

13. 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 any structure thereon 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 structure to be removed and the site so restored, and may recover the costs incurred by the said removal and restoration from the Council.

14. In consideration of the concessions and privileges granted by this Order in Council, the Council shall pay to the Minister an annual rental of 1s., payable on demand, such rent to date from the date of this Order in Council.

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

Licensing the Waikato County Council to use and occupy a Part of the Foreshore at Kopuku Landing on Section 5, Block IV, Maramarua Survey District, as a Site for a Wharf and Shed.

BLDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 27th day of April, 1931.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by Order in Council dated the seventh day of March, one thousand nine hundred and sixteen, and published in the *Gazette*, at page 783, of the sixteenth day of the same month, the Waikato County Council (hereinafter called "the Council," in which term is to be construed, unless the context requires a different construction, its successors or assigns) was licensed to use and occupy part of the foreshore and land below low-water mark at Kopuku Landing on Section 5, Block IV, Maramarua Survey District, in order to erect and maintain a wharf and shed thereon in accordance with the plans marked M.D. 4589 (two sheets), and deposited in the office of the Marine Department at Wellington, for a term of fourteen years computed from the seventh day of March, one thousand nine hundred and sixteen :

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 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 as shown on plan M.D. 4589, 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—

"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 :

"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 land below low-water mark adjacent thereto necessary for the erection of the said wharf and shed as shown on the plan marked M.D. 4589, and deposited as aforesaid.

3. In consideration of the concessions and privileges granted by this Order in Council the Council shall pay to the Minister an annual rental of 1s., payable on demand, such rent to date from the date of this Order in Council.

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 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, over, and out of the said wharf and shed without payment.

6. The Council shall maintain the above-mentioned wharf and shed in good order and repair; and shall at all times exhibit from the wharf and maintain at its 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. All dues and rates received on account of the said wharf by the Council shall be applied to keeping the said wharf and shed and all erections on or in connection with such wharf and shed in good order and repair.

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

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

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 regulation of the Minister of Customs or with any provisions of the Harbours Act, 1923, or its amendments, or with any regulations thereunder, and that are now or many hereafter be in force.

14. The rights, powers, and privileges hereby conferred shall continue in force for fourteen years, computed from the 7th day of March, 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 the said wharf and shed may cause any vessel or boat to sustain 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;

(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 license, right, power, or privilege may be revoked and determined by the Governor-General in Council without any notice to the Council or any 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 license, 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 any structure thereon 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 structure 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.