

SCHEDULE.

1. In these conditions the term—

“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 those parts of the bed of Lake Wakatipu as are necessary for the purpose of this license and as the same are more particularly delineated and edged red on plan M.D. 7661.

3. In consideration of the concessions and privileges granted by this Order in Council the company shall, on being supplied with a copy of this Order in Council, pay to the Minister the sum of £2 10s. and thereafter an annual sum of £5 in advance, payable on the first day of April in each year.

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

6. The company shall maintain the above-mentioned structures in good order and repair and shall at all times exhibit from the said structures 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 of by the Minister.

7. Any person authorized by the Minister may, at all reasonable times, enter upon the said structures 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 structures requiring the company within a reasonable time, to be therein prescribed, to repair the same, the company shall with all convenient 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 rights, powers, and privileges conferred by or under this Order in Council shall continue in force for fourteen years from the 1st day of April, 1938, 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.

10. 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 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.

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

12. 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 structures for a period of thirty consecutive days;
- (3) Be in any manner wound up or dissolved; 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 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.

13. 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 structures 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 company fails

so to do, the Minister may cause the said structures to be removed and the site so restored and may recover from the company the costs incurred by the said removal and restoration.

14. The occupation or erection of the said structures shall be sufficient evidence of the acceptance by the company of the terms and conditions of this Order in Council.

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

Licensing Alfred Ernest Harding to use and occupy a Part of the Foreshore of the Wairoa River, Kaipara Harbour, as a Site for a Motor-garage.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 20th day of May, 1938.

Present:

THE RIGHT HON. M. J. SAVAGE PRESIDING IN COUNCIL.

PURSUANT to the Harbours Act, 1923, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby license and permit Alfred Ernest Harding (hereinafter called “the licensee” which term shall include his executors, administrators, and assigns unless the context requires a different construction), to use and occupy all those parts of the foreshore and land below low-water mark of the Wairoa River, Kaipara Harbour, as shown on plan marked M.D. 5822, approved on the seventeenth day of April, one thousand nine hundred and twenty-four, and deposited in the office of the Marine Department at Wellington, for the purpose of the use of a motor-garage as shown on the said plan, such license to be held and enjoyed by the licensee 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 motor-garage at the site shown on the plan marked M.D. 5822.

3. In consideration of the concessions and privileges granted by this Order in Council, the licensee shall pay to the Minister the sum of £1, and thereafter an annual sum of £1 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 17th day of April, 1938, until the 31st day of March following to be paid on the licensee being supplied with a copy of this Order in Council.

4. 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 motor-garage without payment.

5. The licensee shall maintain the above-mentioned motor-garage in good order and repair, and shall at all times exhibit therefrom and maintain at the licensee'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 of by the Minister.

6. Any person authorized by the Minister may at all reasonable times enter upon the said motor-garage and view the state of repair thereof; and upon such Minister leaving at or posting to the last-known address of the licensee in New Zealand a notice in writing of any defect or want of repair in such motor-garage requiring the licensee within a reasonable time, to be therein prescribed, to repair the same, the licensee shall with all reasonable speed cause such defect to be removed or such repairs to be made.

7. Nothing herein contained shall authorize the licensee 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.