

of the purpose or object for which the said license is required by the company 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 company to use and occupy that part of the foreshore and land below low-water mark immediately contiguous thereto, which is particularly shown and delineated on the plans so deposited as aforesaid, for the purpose of using the landing-stage and shed aforesaid in connection therewith, such license to be held and enjoyed by the company upon and subject to the terms and conditions set forth in the Schedule hereto.

SCHEDULE.

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 landing-stage and shed at the site shown on the plan marked M.D. 7221.

3. In consideration of the concessions and privileges granted by this Order in Council, the company shall pay to the Minister the sum of £2 10s., and thereafter an annual sum of £2 10s. in advance, payable on the 1st day of April in each year, the proportionate part of such rental in respect of the period from the date hereof until the 31st March following to be paid on the company being supplied with a copy 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 landing-stage and shed, and all rights of ingress and egress thereto and therefrom.

5. His Majesty or the Governor-General, and all persons in the Government service acting in the execution of their duties shall, at all times, have free ingress, passage, and egress into, through, over, and out of the said landing-stage and shed without payment.

6. The company 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 company'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.

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 registered office of the company in New Zealand a notice in writing of any defect or want of repair in such landing-stage or shed, requiring the company within a reasonable time, to be therein prescribed, to repair the same, the company shall, with all reasonable speed, cause such defect to be removed or such repairs to be made.

8. Nothing herein contained shall authorize the company 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.

9. 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 by the Minister or by any person appointed by the Minister for that purpose.

10. The rights, powers, and privileges conferred by or under this Order in Council shall continue in force for fourteen years from the date hereof, unless, in the meantime, such rights, powers, and privileges shall be altered, modified, or revoked by competent authority; and the company 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 company may be required to remove the landing-stage and shed at the company's own cost, without payment of any compensation

whatever, on giving to the company 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 registered office of the company in New Zealand.

12. The company shall be liable for any injury which the said landing-stage and shed may cause any vessel or boat to sustain through any default or neglect on the company's part.

13. In case the company 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 or shed for a period of thirty consecutive days;
- (3) Fail to pay the sums specified in clause 3 of these conditions;
- (4) Be in any manner wound up or dissolved;

then, and in any of the said cases, this Order in Council and every license, right, power, or privilege thereby conferred may be revoked and determined by the Governor-General in Council without any notice to the company or other proceedings whatsoever; and publication in the *Gazette* of an Order in Council containing such revocation shall be sufficient notice to the company, 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 company shall, if required by the Minister 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 revocation or expiry, as the case may be; and, if the company 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 company the costs incurred by the said removal and restoration.

15. The erection of the said landing-stage and shed shall be sufficient evidence of the acceptance by the company of the terms and conditions of this Order in Council.

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

Order in Council adding to a Determination in respect of the Hikurangi Town Board's Loan of £1,200.

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 16th day of May, 1934.

Present:

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

WHEREAS by Order in Council made on the eighteenth day of September, 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 Hikurangi Town Board (hereinafter called “the said local authority”) of the sum of one thousand two hundred pounds (£1,200) by a loan to be known as “Water Main Loan, 1933” (hereinafter called “the said loan”):

And whereas it is expedient to vary one of the determinations aforesaid—namely, No. 3—relating to the repayment of the said loan, as expressed in the said Order in Council:

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 prescribe that the undernoted clause shall be added to the aforesaid determination No. 3:—

“Or in the event of debentures issued by the said local authority pursuant to this consent being less than one thousand two hundred pounds (£1,200), then by such annual instalments as shall be proportionate to the amount of debentures so issued.”

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

(T. 49/440/1.)