

*Vesting the Management of Pigeon Bay Wharf in the Pigeon Bay Road Board, and prescribing the Dues to be charged and taken for the Use of such Wharf.*

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 5th day of October, 1931.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by Orders in Council dated the twenty-fourth day of September, one thousand nine hundred and seventeen, and the seventh day of May, one thousand nine hundred and thirty, and published in the *Gazette* of the twenty-seventh day of September, one thousand nine hundred and seventeen, at page 3679, and the fifteenth day of May, one thousand nine hundred and thirty, at page 1628, respectively, the management of the wharf at Pigeon Bay, as shown on plans marked M.D. 927 and 928, deposited in the office of the Marine Department at Wellington, was, in pursuance of the provisions of the Harbours Act, 1923 (hereinafter called "the said Act"), vested in the Pigeon Bay Road Board (hereinafter called "the Board," in which term is to be construed, unless the context required a different construction, its successors or assigns), and dues and rates were prescribed to be charged and taken for the use of the said wharf :

And whereas the hereinbefore-recited Orders in Council have expired, and the Board has applied to have the management of the said wharf vested in the Board for a further term, and it is desirable to grant the same :

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, and 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, doth hereby vest the management of the said wharf in the Board, subject to the 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 charged and taken by the Board for the use of the said wharf.

FIRST SCHEDULE.

CONDITIONS OF MANAGEMENT.

1. IN these conditions the terms—

"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 maintenance of the said wharf, at the site shown on the plans marked M.D. 927 and 928.

3. All persons shall, at all reasonable times, and upon payment of the proper dues, have free and full liberty to use the above-mentioned wharf, and all rights of ingress and egress thereto and therefrom.

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 Board 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 the Board'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.

6. All dues and rates received on account of the said wharf by the Board shall be applied to keeping such 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 above-mentioned wharf, 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 Board

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in New Zealand a notice in writing of any defect or want of repair in such wharf or buildings, requiring the Board, within a reasonable time, to be therein prescribed, to make good or repair the same, the Board shall, with all convenient speed, cause such defect to be removed or such repairs to be made.

8. The master of all vessels discharging ballast at the said wharf shall have all such ballast taken away 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.

9. The Board shall not erect, or suffer to be erected, on the said wharf, any buildings or structure whatever, except with the consent of the Minister first obtained.

10. The Board 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 thirty-first 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 Board shall appoint all officers necessary for the working and management of the said wharf.

12. Nothing herein contained shall authorize the Board to do or cause to be done anything repugnant to or inconsistent with any 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.

13. The rights, powers, and privileges hereby conferred shall continue to be in force for a period of fourteen years, computed from the 24th day of September, 1931, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority; and the Board 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 whatever, on giving to the Board 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 Board in New Zealand.

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

16. In case the Board 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 may be revoked and determined by the Governor-General in Council without any notice to the Board or other proceedings whatsoever; and publication in the *Gazette* of an Order in Council containing such revocation shall be sufficient notice to the Board 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.

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 Board 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 Board fails so to do, the Minister may cause the said wharf to be removed and the site so restored, any may recover the costs incurred by the said removal and restoration from the Board.

SECOND SCHEDULE.

WHARFAGE DUES.

EVERY person who shall use the said wharf for landing or shipping sheep or cattle shall, before using the same, pay dues as follows, that is to say,—

1. For every head of sheep so landed upon or shipped from the said wharf, the sum of 1d. per head.

2. For every head of cattle landed upon or shipped from the said wharf, 1s. per head.

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