

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 wharves, at the sites shown on the plans marked M.D. 2378; 2161, 2489 and 5203; 1940, 5708 and 5758; 459, 460, 3327, 3632 and 4043; 425 and 4072; 5709 and 5774; 2374 and 2489; 4058; 3556 and 3738; 2918 and 4723; 6554; 2460, 4195, 5283, 6272 and 6757; 5901; 6923; 4298; 2991, 4485, 4497 and 6552; 3086; respectively.

3. In consideration of the concessions and privileges granted by this Order in Council, the Council shall pay to the Minister, in respect of the sites of the said wharves, an annual rental of ls., payable on demand, such rent to date from the date of this Order in Council.

4. 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 wharves, and rights of ingress and egress thereto 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, over, and out of the said wharves, without payment.

6. The Council shall maintain and keep the above-mentioned wharves, and all erections on or in connection therewith, 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: Provided that no new light shall be exhibited until after it has been approved by the Minister.

7. All dues and rates received on account of the said wharves, by the Council shall be applied to keeping such wharves, and all erections on or in connection therewith, in good order and repair.

8. Any person authorized by the Minister may at all reasonable times enter upon any of the above-mentioned wharves, and any buildings erected thereon 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 wharves, 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.

9. The ballast of all vessels loading at the said wharves, 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 not erect, or suffer to be erected, on the said wharves, any building or structure whatever, except with the consent of the Minister first obtained.

11. The Council shall keep a separate account of the receipts and expenditure on account of such wharves, 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.

12. The Council shall appoint all officers necessary for the working and management of the said wharves.

13. 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 its amendments, or any regulation thereunder, and that are now or may hereafter be in force.

14. The rights, powers, and privileges hereby conferred shall continue to be in force for a period of fourteen years, computed from the 28th day of August, 1930, 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.

15. 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.

16. The Council shall be liable for any injury which may be caused by the said wharves to any vessel or boat through any default or neglect on the part of the Council.

17. 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 wharves 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.

18. 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 or wharves, entirely from the site or sites, and restore the site or sites to its or their 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 or wharves to be removed and the site or sites so restored, and may recover the costs incurred by the said removal and restoration from the Council.

SECOND SCHEDULE.

REGULATIONS.

1. In these regulations, if not inconsistent with the context,—
“Council” means the Otamatea County Council, its successors and assigns.

“Boat” means any open, decked, or half-decked boat, punt, or barge attached to or used in connection with any ship or other vessel lying in or belonging to or visiting the Kaipara Harbour, and also any such boat, punt, or barge used for the purposes of business or pleasure by residents of the district of Kaipara, in which the means of propulsion is either exclusively by oars or partly by oars and partly by sails:

“Master” means and includes the person actually in charge of any vessel, whether or not he is certificated:

“Vessel” means and includes every description of launch or ship whether used in navigation or in any way kept or used as a hulk or storeship, or for any other purpose whatsoever, whether business or pleasure, and not coming within the above definition of “boat”:

“Wharf” has the same meaning as in the Harbours Act, 1923; and includes for the purpose of these regulations a road-metal hopper or ferry-slip:

“Wharfinger” includes every person actually in charge of any wharf for the time being.

2. The master of any vessel loading or discharging at any wharf shall be deemed responsible for the proper slinging and landing of all goods, and responsible for all damage that may occur either from the breakage of slings or from the goods being improperly slung or improperly handled.

3. It shall be the duty of the master to cause proper tarpaulins to be stretched from the wharf to the vessel loading or discharging as aforesaid, and to be there maintained while cargo or ballast is being handled or shipped.

4. In case any vessel does or causes any damage to any wharf or any part thereof, or to any machinery or building thereon or appertaining thereto, then, and in any such case, the master of such vessel shall forthwith report the occurrence to the wharfinger by telegraph, or by at once reporting to the wharfinger in person, or should there be no wharfinger, then shall he report to the Council in like manner.

5. Any damage done or caused as aforesaid may be repaired by the Council, and the cost thereof shall be recoverable by the Council from the master and owner of any such vessel, or either of them, in any Court of competent jurisdiction.

6. All goods landed on any wharf, or brought thereon for shipment, shall be placed as the wharfinger or other authorized person directs, and so as to keep all mooring posts or rings free and all rails or tramways clear.

7. Before any vessel or boat is removed from any wharf, the master or other person in charge of the said vessel or boat shall cause all dirt or rubbish to be thoroughly cleared from the portion of the said wharf occupied by such vessel or boat, and to be deposited at such places as may be appointed by the wharfinger or other person in charge.

8. No boat shall be made fast to any steps or landing-place or so near thereto as to obstruct the approach of other vessels, nor shall any boat lie longer alongside than is required for landing passengers.

9. (a) No person shall take, drive, or work, or cause to be driven, taken, or worked, any cart, vehicle, or horse on any wharf on which carts, vehicles, or horses are permitted by the wharfinger or person in charge to be taken at other than a walking pace.