

Licensing Roy Gladstone Barnard, Frank Howard James, and John Theodore Grange, of Wellington, to Occupy a Part of the Foreshore and the Land below Low-water Mark at Fitzroy Bay, Cook Strait, for the Purpose of taking Shingle and Sand.

CHARLES FERGUSSON, Governor-General.
ORDER IN COUNCIL.

At the Government House at Wellington, this 19th day of February, 1929.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS, there being no Harbour Board empowered to grant the license hereinafter mentioned, Roy Gladstone Barnard, Frank Howard James, and John Theodore Grange, of Wellington (hereinafter called "the licensees"), have jointly and severally applied to the Governor-General for a license under the Harbours Act, 1923 (hereinafter called "the said Act"), to use and occupy a part of the foreshore and the land below low-water mark at Fitzroy Bay, Cook Strait, for the purpose of taking away the shingle and sand deposited thereon; and, in accordance with the provisions of the said Act, have deposited a plan in the office of the Marine Department at Wellington (marked M.D. 6623) showing the area of foreshore and the 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 licensees 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 licensees to use and occupy that part of the foreshore and the land below low-water mark which is particularly shown and delineated within a red line on the plan 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 licensees 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 bank 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 the land below low-water mark necessary for the purposes hereinbefore mentioned, as shown within a red line in the plan marked M.D. 6623, and deposited in the office of the Marine Department as aforesaid.

3. In consideration of the concessions and privileges granted by this Order in Council the licensees shall, on being supplied with a copy thereof, pay to the Minister the sum of £2 10s., and thereafter shall deposit half-yearly the sum of £52, to be applied as hereinafter provided, payable on the first days of January and July in each year.

4. The royalty payable by the licensees on all shingle taken in each year in consideration of the concessions and privileges hereby granted shall be at the rate of one shilling per cubic yard in respect of the first two thousand and eighty cubic yards, ninepence per cubic yard in respect of the next three thousand cubic yards, and sixpence per cubic yard on any quantity exceeding five thousand and eighty cubic yards taken in each year. If in any half-year the licensees fail to remove any shingle the deposit hereinbefore referred to shall be appropriated by the Minister as flat rent in respect of that half-year; but if during any year the licensees remove any shingle the deposit shall, in proportion to the amount of shingle 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 £104. All such payments shall be made to the Secretary, Marine Department, at Wellington, 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 execution of duty, shall at all times have free ingress, passage, and egress into, through, and out of the aforesaid land without payment.

6. Nothing herein contained shall authorize the licensees 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 five years, computed from the date hereof, with the right of renewal for a further term of five years, unless in the meantime such rights, powers, and privileges are altered, modified, or revoked by competent authority; and the licensees shall not assign, charge, or part with any such right, power, or privilege without the previous 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 licensees 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 address of the licensees in New Zealand.

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

10. In case the licensees shall—

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

(2) Become bankrupt, or be brought under the operation of any law for the time being in force relating to bankruptcy;

(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 licensees 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 licensees, 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 licensee of any of the sums hereinbefore mentioned shall be sufficient evidence of the acceptance by them of the terms and conditions of this Order in Council.

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

Reserve in Auckland Land District brought under the Tourist and Health Resorts Control Act, 1908.

CHARLES FERGUSSON, Governor-General.
ORDER IN COUNCIL.

At the Government House at Wellington, this 19th day of February, 1929.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

BY virtue of the powers and authorities conferred upon me by the sixth section of the Tourist and Health Resorts Control Act, 1908, I, General Sir Charles Fergusson, Baronet, Governor-General of the Dominion of New Zealand, by and with the advice and consent of the Executive Council of the said Dominion, do hereby order and declare that the reserve for recreation in the Auckland Land District, described in the Schedule hereto, shall be and the same is hereby brought under the operation of and declared to be subject to the provisions of the Tourist and Health Resorts Control Act, 1908; and such reserve shall hereafter be managed, administered, and dealt with in manner directed by the said Act.

SCHEDULE.

AUCKLAND LAND DISTRICT.

SECTIONS 9, 10, and 11, Block LXX, Town of Rotorua: Area, 2 roods 24.5 perches, more or less.

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