

Revoking Order in Council of the 17th October, 1933, licensing William Hawea Kirkpatrick to use and occupy a Part of the Foreshore and Land below Low-water Mark at Kokukohu, Hokianga Harbour, as a Site for a Boat-shed.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 22nd day of June, 1938.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by Order in Council dated the seventeenth day of October, one thousand nine hundred and thirty-three, and published in the *Gazette* of the nineteenth day of the same month, at page 2555, William Hawea Kirkpatrick (hereinafter called "the licensee") was licensed to use and occupy a part of the foreshore and land below low-water mark at Kokukohu, Hokianga Harbour, as a site for a boat-shed :

And whereas the licensee has applied to have the hereinbefore-recited Order in Council 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 seventeenth day of October, one thousand nine hundred and thirty-three, as from the thirty-first day of March, one thousand nine hundred and thirty-eight.

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

Vesting the Management of the Wharves at Onahau and Torea Bays in Queen Charlotte Sound in the Kenepuru Road Board and prescribing Dues for the use of same.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 22nd day of June, 1938.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL 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 vest in the Kenepuru Road Board (hereinafter called "the Board" which term shall include its successors and assigns unless the context requires a different construction), the management of the wharves at Onahau and Torea Bays in Queen Charlotte Sound, shown on plans marked M.D. 4782 and 2372 respectively, and deposited in the office of the Marine Department at Wellington, for the purpose of the use of the wharves as shown on the said plans for a term of fourteen years computed from the date hereof, such license to be held and enjoyed by the Board upon and subject to the terms and conditions set forth in the First Schedule hereto, and doth prescribe that the dues and rates set forth in the Second Schedule hereto shall be charged and taken by the Board for the use of the said wharves.

FIRST 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 adjacent thereto necessary for the maintenance of the said wharves.

3. In consideration of the concessions and privileges granted by this Order in Council, the Board shall pay to the Minister an annual rental of 1s. payable on demand, such rent to date from the date of this Order in Council.

4. All persons shall, at all reasonable times, upon payment of proper dues, have free and full liberty to use the said wharves, 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 reasonable times have free ingress, passage, and egress into, through, over, and out of the said wharves without payment.

6. The Board shall maintain the above-mentioned wharves in good order and repair ; and shall at all times exhibit therefrom and maintain at the Board'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. All dues and rates received on account of the said wharves by the Board shall be applied to keeping the said wharves and all erections on or in connection with such wharves in good order and repair.

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

9. The master of all vessels discharging ballast at the said wharves 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 Board shall not erect, or suffer to be erected, on the said wharves, any building or structure whatever, except with the consent of the Minister.

11. The Board shall keep a separate account of the receipts and expenditure on account of such wharves 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.

12. The Board shall appoint all officers necessary for the working and management of the said wharves.

13. Nothing herein contained shall authorize the Board 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 thereunder, and that are now or may hereafter be in force.

14. The rights, powers, and privileges hereby conferred shall continue to be 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 Board shall not assign, charge, or part with any such right, power, or privilege without the previous written consent of the Minister first obtained.

15. The 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 Board 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 Board in New Zealand.

16. The Board shall be liable for any injury which the said wharves may cause any vessel or boat to sustain through any default or neglect on the part of the Board.

17. In the case the Board shall—

(1) Commit or suffer a breach of the conditions hereinbefore set forth, or any of them ; or

(2) Cease to use or occupy the said wharves for a period of thirty consecutive days ;

then, and in either of the said cases, this Order in Council and every license, right, power, or privilege may be revoked and determined by the Governor-General in Council without any notice to the Board or any other proceedings whatsoever, and publication in the *Gazette* of an Order in Council containing such revocation shall be sufficient notice to the Board 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.

18. 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 Board shall, if required by the Minister so to do, remove the said wharves entirely from the sites and restore the sites to their original condition within three months from the date of the revocation or expiry, as the case may be, and if the Board fails so to do, the Minister may cause the said wharves to be removed and the sites so restored, and may recover the costs incurred by the said removal and restoration from the Board.

SECOND SCHEDULE.

THE owner, agent, or master of every vessel or launch berthing at either of the said wharves shall pay to the Board charges as follows :—

For each visit to either wharf the sum of 2s. 6d. For regular traders the sum of £1 per annum, in respect of each wharf, payable in advance on the 1st day of April in each year.

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