

Consenting to the Raising of the Balance (£1,100) of the Springs-Ellesmere Electric-power Board's Loan of £50,000 and Prescribing the Conditions Thereof

FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 28th day of November 1951

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

WHEREAS by Order in Council made on the 9th day of November 1949 (hereinafter called the said Order in Council), and subject to the determinations as to borrowing and repayment therein set out, consent was given to the raising by the Springs-Ellesmere Electric-power Board (hereinafter called the said local authority) of a loan of fifty thousand pounds (£50,000) to be known as "No. 8 Reticulation Loan 1949":

And whereas the authority conferred by the said Order in Council has lapsed in accordance with the provisions of clause (7) thereof and it is not now lawful or competent for the said local authority to raise the said loan or any portion thereof except in accordance with the provisions of a further Order in Council that may be issued pursuant to section 11 of the Local Government Loans Board Act 1926 (hereinafter called the said Act):

And whereas an amount of one thousand one hundred pounds (£1,100) (hereinafter called the said sum) has not yet been raised and it is expedient to authorize the said local authority to raise the said sum on the conditions hereinafter set out:

Now, therefore, pursuant to section 11 of the said Act, as set out in section 29 of the Finance Act 1932 (No. 2), His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby consents to the raising in New Zealand by the said local authority of the said sum up to the amount of one thousand one hundred pounds (£1,100) for the purpose for which the said loan was authorized, and in giving such consent hereby determines as follows:—

- (1) The term for which the said sum or any part thereof may be raised shall not exceed twenty-five (25) years.
- (2) The rate of interest that may be paid in respect of the said sum or any part thereof shall be such as shall not produce to the lender or lenders a rate or rates exceeding three pounds five shillings (£3 5s.) per centum per annum.
- (3) The said sum or any part thereof, together with interest thereon, shall be repaid by equal aggregate annual or half-yearly instalments extending over the term as determined in (1) above.
- (4) The payment of such instalments shall be made in New Zealand, and no such instalments shall be paid out of loan-moneys.
- (5) The rate payable for brokerage, underwriting, and procurator fees in respect of the raising of the said sum or any part thereof shall not in the aggregate exceed one-half per centum of any amount raised.
- (6) No moneys shall be borrowed under this consent after the expiration of two years from the date hereof.

T. J. SHERRARD,
Clerk of the Executive Council.

(T. 49/282/13)

Varying the Determinations in Respect of the Balance (£60,000) of the Palmerston North City Council's Loan of £100,000

FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 28th day of November 1951

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

WHEREAS by Order in Council made on the 23rd day of March 1949, and subject to the determinations as to borrowing and repayment therein set out, consent was given to the raising in New Zealand by the Palmerston North City Council (hereinafter called the said local authority) of a loan of one hundred thousand pounds (£100,000) to be known as "Waterworks Supply Main and Filtration Plant Loan 1948" (hereinafter called the said loan):

And whereas by Order in Council made on the 20th day of February 1951 certain of the determinations aforesaid were varied:

And whereas the sum of forty thousand pounds (£40,000) has been raised and it is expedient to again vary certain of the determinations aforesaid in respect of the balance of the said loan amounting to sixty thousand pounds (£60,000) (hereinafter called the said sum):

Now, therefore, pursuant to section 11 of the Local Government Loans Board Act 1926, as set out in section 29 of the Finance Act 1932 (No. 2), His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby varies certain of the determinations aforesaid in respect of the said sum by prescribing that in lieu of a term of thirty (30) years, as specified in clause (1) of the Order in Council made on the 23rd day of March 1949 the term for which the said sum or any part thereof may be raised shall not exceed twenty-five (25) years.

T. J. SHERRARD,
Clerk of the Executive Council.

(T. 49/284/27)

Vesting the Control of Part of the Foreshore at Tomahawk, Otago Peninsula, In the Ocean Grove Domain Board

FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 28th day of November 1951

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

WHEREAS it is enacted by section 165 of the Harbours Act 1950 (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 prescribed in the Order:

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

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

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 Board 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.

FIRST SCHEDULE

THAT portion of the foreshore at Tomahawk Beach, Otago Peninsula, commencing at the mouth of the Tomahawk Creek and extending generally westwards to the outlet of the Tomahawk Lagoon, as the same is shown, spotted brown, on plan marked M.D. 6873, and deposited in the office of the Marine Department at Wellington.

SECOND 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 that part of the foreshore as shown, spotted brown, on plan marked M.D. 6873, 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 Board 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 1950 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 Board 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 of admission to such enclosed part or parts, provided that the total number of days on which such enclosures are made shall not exceed six in any one year.

7. The Board may, subject to the provisions of section 178 of the Harbours Act 1950, 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 Board to remove, or cause to be removed, any stone, sand, shingle, or shells without the consent of the Minister first being obtained.

9. By-laws made by the Board 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 30th day of April 1972, 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 Board 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 Board in New Zealand.

T. J. SHERRARD,
Clerk of the Executive Council.