

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 licensee in New Zealand.

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

11. In case the licensee 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 shed for a period of thirty consecutive days;
- (3) Fail to pay the sums specified in clause 3 of these conditions; or
- (4) Become bankrupt, or be in any manner brought under the operation of any Act for the time being in force relating to bankruptcy—

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 licensee or other proceedings whatsoever; and publication in the *Gazette* of an Order in Council containing such revocation shall be sufficient notice to the licensee 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or interested that this Order in Council, and the license, rights, and privileges thereby granted and conferred, have been revoked and determined.

12. 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 licensee shall, if required by the Minister to do so, remove the said shed 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 licensee fails so to do, the Minister may cause the said shed to be removed and the site so restored, and may recover from the licensee the costs incurred by the said removal and restoration.

13. The occupation of the said shed shall be sufficient evidence of the acceptance by the licensee of the terms and conditions of this Order in Council.

J. T. WAUGH,
Acting Clerk of the Executive Council.

Vesting the Control of Part of the Foreshore at Titahi Bay in the Makara County Council.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 2nd day of June, 1939.

Present:

HON. P. FRASER PRESIDING 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 described in the Order:

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

And whereas by Order in Council dated the thirteenth day of May, one thousand nine hundred and twenty-four, a further portion of the foreshore at Titahi Bay was vested in the Council:

And whereas it is desirable to revoke the Order in Council of the thirteenth day of May, one thousand nine hundred and twenty-four:

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

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 Council the control of the foreshore as described in the First Schedule hereto and subject to the terms and conditions set forth in the Second Schedule hereto; and doth hereby revoke the Order in Council of the thirteenth day of May, one thousand nine hundred and twenty-four, as from the twenty-fifth day of May, one thousand nine hundred and thirty-nine.

FIRST SCHEDULE.

THAT portion of the foreshore at Titahi Bay commencing at the northern boundary of Section 110, Block XI, Paekakariki Survey District, and extending generally southwards to the right bank of the Ohangao Creek, as the same is shown on plan marked M.D. 4924 and deposited in the office of the Marine Department at Wellington; and that portion of the foreshore at Titahi Bay commencing at the southern boundary of Section 110, Block XI, Paekakariki Survey District, and extending generally southwards to the boundary between Sections 5 and 6, Koangaumu Block, as the same is shown between points marked "C" and "D" and coloured red on plan marked M.D. 5836, 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 on plans marked M.D. 4925 and 5836, 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 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 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 fourteen 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 until the 26th day of May, 1960, 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.

J. T. WAUGH,
Acting Clerk of the Executive Council.