

7. ELECTRICAL ENERGY OUTPUT OF GENERATING PLANT TO BE MAINTAINED.

The licensee shall operate the generating plant in such a manner that the daily capacity factor as hereinafter defined shall not, on those days on which the generating plant is operating be less than 50 per centum, and that the yearly capacity factor as hereinafter defined shall not be less than 38 per centum: Provided always that a sufficient supply of the water hereby authorized is available to the licensee in terms of this license: Provided further that the plant shall be operated daily except when undergoing repair or normal overhaul.

The Inspecting Engineer shall have full and free access at all times to the licensee's daily log-sheets and other records for the purpose of checking and calculating the daily and annual capacity factors: Provided further that if the generating plant is automatic and unattended the licensee shall at its own expense install suitable recording instruments to the satisfaction of the Minister of Public Works.

It is hereby agreed and declared that the intention of this clause is to restrain the use of the works as a means of altering the normal relationship of payment to energy supplied in respect of electrical energy received by the Board from the Minister of Public Works under contracts either existing or future while at the same time providing for the normal operation of the works; further, it is agreed that the breach of the intention of this clause by the licensee shall entitle the Governor-General to cancel this license forthwith.

For the purposes of this condition the term "daily capacity factor" shall mean the ratio expressed as a percentage of the number of kilowatt hours generated by the generating plant in any day of twenty-four hours commencing at midnight, to the number two thousand one hundred and twelve.

For the purposes of this condition the term "annual capacity factor" shall mean the ratio expressed as a percentage of the number of kilowatt hours generated by the generating plant in any year ended thirty-first day of March to the number seventy-seven thousand and eighty-eight.

8. DAY ON WHICH ORDER TO TAKE EFFECT.

This license is issued pursuant to an Order in Council authorizing the purchase of certain electrical works by the licensee from the Alderton Utility Company, Limited, in pursuance of an agreement dated the 20th day of December, 1939, between the Alderton Utility Company, Limited, of the one part and the Bay of Islands Electric-power Board of the other part (of which agreement a copy is deposited in the office of the Minister of Public Works) and shall take effect on the day when the works vest in the Board in pursuance of that agreement.

9. DURATION OF LICENSE.

This license shall, unless sooner determined, continue in force until the 5th day of August, 1950.

10. RENTAL.

For the purposes of assessing the rental or annual sum payable in respect of this license in accordance with the Water-power Regulations, 1934, the licensee may install a suitable maximum demand indicator to the satisfaction of the Inspecting Engineer of the Public Works Department, and, failing such installation, the rental shall be determined on the maximum capacity of the generating plant installed. The present plant is rated at 88 kilowatts.

11. CHARGES FOR ELECTRICAL ENERGY.

The licensee shall not in respect of electrical energy generated under the authority of this license make any charge exceeding the corresponding charge which the licensee may from time to time be duly authorized to make in respect of electrical energy obtained by the licensee from other sources and distributed within the Bay of Islands Electric-power District.

SECOND SCHEDULE.

THE Order in Council dated the 5th day of August, 1929, and published in the *Gazette* on the 8th day of the same month at page 2027, authorizing the Alderton Utility Company, Limited, to use water from the Keri Keri River for the purpose of generating electricity and to erect and use certain electric lines.

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

(P.W. 26/1381/1 and 26/1469.)

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*Authorizing the Purchase by the Bay of Islands Electric-power Board of the Alderton Utility Company's Electric Works.*

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 3rd day of April, 1940.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the powers conferred by section seventy-six of the Electric-power Boards Act, 1925, and of all other powers in anywise enabling him in that behalf, 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, doth, subject to the conditions set forth in the Schedule hereto, hereby authorize the purchase by the Bay of Islands Electric-power Board (hereinafter referred to as "the Board"), of the electric works, the property of the Alderton Utility Company, Limited, a company duly incorporated under the Companies Act and having its registered office at Keri Keri (hereinafter referred to as "the Company"), as described in a certain agreement (hereinafter referred to as "the agreement") bearing date the twentieth day of December, one thousand nine hundred and thirty-nine, and made between the Board of the one part and the Company of the other part of which agreement a copy has been deposited in the office of the Minister of Public Works.

SCHEDULE.

THE conditions hereinbefore mentioned are (1) that the Board shall bind itself to consent to the revocation of the license issued to the Alderton Utility Company, Limited, dated the 5th day of August, 1929, and published in the *Gazette* on the 8th day of the same month (hereinafter referred to as "the existing license") and to accept in lieu thereof a new license under the Public Works Act, 1928, and the Electric-power Boards Act, 1925, in respect of the works authorized by the existing license, such new license to take effect immediately upon the vesting of the existing license in the Board and to contain such terms and conditions as have already been agreed to, together with such others as may be specified in the Water-power Regulations, 1934, and the Electrical Supply Regulations, 1935, or may be usual or may hereafter be agreed to by the Board: and (2) that the terms of such purchase shall be those set forth in the agreement so far as the same relate to the purchase of electrical works.

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

(P.W. 26/1381/1 and 26/1469.)

*Authorizing the Laying-out of Portion of a Street (Halston Road Extension) in the Borough of Mount Eden, of a Width less than 66 ft. but not less than 50 ft.*

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 3rd day of April, 1940.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the powers vested in him by the Municipal Corporations Act, 1933, and of all other powers in anywise enabling him in this behalf, 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, doth hereby authorize the Mount Eden Borough Council to lay-out the portion of a street as described in the Schedule hereto of a width less than sixty-six feet but not less than fifty feet.

SCHEDULE.

THAT portion of a proposed street in the North Auckland Land District, Borough of Mount Eden, containing by admeasurement 1 rood 3-88 perches, more or less, being part Allotment 109, Section 10, Suburbs of Auckland. As the same is more particularly delineated on the plan marked P.W.D. 104253, deposited in the office of the Minister of Public Works at Wellington, and thereon coloured red.

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

(P.W. 51/2451.)