

## FIRST 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 wharf at the site shown on plan marked M.D. 5200.
3. In consideration of the concessions and privileges granted by this Order in Council the licensees shall pay to the Minister the sum of £1, and thereafter an annual sum of £2 in advance, payable on the first day of April in each year, the proportionate part of such rental in respect of the period from the 30th day of August, 1934, until the 31st March following to be paid on the licensees being supplied with a copy of this Order in Council.
4. All persons shall at all reasonable times, upon payment of the proper dues, have free and full liberty to use the said wharf and all rights of ingress and egress thereon and therefrom.
5. 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, through, and out of the said wharf without payment.
6. The licensees shall maintain the above-mentioned wharf in good order and repair and shall at all times exhibit from the wharf and maintain at the licensees' own cost suitable and necessary lights for the guidance of vessels: Provided that no light shall be exhibited until after it has been approved of by the Minister.
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 licensees in New Zealand a notice in writing of any defect or want of repair in such wharf requiring the licensees within a reasonable time, to be therein prescribed, to repair the same, the licensees shall with all convenient speed cause such defect to be removed or such repairs to be made.
8. Nothing herein contained shall authorize the licensees 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 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.
10. The rights, powers, and privileges conferred by or under this Order in Council shall continue in force for fourteen years from the 30th day of August, 1934, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority; and the licensees shall not assign, charge, or part with any such right, power, or privilege without the previous written consent of the Minister first obtained.
11. The said 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 licensees 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 licensees in New Zealand.
12. The licensees shall be liable for any injury which the said wharf may cause any vessel or boat to sustain through any default or neglect on the licensees' part.
13. In case the licensees 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;
  - (3) Become bankrupt, or be brought under the operation of any law for the time being in force relating to bankruptcy; or
  - (4) Fail to pay the sums specified in clause 3 of these conditions;

then, and in any 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 licensees or other proceedings whatsoever; and publication in the *Gazette* of an Order in Council containing such revocation shall be sufficient notice to the licensees 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 licensees 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 licensees fail so to do, the Minister may cause the said wharf to be removed and the site so restored and may recover from the licensees the costs incurred by the said removal and restoration.

## SECOND SCHEDULE.

## SHIPPING WHARFAGE.

Every person who shall use the said wharf with any vessel shall pay for the use thereof as follows, that is to say:—

For every vessel a sum of 1d. per ton on the gross tonnage of such vessel per day for each day or part of a day a vessel shall occupy a berth alongside any vessel lying at the said wharf, or shall lie at the said wharf undergoing repairs or fitting-out only, or shall lie off the said wharf with a line attached thereto.

## GOODS WHARFAGE.

Every person who shall use the said wharf for landing or shipping any goods shall, before using same, pay dues as follows, that is to say:—

1. For all goods landed on the said wharf, a rate of 2s. 6d. per ton weight or measurement, at the option of the licensees.
2. For every head of great cattle or horses landed upon or shipped from the said wharf, 2s. 6d. per head.
3. For every yearling or calf so landed upon or shipped from the said wharf, the sum of 1s. per head.
4. For every head of sheep or small cattle so landed upon or shipped from the said wharf, the sum of 6d. per head.
5. If any ship shall use the said wharf for the discharge of any goods or cargo after the usual working hours or on wharf holidays, such ship shall pay to the licensees for the use of the said wharf a charge at the rate of 1s. per ton in addition to the above on all goods or cargo so discharged from such ship.

This charge will only be made when, in the opinion of the wharfinger, it is necessary to employ labour to stack or remove cargo in sheds in consequence of the discharge of such goods or cargo as aforesaid.

## PASSENGERS.

For every passenger who shall land on or be shipped from the said wharf, the sum of 1s.

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

*Order in Council consenting to the Raising of Part (£16,500) of the Sewerage Portion (£45,000) of the Blenheim Borough Council's 1919 Waterworks and Sewerage Poll Loan Authority of £110,000, and prescribing the Conditions thereof.*

BLEDISLOE, Governor-General.

## ORDER IN COUNCIL.

At the Government House at Wellington, this 23rd day of January, 1935.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by Orders in Council made on the twentieth day of July, one thousand nine hundred and nineteen, the fifth day of May, one thousand nine hundred and twenty, and the nineteenth day of July, one thousand nine hundred and twenty, consent was given under section twenty of the Finance Act, 1919, to the raising by the Blenheim Borough Council (hereinafter called “the said local authority”)