

*Vesting the Management of the Maraetai Wharf in the Manukau County Council and prescribing Dues for its Use.*

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 14th day of October, 1929.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by Order in Council dated the eleventh day of September, one thousand nine hundred and fifteen, and published in the *New Zealand Gazette*, No. 109, of the sixteenth day of the same month, the management of the Maraetai Wharf, erected in accordance with plan marked M.D. 2121, and deposited in the office of the Marine Department at Wellington, was vested in the Manukau County Council (hereinafter called "the Council") until the tenth day of September, one thousand nine hundred and twenty-nine, and dues, rates, and regulations were prescribed for the use of the said wharf:

And whereas by Order in Council dated the fourteenth day of November, one thousand nine hundred and twenty-seven, and published in the *New Zealand Gazette*, No. 79, of the seventeenth day of the same month, the dues and rates prescribed and made for the use of the said wharf were amended:

And whereas the Council has applied for a fresh license under the Harbours Act, 1923 (hereinafter called "the said Act"), for a further term of fourteen years, and it is advisable to grant the same:

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 vest the management of the said wharf in the Council upon and subject to the terms and 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 Council for the use of the said wharf.

FIRST SCHEDULE.

CONDITIONS OF MANAGEMENT.

1. In these conditions the term—

"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:

"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:

"Lower-water mark" means low-water mark at ordinary spring tides.

2. The concessions and privileges conferred by this Order in Council shall extend and apply only to that 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 plan marked M.D. 2121.

3. All His Majesty's subjects shall, at all reasonable times, have free and full liberty to use the above-mentioned wharf, and rights of ingress and egress thereto and therefrom, including ingress and egress through the shed erected on the said wharf; provided that goods stored in the shed shall be liable to such storage rates as may be prescribed by the Governor-General 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, over, and out of the said wharf without payment.

5. The Council 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 its 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 Council 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 Council a notice in writing of any defect or want of repair in such wharf or

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

9. The ballast of all vessels loading at the said wharf 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.

10. The Council 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 Council shall appoint all officers necessary for the working and management of the wharf.

12. 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 regulation 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 eleventh day of September, one thousand nine hundred and twenty-nine, 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.

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 whatsoever, 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 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 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 hereby conferred may be revoked and determined by the Governor-General in Council without any notice to the Council or other proceedings whatever, 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.

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 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 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.

DUES AND RATES.

Wharfage.

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|---|---|----|----|
| On every ordinary passenger or cargo steamship or auxiliary vessel over 5 tons register using the wharf, per quarter or part of a quarter | £ | s. | d. |
| On every steamer 5 tons or under, per day or part of a day  | 0 | 3  | 6  |
| On every sailing vessel or auxiliary sailing vessel over 5 tons, per day or part of a day   | 0 | 5  | 0  |
| On every sailing vessel or auxiliary sailing vessel 5 tons or under, per day or part of a day   | 0 | 2  | 6  |
| On every excursion steamer, per day or part of a day  | 0 | 5  | 0  |
| On every motor-launch, on regular service, per quarter or part of a quarter   | 1 | 5  | 0  |
| On every excursion motor-launch, per day or part of a day   | 0 | 3  | 6  |