

SCHEDULE.

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 concessions and privileges conferred by this Order in Council shall extend and apply only to that part of the foreshore occupied by the said boom and dolphins, as shown on the plan marked M.D. 6287.

3. In consideration of the concessions and privileges granted by this Order in Council the company shall pay to the Minister the sum of £2 10s., and thereafter an annual sum of £5 in advance, payable on the 1st day of April in each year, the proportional part of such rental in respect of the period from the date hereof until the 31st March following to be paid on the company being supplied with a copy of this Order in Council :

4. 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, and out of the said boom and dolphins without payment.

5. The company shall maintain the above-mentioned boom and dolphins in good order and repair, and shall at all times exhibit therefrom and maintain at the company'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.

6. The company shall cause the said boom and dolphins to be constructed so as to provide that there shall be no unnecessary delay in allowing the passage of vessels and boats.

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

8. Nothing herein contained shall authorize the company to do or cause to be done anything repugnant to or inconsistent with any law relating to the 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 rights, powers, and privileges conferred by or under this Order in Council shall continue to be 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 company shall not assign, charge, or part with any such right, power, or privilege without the written consent of the Minister first obtained.

10. The said rights, powers, and privileges may be at any time resumed by the Governor-General, and the company may be required to remove the boom and dolphins at the company's cost, without payment of any compensation whatever, on giving to the company 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 registered office of the company in New Zealand.

11. The company shall be liable for any injury which the said boom and dolphins may cause any vessel or boat to sustain through any default or neglect on the company's part.

12. In case the company 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 boom or dolphins for a period of thirty days ;
- (3.) Be in any manner wound up or dissolved ; 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 license, right, power, or privilege, may be revoked and determined by the Governor-General in Council without any notice to the company 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 company 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. 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 company shall, if required by the Minister so to do, remove the said boom and dolphins 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 company fails so to do, the Minister may cause the said boom and dolphins to be removed and the site so restored, and may recover the costs incurred by the said removal and restoration from the company.

14. The erection of the said boom and dolphins shall be sufficient evidence of the acceptance by the company of the terms and conditions of this Order in Council.

J. W. BLACK,
Acting Clerk of the Executive Council.

Licensing Herbert Francis Cook to use and occupy a Part of the Foreshore at Watering Bay, Russell, Bay of Islands, as a Site for a Slip.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington this 10th day of January, 1927.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned, Herbert Francis Cook, of Russell (who with his executors, administrators, and assigns is hereinafter referred to as “the licensee”), has applied to the Governor-General in Council for a license under the Harbours Act, 1923 (hereinafter called “the said Act”), to occupy a part of the foreshore at Watering Bay, Russell, Bay of Islands, as a site for a slip to be built in the position and in accordance with plans marked M.D. 6261, and deposited in the office of the Marine Department of Wellington : And whereas it has been made to appear to the Governor-General in Council that the 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-General in Council :

And whereas it is desirable that a license should be granted and issued to the licensee under the said Act for the purpose 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 conferred upon 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 on which the said slip is to be erected, as shown on plans marked M.D. 6261 deposited as aforesaid, for the purpose of maintaining the said slip thereon, such license to be held and enjoyed by the licensee upon and subject to the terms set forth in the Schedule hereto.

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“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 that part of the foreshore occupied by the said slip-site as shown on the plan marked M.D. 6261.

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 March following to be paid on the licensee being supplied with a copy of this Order in Council.

4. 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, and out of the said slip, without payment.