

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 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 by the Minister.

6. 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.

7. 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 such 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.

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 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.

10. The Council 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 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.

11. The Council shall appoint all officers necessary for the working and management of the said wharf.

12. 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 any regulations made thereunder, and that are now or may hereafter be in force.

13. The rights, powers, and privileges conferred by this Order in Council shall continue in force until the 12th day of December, 1941, 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.

14. The said rights, powers, and privileges conferred under and 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.

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

16. 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 for a period of thirty consecutive days;

then, and in either of the said cases, this Order in Council, and every right, power, or privilege, may be revoked and determined by the Governor-General in Council without any notice to the Council or any other proceeding whatsoever; and publication in the *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 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 Council shall, if required 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 Council fails so to do, the Minister may cause the said wharf to be removed and the site so restored, and may recover from the Council the costs incurred by the said removal and restoration.

C. A. JEFFERY,
Acting Clerk of the Executive Council.

Order in Council varying the Determinations as to the Borrowing and Repayment of the Otago Harbour Board's Loan of £608,800.

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 10th day of January, 1934.

Present:

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

WHEREAS by Order in Council made on the tenth day of July, one thousand nine hundred and thirty-three, and subject to the determinations as to borrowing and repayment therein set out, consent was given to the raising by the Otago Harbour Board (hereinafter called "the said local authority") of the sum of six hundred and eight thousand eight hundred pounds (£608,800) by a loan to be known as "Redemption Loan, 1934" (hereinafter called "the said loan"):

And whereas it is expedient to vary certain of the determinations aforesaid:

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 powers and authorities conferred on him by section eleven of the Local Government Loans Board Act, 1926, as set out in section twenty-nine of the Finance Act, 1932 (No. 2), and of all other powers and authorities enabling him in this behalf, doth hereby vary certain of the determinations aforesaid by prescribing as follows:—

(1) The term for which the said loan or any part thereof may be raised shall not exceed twenty-five (25) years.

(2) The debentures to be issued in respect of the said loan shall bear interest at a rate not exceeding four pounds ten shillings (£4 10s.) per centum per annum.

(3) No debenture in respect of the said loan shall be issued at a discount of more than one per centum below the nominal value of such debenture.

C. A. JEFFERY,

Acting Clerk of the Executive Council.

(T. 49/18/1.)

Portion of the Hutt - Day's Bay Road, in the County of Hutt, exempted from the Provisions of Section 123 of the Public Works Act, 1928, subject to a Condition as to the Building-line.

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 10th day of January, 1934.

Present:

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

IN pursuance and exercise of the powers conferred by the Public Works Act, 1928, and of all other powers in any-wise enabling him in this behalf, 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, doth hereby approve of the following resolution passed by the Hutt County Council on the fifteenth day of December, one thousand nine hundred and thirty-three, viz.:—

"The Hutt County Council, being the local authority having control of the roads in the County of Hutt, by resolution declares that the provisions of section one hundred and twenty-eight of the Public Works Act, 1928, shall not apply to that portion of the road shown on plan and coloured pink, being road through part Section 28, Harbour Registration District, Block XVI, Belmont Survey District";

subject to the condition that no building or part of a building shall at any time be erected on the land fronting either side of the portion of the Hutt - Day's Bay Road (described in the Schedule hereto) within a distance of thirty-three feet from the centre-line of the said portion of road.

SCHEDULE.

ALL that portion of the Hutt - Day's Bay Road, situated in the Wellington Land District, County of Hutt, adjoining or passing through part Section 28, Harbour Registration District, Block XVI, Belmont Survey District. As the said portion of road is more particularly delineated on the plan marked P.W.D. 86694, deposited in the office of the Minister of Public Works at Wellington, and thereon coloured pink.

C. A. JEFFERY,

Acting Clerk of the Executive Council.

(P.W. 41/578.)