

*Certificate of Inspecting Engineer.*

34. The Council, upon the completion of each part of the works hereby authorized, may take same into immediate use where such course is necessary to maintain a supply of energy then being given by the Wellington Corporation within the Borough of Miramar, but the Council shall nevertheless satisfy the Inspecting Engineer that all the requirements of this license affecting the construction of the lines have been complied with.

*Inspection of Works.*

35. The Minister may at any time order an inspection to be made of the lines and wires of the Council. If any defect is found to exist it must be remedied forthwith, and if serious in the opinion of the Inspecting Engineer the Minister may, on receipt of the report, direct the Council to at once cease transmitting energy either over the whole of the lines and wires or over any part thereof as to him may seem fit until such defect is repaired or remedied. The cost of such inspection shall be borne by the Council.

*Compliance with Conditions.*

36. For the purpose of ascertaining whether the conditions of this license are being faithfully complied with by the Council, the Minister, or any person appointed by him on that behalf, may at all reasonable times enter on the land and works and inspect the same.

*Assignment.*

37. This license and the benefits and obligations hereunder shall not be assigned by the Council without the express consent in writing of the Minister first had and obtained, upon such terms and conditions as he shall approve; but such consent shall not be withheld if it is proved to the satisfaction of the Minister that the transferee is financially and otherwise able to carry out the works specified in this license.

*Default and Penalty.*

38. If the Council fails to comply with any of the conditions of this license the Minister may, by notice in writing, require the Council within thirty days to remedy the default specified in that notice; but it shall not be held to have committed default for any failure to maintain power continuously if such failure is due to the breakdown of machinery or other accident, unless such breakdown or accident is proved to be due to negligence on the part of the Council; and if the Council fails to comply with the terms of the notice within the said period it shall be liable to a penalty of £20, to be recoverable by or on behalf of the Minister as a debt due to the Crown. The recovery of a penalty under this license shall not affect the liability (if any) of the Council to pay or make compensation in respect of any damage or injury which may be caused by reason of the default.

*Revocation of the License.*

39. Notwithstanding anything in the last preceding clause hereof, if the Council fails to comply with the terms of any such notice for ninety days after the receipt thereof the Governor in Council may thereupon revoke this license without further notice.

*Public Works Compensation.*

40. Nothing herein contained shall be deemed in any way to interfere with, affect, or abridge any rights or powers vested in His Majesty the King, or in the Governor on his behalf, or the Minister, or any other person under any Act of the General Assembly authorizing the construction, management, or working of any public work, nor shall His Majesty, or the Governor, or the Minister, or any other person be liable to pay to the Council any compensation for injury done to the works herein authorized by the construction, management, or working of any such public work as aforesaid, or for the loss occasioned thereby, or for the exercise of any such right or power as aforesaid.

*Commencement of License.*

41. This license shall come into force on and after the publication thereof in the *New Zealand Gazette*.

*Duration of License.*

42. This license shall, unless sooner determined in accordance with the provisions hereinafter expressed, continue in force for a period of forty-two years from the date hereof. Upon the expiry of the said term, or upon the sooner determination of this license by revocation or otherwise, all rights hereby granted to the Council shall thereupon cease and determine, but such expiration or determination shall not relieve the Council of any liability theretofore incurred under this license.

J. F. ANDREWS,  
Clerk of the Executive Council.

*Licensing the Waitemata County Council to use and occupy a Part of the Foreshore at Shelly Beach, in Kaipara Harbour, for a Wharf-site.*

LIVERPOOL, Governor

## ORDER IN COUNCIL.

At the Government Buildings at Wellington, this twenty-second day of February, 1915.

Present :

THE RIGHT HONOURABLE W. F. MASSEY, P.C., PRESIDING  
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 Waitemata 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 Shelly Beach, in Kaipara Harbour, in order to erect and maintain a wharf thereon; and, in accordance with the one-hundred-and-fiftieth section of the said Act, has deposited plans in the office of the Marine Department at Wellington (marked M.D. 4379), 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 wharf: 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 set forth in the Schedule hereto: 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 wharf is to be erected, as shown on the plans M.D. 4379 so deposited as aforesaid, for the purpose of erecting and maintaining the said wharf; 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 wharf, as shown on the plans marked M.D. 4379.
3. All persons shall, at all reasonable times, upon payment of the proper dues, have free and full liberty to use the said wharf, 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 wharf without payment.
5. The Council shall maintain the above-mentioned wharf in good order and repair; and shall at all times exhibit therefrom 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 wharf 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 wharf, 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 regulations made thereunder, and that are now or may hereafter be in force.