

Licensing J. J. Craig (Limited) and Winstone Limited, of Auckland, to occupy Part of the Foreshore and Land below Low-water Mark for the Purpose of taking Shingle and Sand.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 13th day of December, 1926.

Present:

THE HONOURABLE W. DOWNIE STEWART PRESIDING IN COUNCIL.

WHEREAS there being no Harbour Board empowered to grant the license hereinafter mentioned, J. J. Craig (Limited) and Winstone Limited, Auckland (who, with their successors and assigns, are hereinafter called "the companies"), have applied to the Governor-General in Council for a license under the Harbours Act, 1923 (hereinafter called "the said Act"), to use and occupy parts of the foreshore and land below low-water mark as specified in Schedule No. 1 hereto, for the purpose of taking away the shingle and sand deposited thereon; and in accordance with the provisions of the said Act have deposited plans in the office of the Marine Department at Wellington (marked M.D. 6262 to 6270) showing, edged red, the areas of foreshore and land below low-water mark intended to be occupied for such purpose:

And whereas it is desirable to grant the license applied for:

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 companies 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 companies to use and occupy those parts of the foreshore and land below low-water mark which are particularly shown and delineated within a red line on the plans so deposited as aforesaid, for the purpose of taking away the shingle and sand deposited thereon, such license to be held and enjoyed by the companies upon and subject to the terms and conditions set forth in Schedule No. 2 hereto.

SCHEDULE No. 1.

Locality.	Plan No. M.D.
WHANGARURU Harbour: Otara and Pawhaoa, Block II, Whangaruru Survey District	6262
Whangaruru Bay: Lots 8 and 11, Paramata-Mokau, Block III, Whangaruru Survey District	6263
Helena Bay: Owai Block and Section 11, Block I, Opuawhanga Survey District	6264
Mimiwhangata Bay: Section 5, Block II, Opuawhanga Survey District	6265
Mimiwhangata Bay: Sections 31, 32, 33, 34, 35, 36, and 39, Block 6, Opuawhanga Survey District	6266
Step Island: Block XIV, Whakarara Survey District	6267
Stoney and Shag Bays: Sections 1, 5, and 8, Block II, Colville Survey District	6268
Moturua Island: Block XIV, Bay of Islands Survey District	6269
Waipu River: Block III, Waipu Survey District	6270

SCHEDULE No. 2.

1. In these conditions the term—

"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:

"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 concession and privileges conferred by this Order in Council shall extend and apply only to those parts of the foreshore and land below low-water mark necessary for the purposes hereinbefore mentioned, as shown within red lines

on the plans marked M.D. 6262 to 6270, deposited in the office of the Marine Department as aforesaid, and specified in Schedule No. 1 hereto.

3. In consideration of the concessions and privileges granted by this Order in Council, the companies shall, on being supplied with a copy thereof, pay to the Minister the sum of £2 10s., and thereafter shall deposit annually the sum of £500, to be applied as hereinafter provided, payable on the 1st day of April each year; provided that in respect of the period from the date of this Order in Council until the 31st day of March, 1927, the amount to be deposited shall be an amount proportionate to the said period at the rate of £500 per annum, to be deposited on the companies being supplied with a copy of this Order in Council.

4. The royalty payable by the companies in consideration of the concessions and privileges hereby granted shall be at the rate of 1s. per cubic yard on all shingle and 4d. per cubic yard on all sand taken from the said areas and/or shipped across the foreshore. If in any year the companies fail to remove any shingle or sand the deposit hereinbefore referred to shall be appropriated by the Minister as flat rent in respect of that year; but if, during any year, the companies remove any shingle and/or sand, the deposit shall, in proportion to the amount of shingle and/or sand so removed, be applied as royalty at the rate hereinbefore mentioned, but so that the minimum amount payable as combined royalty and flat rent in any one complete year shall be £500. All such payments shall be made to the Superintendent of Mercantile Marine at Auckland, or such other person as the Minister may direct.

5. His Majesty or the Governor-General, and all other officers in the Government service acting in the execution of their duties, shall at all times have free ingress, passage, and egress into, through, and out of the said land without payment.

6. Nothing herein contained shall authorize the companies 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.

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

8. The rights, powers, and privileges hereby granted and conferred may be at any time resumed by the Governor-General, without payment of any compensation whatsoever, on giving to the companies three calendar months' previous notice in writing. Such notice shall be sufficient if given by the Minister and delivered at or posted to the last known registered office of the companies in New Zealand.

9. The companies shall keep a strictly accurate record of all shingle and sand removed, whether from above or below low-water mark, and shall submit the same for inspection immediately at the end of each month to the Superintendent of Mercantile Marine at Auckland or such other officer as may be appointed by the Minister; and shall at the same time pay to the Superintendent or other officer as aforesaid the amount of royalty due to the Minister.

10. In case the companies shall—

- (1.) Commit or suffer a breach of the conditions hereinbefore set forth, or any of them;
- (2.) Be in any manner wound up or dissolved;
- (3.) Fail to pay the sums specified in clauses 3 and 4 of these conditions,—

then and in any such case 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 companies or other proceedings whatsoever; and publication in the *New Zealand Gazette* of an Order in Council containing such revocation shall be sufficient notice to the companies, 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.

11. Payment by the companies of any of the sums hereinbefore mentioned shall be sufficient evidence of the acceptance by the companies of the terms and conditions of this Order in Council.

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