

*Licensing the Golden Bay Cement Company, Limited, to use and occupy a Part of the Foreshore at Terakohe, Golden Bay, as a Site for a Power-house, Store, and Rubble Facing.*

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 2nd day of November, 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 license and permit the Golden Bay Cement Company, Limited, of Terakohe (hereinafter called "the company," which term shall include its successors 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 at Terakohe, Golden Bay, as shown on plan marked M.D. 3525, approved on the thirteenth day of June, one thousand nine hundred and ten, and deposited in the office of the Marine Department at Wellington, for the purpose of the erection of a power-house, store, and rubble facing (hereinafter referred to as "the said structures") as shown on the said plan, 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 structures at the site shown on the plan marked M.D. 3525.

3. In consideration of the concessions and privileges granted by this Order in Council, the company shall pay to the Minister the sum of £1 and thereafter an annual sum of £2 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 13th day of June, 1938, until the 31st day of March following being 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 of access to and from the company's wharf through the said foreshore.

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 structures without payment.

6. The company shall maintain the above-mentioned structures in good order and repair.

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 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 rights, powers, and privileges conferred by or under this Order in Council shall continue in force for fourteen years from the 13th day of June, 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 may be at any time resumed by the Governor-General, and the company may be required to remove the said structures 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.

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) Fail to pay the sums specified in clause three of these conditions; or

(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.

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 to do so, remove the said structures 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 fail 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 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.

*Revoking Order in Council licensing William Julius Hyde to occupy a Part of the Foreshore and Land below Low-water Mark at Tawharanui Peninsula for the Purpose of taking Shingle and Sand.*

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 2nd day of November, 1938.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS by Orders in Council dated the sixteenth day of May, one thousand nine hundred and twenty-seven, and the fourteenth day of November, one thousand nine hundred and thirty-two, and published in the *Gazette* of the nineteenth day of May, one thousand nine hundred and twenty-seven, at page 1517, and the seventeenth day of November, one thousand nine hundred and thirty-two, at page 2288 respectively, William Julius Hyde, of Takatu Point, was licensed to occupy a part of the foreshore and land below low-water mark at Tawharanui Peninsula for the purpose of taking away the shingle and sand deposited thereon :

And whereas it is desirable to revoke the said license :

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, in pursuance and exercise of the power and authority vested in 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 Orders in Council of the sixteenth day of May, one thousand nine hundred and twenty-seven, and the fourteenth day of November, one thousand nine hundred and thirty-two, as from the thirty-first day of March, one thousand nine hundred and thirty-eight.

C. A. JEFFERY,

Clerk of the Executive Council.