

SCHEDULE

AREAS RECOMMENDED TO BE EXCLUDED FROM THE COUNTY OF HUTT AND INCLUDED IN THE CITY OF LOWER HUTT

ALL that area in the Wellington Land District, Hutt County, bounded, commencing at a point on the existing northern boundary of the City of Lower Hutt at the south-western corner of Section 55, Hutt District, in a north-easterly direction along the north-western boundaries of Sections 55 and 56, Hutt District, to the north-western corner of the last-mentioned section; thence westerly along the southern boundary of part Subdivision 10 of Section 57, Hutt District, shown in Deposited Plan 12710, to the Wellington-Wairarapa Railway; thence north-easterly generally along the Wellington-Wairarapa Railway to a point due west of the northernmost corner of part Section 64, Hutt District, shown in Survey Office plan 21084; thence easterly along a right line to and along the northern boundary of part Section 64 aforesaid, across the Main Hutt Road, and again along the northern boundary of part Section 64 aforesaid to the north-eastern corner of that section; thence south-westerly along the south-eastern boundaries of Sections 64, 63, 62, Hutt District, and part of the eastern boundary of Section 61, Hutt District, to the northernmost corner of Section 228, Hutt District; thence in a southerly direction generally along the eastern boundary of Section 228 aforesaid and the eastern and part of the southern boundaries of Section 229, Hutt District, to a point distant 440 links from the south-eastern corner of the last-mentioned section; thence south-easterly generally along the north-eastern boundaries of parts Sections 231 and 232 comprised in Certificate of Title, Volume 184, folio 177 (Wellington Registry), to the northernmost corner of the land shown in Deposited Plan 12561, being subdivision of parts Sections 231 and 232, Hutt District, and Sections 1 and 2 (D.P. 983), Block XV, Belmont Survey District; thence in a south-westerly direction generally along the north-western boundary of the land shown in the said Deposited Plan 12561 to its intersection with the northern boundary of Section 1 (D.P. 983), Block XV, Belmont Survey District; thence westerly along the northern boundary of Section 1 aforesaid to and along the southern boundary of Section 440, Hutt District, to the westernmost corner of that section, being a point on the existing boundary of City of Lower Hutt; and thence northerly, north-westerly, and westerly generally along the boundary of City of Lower Hutt as described in *New Zealand Gazette*, 1941, page 1558, to the point of commencement.

Also all that area in the Wellington Land District, Hutt County, commencing at a point on the existing eastern boundary of the City of Lower Hutt at the north-western corner of Lot 1 on Deposited Plan 4581, being portion of Section 21, Lowry Bay District; thence easterly, southerly, and westerly generally along the northern, eastern, and southern boundaries of the said Lot 1 to the westernmost corner of that lot; thence westerly along a right line to the southernmost corner of Section 225, Hutt District, being a point on the existing eastern boundary of the City of Lower Hutt; and thence north-easterly along the boundary of the City of Lower Hutt as described in *New Zealand Gazette*, 1941, page 1558, to the point of commencement.

C. A. JEFFERY, Clerk of the Executive Council.
(I.A. 103/5/62.)

Foreshore License.—Wharf at Waitangi, Chatham Islands, and making Regulations for the Use of the Wharf and Shed

C. L. N. NEWALL, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington, this 27th day of
September, 1944

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 the Chatham Islands County Council (hereinafter called "the Council," which term shall include its successors or assigns, unless the context requires a different construction) to use and occupy a part of the foreshore at Waitangi, Chatham Islands, as shown on approved plan marked M.D. 6450 and deposited in the office of the Marine Department at Wellington, for the purpose of maintaining the wharf and shed thereon as shown on the said plan, such license to be held and enjoyed by the Council upon and subject to the terms and conditions set forth in the First Schedule hereto, and doth make the regulations with respect to the use of the said wharf and shed set forth in the Second Schedule hereto, and doth revoke the Order in Council dated the twenty-fourth day of September, one thousand nine hundred and thirty-four, and published in the *Gazette* on the twenty-seventh day of the same month at page 3004, making regulations for the use of the said wharf and shed.

FIRST SCHEDULE

CONDITIONS

1. THIS license is subject to the Foreshore License Regulations 1940, and the provisions of those regulations shall, so far as applicable, apply hereto.

2. The annual sum payable by the Council shall be one shilling (1s.) payable on demand.

3. The term of the license shall be fourteen years from the 28th day of July, 1944.

4. The master of every vessel discharging ballast at the said wharf shall have all such ballast taken away and deposited above high-water mark, or at such place as may be approved by the Minister or by any person appointed by the Minister for that purpose.

SECOND SCHEDULE

REGULATIONS WITH RESPECT TO THE WHARF AND SHED

1. IN these regulations, if not inconsistent with the context,—

"Council" means the Chatham Islands County Council:

"Goods, cargo" shall mean and include all merchandise, wares, and commodities of every description:

"Kerosene" shall include paraffin, petroleum, naphtha, benzine, turpentine, and other like goods:

"Ship, vessel" shall include launch or boat of any description carrying cargo or passengers:

"Wharf" shall mean and include any wharf, breast-work, jetty, landing-place, or the approaches thereto, under the control of the Council, and shall include any store, shed, or other building built on or attached to such wharf and under the control of the Council:

"Wharfinger" shall mean the person appointed by the Council to the charge of the wharf and shed, and shall include any person acting by or under the authority of the wharfinger.

2. Every master of a vessel shall be responsible for the proper slinging of all goods discharged on or laden from the wharf, and for any damage that may occur, either from the breakage of slings, or from the goods being imperfectly slung.

3. The Council will not be responsible for any claim arising from delay in the delivery of goods from any cause whatsoever.

4. Cargo landed or placed on the wharf during the absence of the wharfinger or his deputy shall not be deemed to be in the custody of the Council, nor shall the Council be responsible for any loss or damage that may accrue to such cargo from any cause whatsoever.

5. The Council will not be responsible for the wrong or non-delivery of goods which are erroneously or deficiently marked, or which have numerous old or imperfectly-erased marks thereon, or where two or more consignees have the same mark or marks for the same or similar description of goods.

6. No person shall receive from or deliver to any ship or boat any goods or cargo except through the wharfinger or other deputed person.

7. No person shall leave any goods on the wharf, or in the shed attached thereto, for a longer period than forty-eight hours without permission from the wharfinger; and the wharfinger may, when in his opinion the public convenience and the proper working of the wharf and shed require it, at any time during or after the expiration of such period, cause any goods to be removed from such wharf or shed, or the approaches thereto, to any place the wharfinger may think proper, at the expense and risk of the owner or his agent or the person in charge of such goods.

8. All goods which are not tallied by the wharfinger shall not be deemed for any purpose to be in the custody of the Council, nor shall the Council be responsible for their safe custody, or for any loss or damage that may accrue to the same in any manner whatsoever.

9. The owner of all goods landed on the wharf or placed thereon for shipment shall place such goods as the wharfinger may direct, and no person shall place any goods, cargo, or other articles in the shed or on the wharf so as to be an impediment to the approach or an obstacle to the removal of other goods, or so as to encumber the working of the plant and appliances thereon.

10. No person, other than the consignee or his agent, shall cut or open any sack, bag, case, or package of any description on the Council's premises for any purpose whatever.

11. The Council shall not be responsible for the safe custody of packages containing acids, chemicals, inflammable oils, or other dangerous goods.

12. No person shall place or store any goods or articles of any description which, in the opinion of the wharfinger, are likely to occasion damage to the shed or to other goods therein in any such shed.

13. No person shall land or ship any goods in wet weather without the permission of the wharfinger, but the giving of such permission shall not throw upon the Council any liability for damage to such goods caused by handling in wet weather. The determination of the wharfinger that the weather is wet shall be conclusive.

14. The Council shall not be bound to find storage room, either in the shed or on the wharf, for any goods when, in the opinion of the wharfinger, no sufficient accommodation is available.