

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 wharf, as shown on plans marked M.D. 2019.

3. In consideration of the concessions and privileges granted by this Order in Council, the licensee shall pay to the Minister the sum of £2 10s., and thereafter an annual sum of £2 in advance, payable on the 1st day of April in each year, the proportionate part of such rental in respect of the period from the date hereof until the 31st day of March following to be paid on the licensee being supplied with a copy of this Order in Council.

4. 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.

5. His Majesty or the Governor-General, 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, over, and out of the said wharf without payment.

6. The licensee shall maintain the above-mentioned wharf in good order and repair, and shall at all times exhibit therefrom, and maintain at his own cost, suitable and necessary lights for the guidance of vessels; provided that no lights shall be exhibited until after it has been approved of by the Minister.

7. 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 licensee in New Zealand a notice in writing of any defect or want of repair in such wharf, requiring him, within a reasonable time, to be therein prescribed, to repair the same, he shall with all convenient speed cause such defect to be removed or such repairs to be made.

8. Nothing herein contained shall authorize the licensee 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.

9. The ballast of all vessels loading at the said wharf shall be taken away by the licensee, 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.

10. The rights, powers, and privileges conferred by or under this Order in Council shall continue to be in force for fourteen years from the 1st day of September, 1923, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority; and the licensee shall not assign, charge, or part with any such right, power, or privilege without the previous written consent of the Minister first obtained.

11. The said rights, powers, and privileges may be at any time resumed by the Governor-General, and the licensee may be required to remove the wharf at the licensee's cost, without payment of any compensation whatever, on giving to the licensee 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 licensee in New Zealand.

12. The licensee shall be liable for any injury which the said wharf may cause any vessel or boat to sustain through any default or neglect on his part.

13. In case the licensee shall—

- (1.) Commit or suffer a breach of the conditions hereinbefore set forth, or any of them;
- (2.) Cease to use or occupy the said wharf for a period of thirty days;
- (3.) Become bankrupt, or be in any manner brought under the operation of any Act for the time being in force relating to bankruptcy; or
- (4.) Fail to pay the sums specified in clause 3 of these conditions,—

then and in any of the said cases this Order in Council, and every right, power, or privilege thereby conferred, may be revoked and determined by the Governor-General in Council, without any notice to the licensee or other proceeding whatsoever; and publication in the *New Zealand Gazette* of an Order in Council containing such revocation shall be sufficient notice to the licensee, 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; and upon such revocation the Minister may cause the said wharf to be removed, and may recover the cost incurred by any such removal from the licensee.

C. A. JEFFERY,
Acting Clerk of the Executive Council.

Regulations under the Maintenance Orders (Facilities for Enforcement) Act 1921.

JELlicoe, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 10th day of September, 1923.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the powers and authorities vested in him by the Maintenance Orders (Facilities for Enforcement) Act, 1921 (hereinafter called "the said Act"), His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby make the following regulations; and doth order that such regulations shall take effect on the first day of October, one thousand nine hundred and twenty-three.

REGULATIONS.

1. REGISTRATION under section 3 of the said Act of a certified copy of an Order shall be effected by the entry of the particulars thereof by a Magistrate in the Criminal Record Book of a Court. The Magistrate shall enter the particulars (or cause the same to be entered) in the same manner as though the Order had been made at such Court, and shall write (or cause to be written) under the entry the words "Entered in pursuance of section 3 of the Maintenance Orders (Facilities for Enforcement) Act, 1921." Such entry shall be signed by the said Magistrate.

2. Where a Provisional Order is made under section 4 of the said Act, the Order may be drawn up in the form provided for a like Order under the Destitute Persons Act, 1910, with the necessary variations, but such Order shall be headed with the word "Provisional," and at the foot thereof shall be written or printed the following words: "This Order is provisional only, and shall have no effect unless and until confirmed by a competent Court in the country where the defendant is proved to be resident."

3. The statement under subsection (3) of section 4 of the said Act of the grounds on which the making of the Order might have been opposed shall be in the form of a certificate signed by the Magistrate having cognizance of the case.

4. The words "prescribed notice" referred to in subsection (4) of section 4 of the said Act shall mean a notice in the form numbered D.P. 25 as set forth in the Schedule hereto, or to the like effect, served upon the applicant for the Provisional Order not less than seven clear days before the day upon which the further evidence shall be taken.

5. The requisition to be sent by the Minister of Justice to a Justice of the Peace under section 5 of the said Act shall be in the form numbered D.P. 23 as set forth in the Schedule hereto, or to the like effect.

6. The summons to be issued under subsection (1) of section 5 of the said Act shall be in the form numbered D.P. 24 as set forth in the Schedule hereto, or to the like effect.

7. If under section 5 of the said Act the Provisional Order is confirmed, the Order to that effect shall be in the form numbered D.P. 26 as set forth in the Schedule hereto, or to the like effect.

8. (1.) When a Magistrate shall have heard the application for confirmation of any Order under section 5 of the said Act, he shall transmit to the Magistrate or other person making the Provisional Order a notification of his decision on the matter.

(a.) If the decision is that the Order be confirmed either with or without modification, the notification shall include a copy of the confirming Order in the form numbered D.P. 26.

(b.) If the decision is that the Order be not confirmed, the notification shall give the reasons for such decision.

(c.) If the decision is that the case be remitted for further evidence, as provided by subsection (4) of section 5 of the said Act, the notification shall set out the points upon which such further evidence is required.

In all cases the Magistrate shall inform the Under-Secretary of Justice what he has done in connection with the Order forwarded to him for confirmation.