

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 license the Board to use and occupy the foreshore necessary for the maintenance of the said wharf; and doth hereby vest the management of the said wharf in the Board, subject to the conditions set forth in the Schedule hereto.

## 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 Defence for the time being, and, unless the context requires a different construction, 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 use and maintenance of the said wharf.

3. In consideration of the concessions and privileges granted by this Order in Council the Board shall pay to the Minister in respect of the site of the said wharf 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, and upon payment of the proper dues, have free and full liberty to use the said wharf and rights of ingress and egress thereto and therefrom, and shall be at liberty to pass and repass without let or hindrance over the Defence Reserve immediately adjoining giving approach to the said wharf.

5. His Majesty or the Governor-General, the Minister, and all officers of the Crown when upon public duty, shall at all times have free ingress, passage, and egress into, over, and out of the said wharf without payment.

6. The Board shall maintain and keep the said wharf and all erections on, or in connection with, the said wharf in good order and repair, to the satisfaction of the Public Works Department, and may erect on and exhibit from the said wharf, and maintain thereon at the Board's own cost, such lights as the Board may deem necessary for the guidance of vessels.

7. Any person authorized by the Minister may at all reasonable times enter upon the said wharf, and any buildings erected on the said wharf or in connection therewith, and view the state of repair thereof; and upon the Minister giving to the Board notice in writing of any defect or want of repair in such structures 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 Board shall not erect or suffer to be erected on the said wharf any building or structure whatever, except with the consent of the Minister.

9. The Board shall appoint all officers necessary for the working and management of the said wharf.

10. Nothing herein contained shall authorize the Board 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 provision of the Harbours Act, 1923, or its amendments, or any regulation thereunder, that are now or may hereafter be in force.

11. The rights, powers, and privileges hereby conferred shall continue in force until the 1st day of December, 1942, 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.

12. In the event of any national emergency, as to which the Minister shall be the sole judge, the rights, powers, and privileges conferred under or by virtue of this Order in Council may be resumed by the Governor-General, without payment of any compensation whatever, on giving to the Board three calendar months' previous notice in writing.

13. The Board shall be liable for any injury which may be caused at the said wharf to any vessel or boat or person through any default or neglect on the part of the Board, and shall indemnify the Crown against all claims or demands that may arise or be made during the continuance of this Order in Council in connection with the use of the said wharf.

14. If the Board shall commit or suffer a breach of the conditions hereinbefore set forth, or any of them, then this Order in Council, and every license, right, power, or privilege hereunder, may be revoked and determined by the Governor-General in Council without any notice to the Board or other proceedings whatever; 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.

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

(D. 205/24.)

*Vesting the Management of the Boat Slip or Landing at Port Moeraki in Trustees for a Further Period of Fourteen Years.*

BLEDISLOE, Governor-General.

## ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 15th day of May, 1933.

Present:

THE RIGHT HON. J. G. COATES PRESIDING IN COUNCIL.

WHEREAS by Orders in Council dated the twenty-fifth day of March, one thousand nine hundred and nineteen, and the eighth day of May, one thousand nine hundred and twenty-two, and published in the *Gazette* of the third day of April, one thousand nine hundred and nineteen, at page 904, and the eighteenth day of May, one thousand nine hundred and twenty-two, at page 1316, respectively, Alexander Mowet Cormack, Alexander Michael John McLellan, M.M., and Olaf Trygvason, all of Port Moeraki, as trustees for the inhabitants of the district (hereinafter called “the trustees”), were licensed to use and occupy, for a period of fourteen years, computed from the first day of April, one thousand nine hundred and nineteen, a part of the foreshore and land below low-water mark at Port Moeraki, in order to erect and maintain thereon a boat slip or landing, in accordance with plan marked M.D. 2962, and deposited in the office of the Marine Department at Wellington; and dues and rates were prescribed to be charged and taken for the use of the said boat slip or landing:

And whereas the said license has expired, and the trustees have applied for a further 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 on the terms and conditions hereinafter expressed:

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 trustees 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 trustees to use and occupy that part of the foreshore and land below low-water mark which is particularly shown and delineated on plan marked M.D. 2962, so deposited as aforesaid, for the purpose of maintaining thereon a boat slip or landing erected in accordance with the said plan; such license to be held and enjoyed by the trustees upon and subject to the terms and conditions set forth in the First Schedule hereto; and doth hereby prescribe that the dues and rates set forth in the Second Schedule hereto shall be charged and taken for the use of the said boat slip or landing.

## FIRST 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 necessary for the maintenance of the said boat slip or landing as shown on plan marked M.D. 2962 so deposited as aforesaid.