

6. The rights, powers, and privileges conferred by this Order in Council shall not apply to those portions of the foreshore required for securing the shore ends of any telegraph cables that are at present or may be at any time laid down within the said area of foreshore.

7. The Council may enclose any part or parts of the foreshore described in the First Schedule hereto for the purpose of holding athletic sports or games, and may by by-law fix a charge for admission to such enclosed part or parts, provided that the total number of days on which such enclosures are made shall not exceed six in any one year.

8. The Board may, subject to the provisions of section 171 of the Harbours Act, 1923, erect or license or permit the erection of bathing-sheds or boat-sheds on the foreshore described in the First Schedule hereto, and may make by-laws regulating the use thereof, and may fix charges for such use, provided that the funds so received shall be expended in improving the foreshore for the benefit of the public.

9. Nothing herein contained shall authorize the Board to remove, or cause to be removed, any stone, sand, shingle, or shells without the consent of the Minister being first obtained.

10. By-laws made by the Board under the said Act in respect of the foreshore shall not have effect unless and until approved in writing by the Minister.

11. The rights, powers, and privileges conferred by or under this Order in Council shall continue to be in force for twenty-one years from the date hereof, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority.

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 Board six 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.

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

Licensing the Raglan County Council to use and occupy a Part of the Foreshore of the Pakoka River, Aotea Harbour, as a Site for a Wharf and Shed.

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 29th 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. 112, of the twenty-third day of the same month, the Kawhia County Council was licensed to occupy a part of the foreshore and land below low-water mark in the Pakoka River, Aotea Harbour, for a period of fourteen years, in order to erect and maintain a wharf and shed thereon in accordance with the plan marked M.D. 4466, deposited in the office of the Marine Department :

And whereas the said license has expired, and it is desired to grant a license for a further period of fourteen years :

And whereas the said wharf and shed are now within the County of Raglan, and it is expedient that the license be granted to the Raglan County Council (hereinafter called "the Council") :

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 by and with the advice and consent of the Executive Council of the said Dominion, doth hereby approve of the 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 on which the said wharf and shed are erected, as shown on plan M.D. 4466, so deposited as aforesaid, for the purpose of maintaining the said wharf and shed ; 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 "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 :

"Low-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 the part of the foreshore and land below low-water mark adjacent thereto necessary for the maintenance of the said wharf and shed, as shown on the plan marked M.D. 4466.

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

4. All persons shall, at all reasonable times, and upon payment of the proper dues, have free and full liberty to use the said wharf and shed, and all rights of ingress and egress thereon and therefrom.

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 wharf and shed without payment.

6. The Council shall maintain and keep the above-mentioned wharf and shed in good order and repair, and shall at all times exhibit from the wharf and maintain at the Council's own cost suitable and necessary lights for the guidance of vessels : Provided that no light shall be exhibited until after it has been approved of by the Minister.

7. Any person authorized by the Minister may, at all reasonable times, enter upon the said wharf and shed 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 or shed, requiring the Council within a reasonable time, to be therein prescribed, to repair the same, the Council shall with all convenient speed cause such defect to be removed or such repairs to be made.

8. 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 regulations made thereunder, and that are now or may hereafter be in force.

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 by the Minister, or by any person appointed by the Minister for that purpose.

10. The rights, powers, and privileges conferred by or under this Order in Council shall continue to be in force for fourteen years 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.

11. 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.

12. The Council shall be liable for any injury which the said wharf may cause any vessel or boat to sustain through any default or neglect on the part of the Council.

13. 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 and shed for a period of thirty days,—

then, and in either of the said cases, this Order in Council, and every right, power, or privilege, 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.

14. 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.

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