

*Revoking Order in Council Licensing Thomas Lumsden Millar to use and occupy a Part of the Foreshore and Land between High and Low Water Marks of the Waimea River, Hokianga Harbour, and to reclaim such Land.*

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 21st day of January, 1937.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by Order in Council dated the third day of November, one thousand nine hundred and twenty, and published in the *Gazette* of the eleventh day of the same month at page 3049, Thomas Lumsden Millar, of Rawene (hereinafter called "the licensee"), was licensed to use and occupy a part of the foreshore and land between high and low water marks of the Waimea River, in Hokianga Harbour, and to reclaim such land :

And whereas the licensee has applied to have the hereinbefore-recited license revoked, and it is desirable to revoke the same :

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, in pursuance and exercise of the power and authority conferred upon him by the Harbours Act, 1923, 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 revoke the hereinbefore-recited Order in Council of the third day of November, one thousand nine hundred and twenty, as from the seventeenth day of November, one thousand nine hundred and thirty-two.

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

*Licensing the Heathcote County Council to use and occupy a Part of the Foreshore and Land below Low-water Mark in the Heathcote Estuary at the Foot of Mount Pleasant Road, Sumner, as a Site for a Jetty and making Regulations for the Use thereof.*

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 21st day of January, 1937.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS there being no Harbour Board empowered to grant the license hereinafter mentioned under the Harbours Act, 1923 (hereinafter called "the said Act"), the Heathcote County Council (hereinafter called "the Council"), in which term is to be construed, unless the context requires a different construction, its successors or assigns), has applied to the Governor-General in Council for a license under the said Act to occupy a part of the foreshore and land below low-water mark adjacent thereto, in the Heathcote Estuary at the foot of Mount Pleasant Road, Sumner, in order to maintain a jetty thereon erected in accordance with plan marked M.D. 5031, approved on the twenty-first day of May, one thousand nine hundred and nineteen, and deposited in the office of the Marine Department at Wellington :

And whereas it is, amongst other things, enacted by section nine of the said Act, that in harbours where there is no Harbour Board, the Governor-General in Council shall have all the powers, functions, duties, and authorities by the said Act conferred upon Harbour Boards :

And whereas there is no Harbour Board in the harbour of Sumner, and it is desirable that regulations should be made prohibiting fishing off the Mount Pleasant jetty and prohibiting the riding of bicycles thereon :

And whereas it is expedient that a license should be granted and issued to the Council under the said Act for the purpose aforesaid, 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 conferred upon 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 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 adjacent thereto, on which the jetty is erected, as shown on the plan so deposited as aforesaid, for

the purpose of maintaining the said jetty thereon, such license to be held and enjoyed by the Council upon and subject to the terms and conditions set forth in the First Schedule hereto, and doth hereby make the following regulations set out in the Second Schedule hereto.

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 parts of the foreshore and land below low-water mark adjacent thereto necessary for the maintenance of the said jetty at the site shown on plan marked M.D. 5031.

3. In consideration of the concessions and privileges granted by this Order in Council the Council shall on demand pay to the Minister an annual rental of 1s.

4. All persons shall, at all reasonable times, upon payment of the proper dues, have free and full liberty to use the said jetty 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 jetty without payment.

6. The Council shall maintain the above-mentioned jetty 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.

7. Any person authorized by the Minister may at all reasonable times enter upon the said jetty 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 jetty requiring the Council within a reasonable time, to be therein prescribed, to repair the same, the Council shall with all convenient speed cause such defect to be removed or such repairs to be made.

8. 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.

9. The master of all vessels discharging ballast at the said jetty shall have all such ballast taken away and deposited above high-water mark 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 21st day of May, 1933, 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.

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 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.

12. The Council shall be liable for any injury which the said jetty may cause any vessel or boat to sustain through any default or neglect on the Council's part.

13. 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 jetty 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 other proceedings 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 granted and conferred, have been revoked and determined.