

or other local authority the Governor-General may, by Order in Council, grant for a period not exceeding twenty-one years, the control of such part or parts thereof as he thinks fit to any local authority, domain board, or persons acting as trustees for the inhabitants of the locality, upon such conditions as may be prescribed in the Order:

And whereas the foreshore hereinafter described is not vested in any Harbour Board or other local authority, and the Kaka Point Welfare Society as trustees for the inhabitants of the district (hereinafter called "the trustees") have applied to the Governor-General in Council for the control thereof:

And whereas it is desirable that the control should be granted to the trustees:

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 acting by and with the advice and consent of the Executive Council, doth hereby grant to the trustees the control of those portions of the foreshore as described in the First Schedule hereto, and subject to the terms and conditions set forth in the Second Schedule hereto.

FIRST SCHEDULE.

ALL that area in the Otago Land District situated in Block IV, Glenomaru Survey District, and Block II, South Molyneux Survey District, being the foreshore on the eastern side of said blocks from a point in line with the south-western boundary of the Town of South Molyneux to a point in line with the southern boundary of Section 49, Block IV, Glenomaru Survey District. As the same is more particularly delineated on a plan marked M.D. 7810, and deposited in the office of the Marine Department at Wellington, and thereon coloured red.

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 that part of the foreshore as shown, coloured red, on plan marked M.D. 7810, 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 trustees 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 rights, powers, and privileges conferred by this Order in Council shall not apply to those portions of the foreshore required for securing the shore ends of any telegraph cables that are at present or may be at any time laid down within the said area of foreshore.

6. The trustees 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 trustees 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 trustees 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 trustees 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 date hereof, 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 trustees 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 trustees in New Zealand.

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

Vesting the Control of Part of the Foreshore at Kaka Point, Otago, in the Willsher Domain Board.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 18th day of January, 1939.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

WHEREAS it is enacted by section one hundred and fifty-eight of the Harbours Act, 1923 (hereinafter called "the said Act"), that where the foreshore outside the limits of a harbour is not vested in any Harbour Board or other local authority the Governor-General may, by Order in Council, grant for a period not exceeding twenty-one years, the control of such part or parts thereof as he thinks fit to any local authority, domain board, or persons acting as trustees for the inhabitants of the locality, upon such conditions as may be prescribed in the Order:

And whereas the foreshore hereinafter described is not vested in any Harbour Board or other local authority, and the Willsher Domain Board (hereinafter called "the Board") have applied to the Governor-General in Council for the control thereof:

And whereas it is desirable that the control should be granted to the board:

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 acting by and with the advice and consent of the Executive Council, doth hereby grant to the board the control of those portions of the foreshore as described in the First Schedule hereto, and subject to the terms and conditions set forth in the Second Schedule hereto.

FIRST SCHEDULE.

ALL that area in the Otago Land District situated in Block IV, Glenomaru Survey District, being the foreshore on the eastern boundary of said block from a point in line with the southern boundary of Section 49, aforesaid block, to the boundary of the foreshore area the control of which is vested in the Willsher Domain Board. As the same is more particularly delineated on a plan marked M.D. 7809, deposited in the office of the Marine Department at Wellington, and thereon coloured red.

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 that part of the foreshore as shown, coloured red, on plan marked M.D. 7809, 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.