

*Licensing John Glyn Parry to use and occupy a Part of the Foreshore at Pukapuka as a Site for a Landing, and prescribing Dues for the use of Same.*

GALWAY, Governor-General.  
ORDER IN COUNCIL.

At the Government House at Wellington, this 12th day of June, 1940.

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 John Glyn Parry (hereinafter called "the licensee," which term shall include his administrators, executors, and assigns unless the context requires a different construction), to use and occupy a part of the foreshore and land below low-water mark at Pukapuka, as shown on plan marked M.D. 4991, approved on the fourteenth day of April, one thousand nine hundred and nineteen, and deposited in the office of the Marine Department at Wellington, for the purpose of erecting and maintaining thereon a landing as shown on the said plan, such license to be held and enjoyed by the licensee upon and subject to the terms and conditions set forth in the First Schedule hereto, and doth prescribe that the dues and rates set forth in the Second Schedule hereto shall be charged and taken by the licensee for the use of the said landing.

FIRST 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 landing at the site shown on the plan marked M.D. 4991.

3. In consideration of the concessions and privileges granted by this Order in Council, the licensee shall pay to the Minister the sum of £1 and thereafter an annual sum of £1 in advance, payable on the 1st day of April in each year, the first of such yearly payments to be paid on the licensee being supplied with a copy of this Order in Council.

4. All persons shall at all reasonable times, upon payment of the proper dues, have free and full liberty to use the said landing, and all rights of ingress and egress thereon and therefrom.

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 landing without payment.

6. The licensee shall maintain the said landing in good order and repair; and shall at all times exhibit therefrom, and maintain at the licensee's own cost, suitable and necessary lights for the guidance of vessels: Provided that no light shall be exhibited until after it has been approved of by the Minister.

7. Any person authorized by the Minister may at all reasonable times, enter upon the said landing and view the state of repair thereof; and upon such Minister leaving at or posting to the last-known address of the licensee in New Zealand a notice in writing of any defect or want of repair in such landing requiring the licensee within a reasonable time, to be therein prescribed, to repair the same, the licensee shall with all reasonable speed cause such defect to be removed or such repairs to be made.

8. Nothing herein contained shall authorize the licensee 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 master of each vessel discharging ballast at the said landing shall have all such ballast taken away and deposited above high-water mark, or at such place as may be approved of by the Minister, or by any person appointed by the Minister for that purpose.

10. The rights, powers, and privileges conferred by or under this Order in Council shall continue in force for fourteen years from the 1st day of April, 1940, unless in the meantime such rights, powers, and privileges shall be altered, modified, or revoked by competent authority; and the licensee shall not assign, charge, or part with any such right, power, or privilege without the written consent of the Minister first obtained.

11. The said rights, powers, and privileges may be at any time resumed by the Governor-General, and the licensee may be required to remove the said landing at the licensee's own cost, without payment of any compensation whatever, on giving to the licensee 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 address of the licensee in New Zealand.

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

13. 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 landing 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.

14. 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 so to do, remove the said landing 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 landing to be removed and the site so restored, and may recover from the licensee the costs incurred by the said removal and restoration.

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

SECOND SCHEDULE.

*Wharfage Dues.*

	s.	d.
For each passenger under twelve years of age landing on or leaving from the landing .. .. .	Free.	
For each passenger over twelve years of age landing on or leaving from the landing .. .. .	0	6
1. On all goods, chattels, or live-stock, landed on or shipped from the said landing, at the following rates:—		
For every cubic yard of stone, shingle, sand, lime, cement, or shell per cubic yard .. .. .	0	4
For every 100 superficial feet of timber, fencing-posts, or piles, per 100 ft. or part thereof .. .. .	0	4
Firewood, per ton or part thereof .. .. .	0	4
Horses, or great cattle, each .. .. .	2	6
Sheep, or small cattle, each .. .. .	0	6
Calves, or yearlings, each .. .. .	1	0
2. For all goods not otherwise specified per ton weight or measurement at the option of the licensee .. .. .	2	6

*Storage Dues.*

For every twenty-four hours, or part thereof at per ton or part of ton .. .. .	1	0
(All goods stored at the risk of the consignee.)		

*Crane Dues.*

For the use of the crane on the landing at per hour or part thereof .. .. .	0	6
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C. A. JEFFERY,  
Clerk of the Executive Council.