

And whereas the said license has expired, and the Council has applied for a further license under the Harbours Act, 1923 (hereinafter called "the said Act"), for a further term, 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 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 and land below low-water mark which is particularly shown and delineated on plan marked M.D. 5036, so deposited as aforesaid, for the purpose of maintaining thereon a landing-stage and shed erected in accordance with the said plan, 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 necessary for the maintenance of the said landing-stage and shed as shown on plan marked M.D. 5036 so deposited as aforesaid.
3. All persons shall, at all reasonable times, upon payment of the proper dues, have free and full liberty to use the said landing-stage and shed, and all rights of ingress and egress thereon 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 landing-stage and shed without payment.
5. The Council shall maintain the above-mentioned landing-stage and shed 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 landing-stage and shed by the Council shall be applied to keeping the said landing-stage and shed and all erections on or in connection with such landing-stage and shed in good order and repair.
7. Any person authorized by the Minister may, at all reasonable times, enter upon the said landing-stage and shed 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 landing-stage or 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.
8. The master of all vessels discharging ballast at the said landing-stage 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 landing-stage and shed 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 landing-stage 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.
11. The Council shall appoint all officers necessary for the working and management of the said landing-stage and shed.
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 for fourteen years from the 15th day of March, 1934, 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 landing-stage and shed 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 landing-stage and shed 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 landing-stage and shed 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 landing-stage and shed to be removed and the site so restored, and may recover from the Council the costs incurred by the said removal and restoration.

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

Order in Council authorizing the Borrowing by the Hawke's Bay Rivers Board by way of Hypothecation of Debentures issued in respect of a Loan of £11,000.

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 26th day of March, 1934.

Present:

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

WHEREAS by Order in Council made on the twentieth day of March, one thousand nine hundred and thirty-four, and subject to the determinations as to borrowing and repayment therein set out, consent was given to the raising by the Hawke's Bay Rivers Board (hereinafter called "the said local authority") of the sum of eleven thousand pounds (£11,000) by a special loan to be known as "Tutaekuri Flood-control Works Loan, 1934" (hereinafter called "the said loan"):

And whereas the said local authority, pending the raising of the said loan in accordance with the determinations aforesaid, is desirous of borrowing the said sum or part thereof by the hypothecation or mortgage, pursuant to section thirty-four of the Local Bodies' Loans Act, 1926, of the debentures authorized to be issued in respect of the said loan:

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 by section seven of the Local Authorities Interest Reduction and Loans Conversion Act, 1932-33, and of all other powers and authorities enabling him in this behalf, doth hereby consent to the said local authority, pending the raising of the said loan in accordance with the determinations aforesaid (by which, *inter alia*, the rate of interest to be inserted in the said debentures is limited to four pounds five shillings (£4 5s.) per centum), borrowing the said sum of eleven thousand pounds (£11,000) or part thereof by the hypothecation or mortgage of the said debentures at a rate of interest not exceeding five pounds (£5) per centum per annum.

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

(T. 49/316/3.)