the district for which the pilot is licensed, or beyond the point up to which the pilot was engaged to pilot her, and up to and inclusive of either the day of his being returned in the vessel to the place where he was taken on board, or, if he is discharged from the vessel at a distance from that place, then that day which will allow him sufficient time to return thereto, and in the last mentioned case he shall be entitled to his reasonable travelling expenses.

Fraudulent alteration of marks on stem and stern of vessel ;
penalty.

29. If the master of a vessel, or anyone else interested in the vessel, makes, or is privy to the making of, any fraudulent alteration in the marks on the stem or stern posts of the vessel denoting the draught of water, he shall for each offence be liable to a fine not exceeding two hundred and forty dollars.

Illegal removal of soil, from harbour ;
penalty.

30. Everyone who digs, takes, or removes for any purpose whatsoever any caddy, shell, sand, or any other soil from any harbour, without permission from the Board shall be liable to a penalty not exceeding forty-eight dollars and every tool, vessel, receptacle, or vehicle, employed in any manner in the removal may be seized by any member of the police force, officer of customs, or visiting officer, or by anyone employed by the Board, and may in the discretion of the magistrate be sold, and the proceeds thereof after deduction of all expenses incurred shall be paid to the Colonial Treasurer for the public use of the colony.

Drainage into harbour.

31. No drainage, channels, or canals, may be made to discharge into a harbour, nor may any alterations be made to existing drainage, channels, or canals already so discharging, without the permission in writing of the Board.

Use of fishing apparatus at or near wharf ;
penalty.

32. Everyone who makes fast or uses a fishing net, line, seine, or other similar thing, near any stelling within a harbour shall be liable to a penalty not exceeding twenty dollars, and the net, line, seine, or other similar thing, may be seized and destroyed by any member of the police force, officer of customs, or anyone employed by the Board and authorised in that behalf by the harbour master, whether or not the owner is charged.

33.—(1) When anyone does an act in contravention of this Ordinance or the regulations, the harbour master may take the steps that will in the opinion of the Board nullify the act.

Contravention of provisions of Ordinance or regulations made under it.

(2) When anyone refuses or neglects to do any act required by this Ordinance or the regulations, the harbour master may have that act done.

(3) Any expenses incurred by the harbour master in carrying out or attempting to carry out the provisions of this section shall be recoverable from the person in addition to any penalty which may be awarded against him.

34. The signature of the harbour master to any document containing a statement of the amount due under the provisions of this Ordinance or the regulations shall, without proof of his signature or of any other matter or thing, be deemed in all courts to be *primâ facie* evidence of the amount claimed being in every particular correct.

Signature of harbour master *primâ facie* evidence of correctness of account.

LIABILITY.

35. Neither the Government of the colony nor the Board shall be liable for any damage occasioned through the fault or negligence of the harbour master or anyone employed in the pilotage service.

Colony and Board not liable for default of harbour master.

INVESTMENT OF FUNDS RAISED ON LOAN.

36.—(1) The Board may invest the whole, or any part it thinks fit, of the sum of three hundred thousand dollars, the balance remaining of the amount raised by it on loan (in pursuance of the powers conferred by the (repealed) Harbour Board Ordinance, 1919,) for the purpose of harbour improvements in any securities in which trustees are by law authorised to invest and on the security of any bond issued or guaranteed by the Government of the colony.

Powers to invest certain moneys raised on loan under No. X of 1921.

(2) Any investment made by the Board under the last preceding sub-section shall continue until the Board, with the approval of the Governor, determines to undertake further works of harbour improvement, and thereupon the investments made under the authority of that sub-section shall be realised as soon as convenient and in the manner the Board deems fit.

(3) The Board may from time to time invest any of its surplus funds in securities such as are mentioned in sub-section (i) of this section and, whenever it thinks fit, may realise any of the investments.