

Licensing the Picton Borough Council to use and occupy a Part of the Foreshore in Picton Harbour as a Site for Baths.

CHARLES FERGUSSON, Governor-General.
ORDER IN COUNCIL.

At the Government Buildings, at Wellington, this 13th day of January, 1928.

Present :

THE HONOURABLE W. DOWNIE STEWART, PRESIDING
IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned, the Picton Borough Council (hereinafter called "the Council," in which term is to be construed, unless the context requires a different construction, its successors and assigns) 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 and land below low-water mark in Picton Harbour, in order to maintain thereon baths; and in accordance with the one-hundred-and-seventy-first section of the said Act, has deposited plans in the office of the Marine Department, at Wellington (marked M.D. 3776), showing the place where it is intended to maintain such baths, the area of foreshore intended to be occupied for such purpose, and the manner in which it is proposed to maintain the baths:

And whereas it has been made to appear to the Governor-General in Council that the proposed 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, without modification or addition:

And whereas it is expedient that a license under the said Act, for the purpose aforesaid, should be granted and issued to the Council 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 Council 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 Council to use and occupy that part of the foreshore and land below low-water mark which is particularly shown and delineated on the plan marked M.D. 3776, so deposited as aforesaid, for the purpose of maintaining baths thereon; such license to be held and enjoyed by the Council upon and subject to the terms and conditions set forth in the Schedule hereto.

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 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. In consideration of the concessions and privileges granted by this Order in Council the Council shall, on being supplied with a copy thereof, pay to the Minister an annual rental of ls., payable on demand.

3. The foreshore and tidal land included in this license shall be used solely for bathing purposes.

4. The concessions and privileges conferred by this Order in Council shall extend and apply only to the parts of the foreshore and of the land below low-water mark required for the maintenance of the baths, as shown and delineated on the plan M.D. 3776, so deposited as aforesaid.

5. 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 baths without payment.

6. The Council shall, during the subsistence of this Order in Council, provide and maintain proper and sufficient baths, with all necessary appliances and conveniences thereto, as will enable the public to use and enjoy the same, and all other advantages hereby conferred in respect of the use and occupation of the foreshore and land below low-water mark, and with or without any charge for the same, and under such regulations for the decent and orderly use thereof as the Council may make; provided that no such charge as aforesaid shall be made until after the same has been approved by the Minister.

7. A printed copy of the regulations affecting the use of the said baths, and advantages as aforesaid, shall be put up by the said Council in such baths.

8. The Council shall maintain the above-mentioned baths in good order and repair.

9. Any person authorized by the Minister may, at all reasonable times, enter upon the said baths and view the state of repair thereof: and upon such 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 baths, requiring the Council, within a reasonable time, to be therein prescribed, to make good the same, the Council shall, with all convenient speed, cause such defect to be removed or such repairs to be made, as the case may be.

10. Nothing herein contained shall authorize the Council 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 any regulations made thereunder, and that are now or may hereafter be in force.

11. 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 Council shall not assign, charge, or part with any such right, power, or privilege without the previous written consent of the Minister first obtained.

12. The said rights, powers, and privileges 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.

13. The Council shall be liable for any injury which the said baths may cause any vessel or boat to sustain through any default or neglect on the Council's part.

14. In case the Council shall—

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

(2) Cease to provide or maintain the said baths for the use of the public for bathing purposes;

then, and in either 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 Council 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 Council 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.

15. 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 baths 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 Council fails so to do the Minister may cause the said baths to be removed and the site so restored, and may recover the costs incurred by the said removal and restoration from the Council.

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

Revoking Order in Council Licensing Messrs. T. M. Lane and Sons, Ltd., to use and occupy a Part of the Foreshore and Land below Low-water Mark on Pupuke River, Whangaroa Harbour, as a Site for the Stacking and Floating of Timber.

CHARLES FERGUSSON, Governor-General.
ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 13th day of January, 1928.

Present :

THE HONOURABLE W. DOWNIE STEWART, PRESIDING IN
COUNCIL.

WHEREAS by Order in Council dated the twenty-third day of February, one thousand nine hundred and twenty-five, and published in the *New Zealand Gazette* No. 15, of the twenty-sixth day of the same month, Messrs. T. M. Lane and Sons, Limited (who, with their successors and assigns, are hereinafter called "the company"), were licensed to use and occupy a part of the foreshore and land below low-water mark on the Pupuke River, Whangaroa Harbour, as a site for the stacking and floating of timber: