

*Vesting the Management of the Wharf at Le Bon's Bay in the  
Le Bon's Bay Road Board.*

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 6th day of  
December, 1927.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by section one hundred and eighty-six of the Harbours Act, 1923 (hereinafter called "the said Act"), it is enacted that the Governor-General in Council may vest the management of any wharf, the property of His Majesty the King, in any local authority upon such terms and conditions as the Governor-General in Council thinks fit :

And whereas it is thought desirable to vest in the Le Bon's Bay Road Board (hereinafter called "the Board," in which term is to be construed, unless the context requires a different construction, its successors or assigns) the management of the wharf at Le Bon's Bay, erected in accordance with the plan marked M.D. 2344, and deposited in the office of the Marine Department, at Wellington, on the terms and conditions hereinafter set forth in the First Schedule hereto, and to prescribe the dues and rates for the use of the said wharf :

Now, therefore, 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, and 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, doth hereby vest the management of the said wharf in the Board, subject to the conditions set forth in the First Schedule hereto, and doth hereby prescribe that the dues and rates specified in the Second Schedule hereto shall be taken and charged by the Board for the use of the said wharf.

FIRST SCHEDULE.

CONDITIONS OF MANAGEMENT.

1. In these conditions the terms—

"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 the part of the foreshore, and land below low-water mark adjacent thereto, necessary for the maintenance of the said wharf, at the site shown on the plans marked M.D. 2344.

3. All His Majesty's subjects shall at all reasonable times, and upon payment of the proper dues, have free and full liberty to use the above-mentioned wharf, and rights of ingress and egress thereto and therefrom.

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, over, and out of the said wharf without payment.

5. The Board shall maintain and keep the above-mentioned wharf and all erections on or in connection with the wharf in good order and repair ; and shall at all times exhibit therefrom, and maintain at the Board's own cost, suitable and necessary lights for the guidance of vessels : Provided that no new light shall be exhibited until after it has been approved by the Minister :

6. All dues and rates received on account of the said wharf by the Board shall be applied to keeping the said wharf and all erections on or in connection with such wharf in good order and repair.

7. Any person authorized by the Minister may at all reasonable times enter upon the said wharf and any buildings erected on the wharf or in connection therewith, and view the state of repair thereof ; and upon the Minister leaving at or posting to the last known address of the Board in New Zealand a notice in writing of any defect or want of repair in such wharf or buildings, requiring the Board, within a reasonable time to be therein prescribed, to make good or repair the same, the Board shall, with all convenient speed cause such defect to be removed or such repairs to be made.

8. The ballast of all vessels loading at the said wharf shall be taken away by the Board and deposited above high-water mark, or at such place as may be approved by the Minister or by any person appointed by the Minister for that purpose.

9. The Board shall not erect, or suffer to be erected, on the said wharf any building or structure whatever, except with the consent of the Minister.

10. The Board shall keep a separate account of the receipts and expenditure on account of such wharf and premises,

and shall cause such account to be balanced to the 31st day of March in every year, and shall send a copy of such account when balanced to the Minister, and shall supply any particulars in reference thereto as may be required by the Minister.

11. The Board shall appoint all officers necessary for the working and management of the said wharf.

12. Nothing herein contained shall authorize the Board to do or cause to be done anything repugnant to or inconsistent with any law relating to the Customs, or any regulations of the Minister of Customs, or with any provisions of the Harbours Act, 1923, or its amendments, or any regulations thereunder, and that are now or may hereafter be in force.

13. The rights, powers, and privileges hereby conferred shall continue in force for fourteen years, computed from the date hereof, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority : and the Board shall not assign, charge, or part with any such right, power, or privilege without the previous written consent of the Minister first obtained.

14. The rights, powers, and privileges conferred under or by virtue of this Order in Council may be at any time resumed by the Governor-General without payment of any compensation whatever on giving to the Board 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 Board in New Zealand.

15. The Board shall be liable for any injury which may be caused at the said wharf to any vessel or boat through any default or neglect on the part of the Board.

16. In case the Board shall—

(1) Commit or suffer a breach of the conditions hereinbefore set forth, or any of them ; or

(2) Cease to use or occupy the said wharf for a period of thirty consecutive days ;

then, and in either 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 Board 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 Board and to all persons concerned or interested, that this Order in Council, and the licenses, rights, and privileges thereby granted and conferred, have been revoked and determined.

17. 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 Board 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 the revocation or expiry, as the case may be ; and if the Board 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 Board.

SECOND SCHEDULE.

WHARFAGE DUES.

GRASS-SEED, per bag, 1d., or 1s. per ton of 20 bags.  
Butter, per box, 1d., or 1s. per ton of 40 boxes.  
Cheese, each, 1d., or 1s. per ton.  
Wool, per bale, 4d.  
Wool, per bag, 1d.  
Hides and skins, per bundle, 4d.  
Hides and skins, per bag, 1d.  
Fat, per bag, 1d.  
Sheep or pigs, each 2d.  
Cattle and horses, each, 2s.  
Parcels, each, 1d.  
Carts and traps, each 2s.  
Packages (ordinary), each 1½d.  
Potatoes, per bag, 2d., or 1s. per ton of 10 bags.  
Flour, per bag, 1d., or 1s. per ton of 20 bags.  
Galvanized iron, per sheet, ½d., or 1s. per ton.  
Chaff, per bag, 1d., or 1s. per ton of 20 bags.  
Wheat, oats, and sharps, per bag, 2d., or 1s. per ton.  
Bales of sacks, each, 6d.  
Wire, per coil, 1d., or 1s. per ton.  
Timber, per 100 ft., 3d.  
Cement, per cask, 4d.  
Bricks, per hundred, 3d.  
Empty butter-boxes, each ½d.  
Anything not specified, 1s. 6d. per ton (either weight or measurement). Minimum charge for anything not specified, 1d.

BERTHAGE DUES.

For every vessel, with steam or otherwise, under 100 tons register, per day or part of a day, ½d. per ton.  
For every vessel over 100 tons register, ½d. per ton for the first 100 tons, and ¼d. per ton for each additional ton, per day or part of a day.  
Minimum charge, 1s.

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