

Varying the Determinations in respect of the Nelson City Council's Loan of £8,500.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 13th day of December, 1938.

Present:

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

WHEREAS by Order in Council made on the seventh day of July, one thousand nine hundred and thirty-seven, and subject to the determinations as to borrowing and repayment therein set out, consent was given to the raising by the Nelson City Council (hereinafter called "the said local authority") of the sum of eight thousand five hundred pounds (£8,500) by a loan to be known as "Electricity Overdraft Loan, 1937" (hereinafter called "the said loan"):

And whereas the said loan has not yet been raised and it is expedient to vary the determinations aforesaid in respect thereof by extending the period within which the said loan may be raised:

Now, therefore, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, and in pursuance and exercise of the powers and authorities conferred on him by section eleven of the Local Government Loans Board Act, 1926, as set out in section twenty-nine of the Finance Act, 1932 (No. 2), and of all other powers and authorities enabling him in this behalf doth hereby vary the determinations contained in clause four of the said Order in Council by providing that no moneys shall be borrowed under the authority of the said Order in Council after the expiration of a period of three (3) years from the date thereof.

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

(T. 49/279.)

Vesting the Control of Part of the Foreshore at Paraparaumu, Paekakariki, and Pimmerton in the Hutt County Council.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 13th day of December, 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 vest in the Hutt County Council (hereinafter called "the Council" which term shall include its successors and assigns unless the context requires a different construction), the control of those parts of the foreshore at Paraparaumu, Paekakariki, and Pimmerton as defined in the First Schedule hereto, for the purpose of the use of the said foreshore for a term of twenty-one years computed from the twenty-first day of May, one thousand nine hundred and thirty-eight, such grant to be held and enjoyed by the Council upon and subject to the terms and conditions set forth in the Second Schedule hereto.

FIRST SCHEDULE.

THAT portion of the foreshore at Paraparaumu commencing at the northern boundary of Section 8, Block III, Kapiti Survey District, being a point approximately one half-mile north of the mouth of the Tikotu Creek, and extending south of the mouth of the Wharekouka Creek; and that portion of the foreshore at Paekakariki commencing at the mouth of the Wainui Creek and extending south to the northern boundary of Section 52, Block III, Paekakariki Survey District, being a point approximately one mile south of Beach Road, Paekakariki, as the same is shown in red on plan marked M.D. 5969, and deposited in the office of the Marine Department at Wellington.

That portion of the foreshore at Pimmerton commencing at the northern boundary of Section 80, Block VIII, Paekakariki Survey District, being a point approximately midway between Pimmerton Township and Walker's Point, and extending north to the boundary between the Hongoeke and Motuhara Blocks, being a point approximately one quarter-mile north of Karehana Bay, as the same is shown on plan marked M.D. 5969, and deposited in the office of the Marine Department at Wellington.

SECOND 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 those parts of the foreshore as shown, coloured red, on plan marked M.D. 5969, and deposited in the office of the Marine Department at Wellington.

3. 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 out and over the said foreshore without payment.

4. 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 with any regulation of the Minister of Customs, or with any provision of the Harbours Act, 1923, or its amendments, or any regulations made thereunder, and that are or may hereafter be in force.

5. The Council shall prohibit the lighting of fires on the foreshore at Pimmerton between the points where the railway crosses the Porirua Harbour and the northern boundary of the Pimmerton Railway-station Reserve.

6. The Council may enclose any part or parts of the foreshore described in the First Schedule hereto for the purpose of holding athletic sports or games, and may by by-law fix a charge for admission to such enclosed part or parts: Provided that the total number of days on which such enclosures are made shall not exceed six in any one year.

7. The Council may, subject to the provisions of section 171 of the Harbours Act, 1923, erect, or license, or permit the erection of bathing-sheds or boat-sheds on the foreshore described in the First Schedule hereto, and may make by-laws regulating the use thereof, and may fix charges for such use: Provided that the funds so received shall be expended in improving the foreshore for the benefit of the public.

8. Nothing herein contained shall authorize the Council to remove, or cause to be removed, any stone, sand, shingle, or shells without the consent of the Minister being first obtained.

9. By-laws made by the Council under the said Act in respect of the foreshore shall not have effect unless and until approved in writing by the Minister.

10. The rights, powers, and privileges conferred by or under this Order in Council shall continue to be in force for twenty-one years from the 21st May, 1938, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority.

11. The said rights, powers, and privileges may be at any time resumed by the Governor-General, without payment of any compensation whatever, on giving to the Council six 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.

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

Revoking Order in Council of the 22nd August, 1927, licensing Robert Sharon Turner to use and occupy a Part of the Foreshore and Land below Low-water Mark of Admiralty Bay as a Site for a Wharf.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 13th day of December, 1938.

Present:

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

WHEREAS by Order in Council dated the twenty-second day of August, one thousand nine hundred and twenty-seven, and published in the *Gazette* of the twenty-fifth day of the same month, at page 2750, Robert Sharon Turner (hereinafter called "the licensee") was licensed to use and occupy a part of the foreshore and land below low-water mark of Admiralty Bay, as a site for a wharf: