

And whereas it is expedient that a license should be granted and issued to the licensee under the said Act, for the purposes aforesaid, on the terms and conditions hereinafter expressed:

Now, therefore, His Excellency the Governor-General 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 acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby approve of the purpose or object for which the said license is required by the licensee 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 licensee 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 plan M.D. 5855 so deposited as aforesaid, for the purpose of erecting and maintaining the said wharf; such license to be held and enjoyed by the licensee 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:

“Foreshore” means such parts of the bed, shore, or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring tides:

“Low-water mark” means low-water mark at ordinary spring tides.

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 necessary for the erection of the said wharf as shown on the plan marked M.D. 5855, sheet 1, and deposited in the office of the Marine Department as aforesaid.

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 first day of April in each year, the proportionate part of such rental in respect of the period from the date hereof until the 31st 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 persons in the Government service acting and in the execution of their duties, 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 the licensee's 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.

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 the licensee, within a reasonable time, to be therein prescribed, to repair the wharf, the licensee shall with all reasonable 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, 1923, 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 in force for fourteen years from the date hereof, 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 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 own 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 the licensee's 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.) Fail to pay the sums specified in clause 3 of these conditions; or
- (4.) Become bankrupt, or be brought under the operation of any law for the time being in force relating to bankruptcy,—

then and in any of the said cases this Order in Council, and every license, 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 proceedings whatever; 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.

14. In the event of this Order in Council being revoked for any reason whatsoever, or upon the expiry of the period for which the license is granted, the licensee shall, if required by the Minister so to do, remove the said wharf entirely from the site and restore the site to its original condition within three months from the date of revocation or expiry, as the case may be; and, if the licensee fails so to do, the Minister may cause the said wharf to be removed and the site so restored, and may recover the costs incurred by the said removal and restoration from the licensee.

15. The erection of the said wharf shall be sufficient evidence of the acceptance by the licensee of the terms and conditions of this Order in Council.

F. D. THOMSON,
Clerk of the Executive Council.

The Northern Side of an Unnamed Street off Ballance Street, in the Borough of New Plymouth, exempted from the Provisions of Section 117 of the Public Works Act, 1908.

JELlicoe, Governor-General.

ORDER IN COUNCIL.

At the Government House, at Wellington, this 4th day of August, 1924.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the powers conferred by the Public Works Act, 1908, 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 approve of the following resolution passed by the New Plymouth Borough Council on the sixteenth day of April, one thousand nine hundred and twenty-four, viz:—

“That the New Plymouth Borough Council, being the local authority having control of the street hereinafter mentioned, hereby resolves and declares that the provisions of section one hundred and seventeen, subsection one, of the Public Works Act, 1908, shall not apply to that portion of the northern side of the unnamed road off Ballance Street to which Allotment 6 of part Section 32 of the Fitzroy District, New Plymouth, has frontage”; such portion of street being described in the Schedule hereto.

SCHEDULE.

THE northern side of all that unnamed street off Ballance Street, in the Taranaki Land District, Borough of New Plymouth, fronting Part Allotment 6 of Part Section 32, Fitzroy District, Borough of New Plymouth. As the same is more particularly delineated on the plan marked P.W.D. 59879, deposited in the office of the Minister of Public Works at Wellington, in the Wellington Land District, and thereon coloured blue.

F. D. THOMSON,
Clerk of the Executive Council.