

Directing the Sale of Land in Block III, Paekakariki Survey District

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 3rd day of September, 1947

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section thirty-five of the Public Works Act, 1928, 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 direct the sale of the land described in the Schedule hereto, such land being no longer required for the purpose for which it was acquired.

SCHEDULE

Approximate Areas of the Pieces of Land directed to be sold.	Being	Shown on Plan
A. R. P. 2 3 8	Part Lot 2, D.P. 4269, being part Section 51, Wainui District (S.O. 20909.)	P.W.D. 114742.
0 0 26	Part Lot 2, D.P. 4269, being part Section 51, Wainui District (S.O. 20980.)	P.W.D. 116214.

Situating in Block III, Paekakariki Survey District.

In the Wellington Land District; as the same are more particularly delineated on the plans marked as above mentioned, deposited in the office of the Minister of Works at Wellington, and thereon coloured orange.

W. O. HARVEY, Clerk of the Executive Council.
(P.W. 23/597.)

Vesting in the Wairarapa Catchment Board control of Watercourses in the Wairarapa Catchment District

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 3rd day of September, 1947

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section one hundred and thirty of the Soil Conservation and Rivers Control Act, 1941, 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 direct as follows, viz.: That all watercourses within the Wairarapa Catchment District, whether natural or constructed or hereafter to be constructed, together with all machinery and appliances used therewith, shall be under the exclusive care, control, and management of the Wairarapa Catchment Board on and after the fourth day of September, one thousand nine hundred and forty-seven.

W. O. HARVEY, Clerk of the Executive Council.
(P.W. 75/9/34.)

Vesting Management of Wharf at Harrington Point, Otago Peninsula, in the Otago Harbour Board

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 27th day of August, 1947

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

WHEREAS by section one hundred and eighty-six of the Harbours Act, 1923 (hereinafter called the said Act), it is enacted that the Governor-General in Council may vest the management of any wharf, the property of His Majesty, in any Harbour Board, local authority, or person upon such terms and conditions as he thinks fit:

And whereas it is deemed expedient and desirable to vest in the Otago Harbour Board (hereinafter called the Board, which term shall be deemed to include, unless the context requires a different construction, its successors or assigns) the management of the wharf at Harrington Point, Otago Peninsula, erected by the Public Works Department for defence purposes, and delineated on plan M.D. 8619:

Now, therefore, His Excellency the Governor-General, acting in pursuance and exercise of the power and authority vested in him by the said Act, and of all other powers and authorities enabling him in that behalf, and subject to the terms and conditions set forth in the Schedule hereto, doth hereby vest the management of the said wharf in the Board, and doth hereby license the Board to use and occupy so much of the foreshore (which term shall be deemed to have the meaning assigned to it in clause one of the said terms and conditions) and the land below low-water mark (which term shall be deemed to have the meaning assigned to it in clause one of the said terms and conditions) on which the said wharf stands and adjacent thereto as is necessary for the use and maintenance thereof.

SCHEDULE

TERMS AND CONDITIONS

1. In this Schedule—

“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 Defence for the time being, and (unless the context requires a different construction) includes any officer, person, or authority acting by or under the direction of such Minister.

2. The Board shall pay to the Crown in respect of the use of the site of the said wharf and of the foreshore and land below low-water mark adjacent thereto the annual sum of one shilling payable on demand, such sums to commence to accrue on the date of this Order in Council.

3. All persons shall at all reasonable times and upon payment of proper dues have free and full liberty to use the said wharf and rights of ingress and egress thereto and therefrom, and for that purpose shall be at liberty to pass and repass without let or hindrance over the Defence Reserve immediately adjoining and giving approach to the said wharf.

4. His Majesty or the Governor-General, the Minister, and all officers or servants of the Crown when upon public duty shall at all times have free ingress, passage, and egress into, over, and out of the said wharf without payment.

5. The Board shall repair to the satisfaction of the Public Works Department any damage to the said wharf and all buildings and erections thereon or used in connection therewith caused by its servants or agents, but shall not be liable to repair any such damage caused by fair wear and tear, earthquake, or inevitable accident.

6. The Board may erect on and exhibit from the said wharf and maintain thereon at its own expense such lights as the Board may deem necessary for the guidance of vessels: Provided that no light shall be exhibited until after it has been approved by the Minister of Marine.

7. Any person authorized by the Minister may view the state of repair of the said wharf and any buildings and erections thereon or used in connection therewith, and for that purpose may at all reasonable times enter upon or into the said wharf and buildings; and upon the Minister giving to the Board notice in writing of any defect or want of repair for which the Board may become liable under the provisions of clause five hereof in such wharf, buildings, or erections and therein requiring the Board within a reasonable stated time to make good or repair the same, the Board shall with all convenient speed and within the time stated cause such defect to be remedied or such repairs to be made.

8. The Board shall not erect or suffer to be erected on or adjacent to the said wharf any building or erection whatever except with the consent in writing of the Minister first had and obtained.

9. The Board shall appoint all officers necessary for the working and management of the said wharf.

10. Nothing herein contained shall be deemed to authorize the Board to do or cause to be done anything contrary to, or inconsistent with, any law relating to the Customs or any regulations of the Minister of Customs, or any provision of the Harbours Act, 1923, or its amendments, or any regulations thereunder that are now or may hereafter be in force.

11. The licence, rights, powers, and privileges hereby conferred shall continue in force and be effectual until the 31st December, 1960, and no longer, unless in the meantime such licence, rights, powers, and privileges shall be altered, modified, resumed, or revoked by competent authority; and the Board shall not assign, charge, or part with any such licence, right, power, or privilege without the consent in writing of the Minister first had and obtained.

12. The licence, rights, powers, and privileges granted and conferred under or by virtue of this Order in Council may be revoked and resumed at any time by the Governor-General without payment of any compensation whatever on giving to the Board three calendar months' previous notice.

13. If the Board shall commit or suffer a breach of the terms and conditions hereinbefore set forth, or any or them, then this Order in Council and every licence, right, power, or privilege hereunder may be revoked and determined by the Governor-General in Council without any notice to the Board or other proceedings whatever; and publication in the *Gazette* of an Order in Council containing such revocation shall be sufficient notice to the Board and to all persons concerned or interested that this Order in Council and the licence, rights, powers, and privileges thereby granted and conferred have been revoked and determined.

W. O. HARVEY, Clerk of the Executive Council.