

wharf requiring the licensee within a reasonable time to be therein prescribed, to repair the same, the licensee shall with all convenient speed cause such defect to be removed or such repairs to be made.

8. Nothing herein contained shall authorize the licensee to do or cause to be done anything repugnant to or inconsistent with any law relating to the 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 licensee and deposited above high-water mark or at such place as may be approved 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 seven years from the ninth day of January, one thousand nine hundred and thirty-one, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority; and the licensee shall not assign, charge, or part with any such right, power, or privilege without the written consent of the Minister first obtained.

11. The said rights, powers, and privileges may be at any time resumed by the Governor-General, and the licensee may be required to remove the said wharf at the licensee's cost, without payment of any compensation whatever, on giving to the licensee 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 licensee in New Zealand.

12. The licensee 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 licensee's part.

13. In case the licensee 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 for a period of thirty days;
- (3) Become bankrupt, or be in any manner brought under the operation of any law in force for the time being relating to bankruptcy; or
- (4) Fail to pay the sum specified in clause 3 of these conditions;

then, and in any 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 licensee 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 licensee 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 licensee 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 revocation or expiry, as the case may be; and if the licensee 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 licensee.

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

Licensing the Great Barrier Island County Council to use and occupy a Part of the Foreshore at Port Fitzroy, Great Barrier Island, as a Site for a Wharf.

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 9th day of June, 1931.

Present:

THE RIGHT HON. G. W. FORBES, PRESIDING IN COUNCIL.

WHEREAS by Order in Council dated the twenty-sixth day of June, one thousand nine hundred and sixteen, and published in the *Gazette* of the twenty-ninth day of the same month at page 2220, the Great Barrier Island 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 Port Fitzroy, Great Barrier Island, in order to erect and maintain a wharf thereon in accordance with the plan marked M.D. 4608, and deposited in the office of the Marine Department at Wellington for the term of fourteen years,

computed from the twenty-sixth day of June, one thousand nine hundred and sixteen:

And whereas by Order in Council dated the eleventh day of April, one thousand nine hundred and twenty-four, and published in the *Gazette* of the seventeenth day of the same month at page 917, regulations fixing dues and otherwise with respect to the wharves at Port Fitzroy and Whangaparapara were made:

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. 4608, so deposited as aforesaid, for the purpose of maintaining the said wharf thereon, such license to be held and enjoyed by the Council upon and subject to the terms and conditions set forth in the Schedule hereto, and doth hereby prescribe that the regulations made and the dues prescribed to be charged and taken for the use of the wharves at Port Fitzroy and Whangaparapara by Order in Council dated the eleventh day of April, one thousand nine hundred and twenty-four, shall apply to the said wharf.

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, as shown on the plan M.D. 4608, so 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.

4. All persons shall, at all reasonable times, upon payment of proper dues, have free and full liberty to use the said wharf, 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 reasonable times have free ingress, passage, and egress into, through, over, and out of the said wharf without payment.

6. The Council shall maintain the above-mentioned wharf 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 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 all erections on or in connection with such wharf in good order and repair.

8. Any person authorized by the Minister may at all reasonable times enter upon the said wharf 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, 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 any building or structure whatever, except with the consent of the Minister.