

*Vesting the Management of the Wharf and Shed at Wainui
in the Akaroa County Council.*

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 21st day of
December, 1927.

Present :

THE RIGHT HONOURABLE J. G. COATES, P.C., PRESIDING 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 Akaroa
County Council (hereinafter called "the Council," in which
term is to be construed, unless the context requires a different
construction, its successors or assigns) the management of the
wharf and shed at Wainui, erected in accordance with the
plans marked M.D. 1548 and 1549, 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 make the regulations set forth in the Second
Schedule thereto :

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 and shed in the Council,
subject to the conditions set forth in the First Schedule hereto,
and doth hereby make the regulations specified in the Second
Schedule hereto, which shall take effect from the date hereof,
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 and shed,
at the sites shown on the plans marked M.D. 1548 and 1549.

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 shed, 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 and shed without
payment.

5. The Council shall maintain and keep the above-mentioned
wharf and shed, and all erections on or in connection with the
wharf and shed in good order and repair ; and shall at all times
exhibit therefrom, and maintain at the Council's own cost,
suitable and necessary lights for the guidance of vessels : Pro-
vided 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
and shed by the Council shall be applied to keeping the
said wharf and shed and all erections on or in connection
with such wharf and shed in good order and repair.

7. Any person authorized by the Minister may at all
reasonable times enter upon the said wharf and shed and any
buildings erected on the wharf and shed, 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
Council in New Zealand a notice in writing of any defect or
want of repair in such wharf and shed or buildings, requiring
the Council, within a reasonable time to be therein prescribed,
to make good or repair the same, the Council 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 and
shed shall be taken away by the Council 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.

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

10. The Council shall keep a separate account of the
receipts and expenditure on account of such wharf and shed
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 Council shall appoint all officers necessary for the
working and management of the said wharf and shed.

12. Nothing herein contained shall authorize the Council
to do or cause to be done anything repugnant to or incon-
sistent 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
regulation 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 com-
petent authority ; and the Council 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 Council 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 Council in New
Zealand.

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

16. In case the Council shall—

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

(2) Cease to use or occupy the said wharf and shed 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 Council 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 Council 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 Council shall, if required
by the Minister so to do, remove the said wharf and shed
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 Council fails so to
do, the Minister may cause the said wharf and shed to be
removed and the site so restored, and may recover the costs
incurred by the said removal and restoration from the
Council.

SECOND SCHEDULE.

REGULATIONS.

1. No goods shall be stored in the wharf-shed for a longer
period than fourteen days without the special permission
of the Council or their appointee.

2. All goods are to be stacked in the shed to the satisfac-
tion of the Council or their appointee, in such manner that
its full storing-capacity shall not be restricted.

3. The shed may be locked up between the hours of 6 p.m.
and 8 a.m., and during Sundays, whenever the Council may
deem advisable.

4. The Council shall not be liable for loss or damage to
goods stored.

5. No firewood, timber, or other goods shall be stacked
within 4 ft. of the wharf-gangway or of the tramway-rails, and
no goods of any description shall be left on the wharf for a
longer period than four days.

6. No person shall leave the trolley on the public road, but
after using shall replace it on the wharf.

7. Any person opening the shed-door to remove goods or
for any other purpose shall reclose the door before leaving.

8. Any person infringing these regulations shall be liable
to a penalty not exceeding twenty shillings.

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