

Licensing the Waiapu County Council to use and occupy a Part of the Foreshore at Te Araroa as a Site for a Boat-jetty.

LIVERPOOL, Governor.
ORDER IN COUNCIL.

At the Government House, at Wellington, this fourteenth day of July, 1913.

Present :

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned under the Harbours Act, 1908 (hereinafter called "the said Act"), the Waiapu County Council (hereinafter called "the Council") has applied to the Governor in Council for a license under the said Act to occupy a part of the foreshore and land below low-water mark at Te Araroa, Waiapu County, in order to erect and maintain a boat-jetty thereon; and, in accordance with the one-hundred-and-fiftieth section of the said Act, has deposited a plan in the office of the Marine Department, at Wellington (marked M.D. 4087), showing the area of foreshore and land below low-water mark intended to be occupied, and the manner in which it is proposed to erect the said jetty: And whereas it has been made to appear to the Governor in Council that the proposed work will not be or tend to the injury of navigation, and the said plans have, prior to the making of this Order in Council, been approved by the Governor in Council: And whereas it is expedient that a license should be granted and issued to the Council under the said Act for the purpose last aforesaid, on the terms and conditions hereinafter expressed:

Now, therefore, His Excellency the Governor of the Dominion of New Zealand, in pursuance and exercise of the power and authority vested in him by the said Act, and of all other powers and authorities enabling him in that behalf, and by and with the advice and consent of the Executive Council of the said Dominion, doth hereby approve of the object for which the said license is required by the Council as aforesaid; and, in further pursuance and exercise of the said power and authority, and with the like advice and consent as aforesaid, doth hereby license and permit the Council to use and occupy that part of the foreshore and land below low-water mark on which the said jetty is to be erected, as shown on the plan M.D. 4087 so deposited as aforesaid, for the purpose of erecting and maintaining the said jetty; such license to be held and enjoyed by the Council upon and subject to the terms and conditions set forth in the Schedule hereto.

SCHEDULE.

1. In these conditions the term "Minister" means the Minister of Marine as defined by the Shipping and Seamen Act, 1908, and includes any officer, person, or authority acting by or under the direction of such Minister.

2. The concessions and privileges conferred by this Order in Council shall extend and apply only to the part of the foreshore, and land below low-water mark adjacent thereto, necessary for the erection of the said jetty, as shown on the plan marked M.D. 4087.

3. All persons shall, at all reasonable times, upon payment of the proper dues, have free and full liberty to use the said jetty, and all rights of ingress and egress thereon and therefrom.

4. His Majesty or the Governor, and all officers in the Government service acting in the execution of their duty, shall at all times have free ingress, passage, and egress into, through, and out of the said jetty without payment.

5. The Council shall maintain the above-mentioned jetty in good order and repair, and shall at all times exhibit from the jetty and maintain at its own cost suitable and necessary lights for the guidance of vessels; provided that no light shall be exhibited until after it has been approved of by the Minister.

6. Any person authorized by the Minister may, at all reasonable times, enter upon the said jetty and view the state of repair thereof; and upon such Minister leaving at or posting to the last known address of the Council in New Zealand a notice in writing of any defect or want of repair in such jetty, requiring it within a reasonable time, to be therein prescribed, to repair the same, it shall with all convenient speed cause such defect to be removed or such repairs to be made.

7. Nothing herein contained shall authorize the Council to do or cause to be done anything repugnant to or inconsistent with any law relating to the Customs, or any regulation of the Minister of Customs, or with any provisions of the Harbours Act, 1908, or its amendments, or any regu-

lations made thereunder, and that are now or may hereafter be in force.

8. The ballast of all vessels loading at the said jetty shall be taken away by the Council and deposited above high-water mark, or at such place as may be approved of by the Minister, or by any person appointed by the Minister for that purpose.

9. The rights, powers, and privileges conferred by or under this Order in Council shall continue to be in force for fourteen years from the date thereof, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority; and the Council shall not assign, charge, or part with any such right, power, or privilege without the previous written consent of the Minister first obtained.

10. The said rights, powers, and privileges may be at any time resumed by the Governor, without payment of any compensation whatever, on giving to the Council three calendar months' previous notice in writing. Any such notice shall be sufficient if given by the Minister, and delivered at or posted to the last known address of the Council in New Zealand.

11. The Council shall be liable for any injury which the said jetty may cause any vessel or boat to sustain through any default or neglect on its part.

12. In case the Council shall—

(1.) Commit or suffer a breach of the conditions hereinbefore set forth, or any of them; or

(2.) Cease to use or occupy the said jetty for a period of thirty days,—

then and in either of the said cases this Order in Council, and every right, power, or privilege, may be revoked and determined by the Governor in Council without any notice to the Council or other proceedings whatever; and publication in the *New Zealand Gazette* of an Order in Council containing such revocation shall be sufficient notice to the Council, and to all persons concerned or interested, that this Order in Council, and the license, rights, and privileges thereby granted and conferred, have been revoked and determined.

13. The erection of the said jetty shall be sufficient evidence of the acceptance by the Council of the terms and conditions of this Order in Council.

J. F. ANDREWS,
Clerk of the Executive Council

Portions of the Eastern and Western Sides of Boulcott Street, in the City of Wellington, exempted from the Provisions of Section 117 of the Public Works Act, 1908.

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government House, at Wellington, this fourteenth day of July, 1913.

Present :

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS by subsection one of section one hundred and seventeen of the Public Works Act, 1908, it is, *inter alia*, provided that the said section shall not apply in any case where the local authority having control of a road or street by resolution declares that the provisions thereof shall not apply to any specified road or street, or any specified part thereof, and such resolution is approved by the Governor in Council:

And whereas by subsection two of section one hundred and seventeen of the Public Works Act, 1908, and clause (b) of subsection one of section thirteen of the Public Works Amendment Act, 1911, it is provided that such approval may be either absolute or subject to such conditions as the Governor in Council thinks fit to impose, and may refer to one or both sides of the road or street:

And whereas the Wellington City Council, the local authority having control of the portions of street described in the Schedule hereto, did, on the third day of April, one thousand nine hundred and thirteen, by resolution declare that the provisions of the said section one hundred and seventeen should not apply to the said portions of street:

And whereas it is deemed expedient that such resolution should be approved in so far as it refers to the eastern and western sides of the portions of street described in the Schedule hereto:

Now, therefore, His Excellency the Governor of the Dominion of New Zealand, in pursuance and exercise of the powers conferred by the above-in-part-recited Act, and acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby approve of the said resolution to the extent hereinbefore mentioned.