

The Akaroa Harbour Order 1968

ARTHUR PORRITT, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 4th day of June 1968

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to sections 8A and 165 of the Harbours Act 1950, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, and in relation to clause 3 (b) of this order, on the request of the Akaroa County Council, hereby makes the following order.

ORDER

1. (1) This order may be cited as the Akaroa Harbour Order 1968.

(2) This order shall come into effect on the date of its publication in the *Gazette*.

2. In this order—

- “The Act” means the Harbours Act 1950;
 “The Council” means the Akaroa County Council;
 “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;
 “Minister” means the Minister of Marine, and includes any officer, person, or authority acting by or under the direction or authority of the Minister.

3. There is hereby granted to the Council for a period of 21 years from the commencement of this order, subject to the provisions of sections 8A and 165 of the Act and to the conditions specified in the Third Schedule to this order—

- (a) The control of the foreshore described in the First Schedule to this order;
 (b) The control of the waters specified in the Second Schedule to this order.

FIRST SCHEDULE

ALL that area in the Canterbury Land District, situated in Blocks XIV and XV, Pigeon Bay Survey District, being part of the foreshore of Akaroa Harbour commencing at Timutimu Head and proceeding northerly, easterly, and southerly generally around the said Harbour to Truini Point, as the same is more particularly delineated on plan M.D. 12871, and deposited in the office of the Marine Department at Wellington, and thereon edged blue.

SECOND SCHEDULE

ALL the waters of Akaroa Harbour, the outer limits of which were defined by the Order in Council of 20 November 1868* as being a circle of 3 nautical miles radius from Boat Rock.

THIRD SCHEDULE

CONDITIONS

1. Her 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 into, over, and out of the foreshore and waters described in the First and Second Schedules to this order without payment.

2. Nothing herein contained shall authorise the Council 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 provisions of the Harbours Act 1950 or its amendments, or any regulations made thereunder that are or may hereafter be in force.

3. 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 area described in the First Schedule to this Order.

4. The Council may enclose any part or parts of the foreshore described in the First Schedule to this order for the purpose of holding athletic sports or games and may by resolution fix a charge for 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.

5. Nothing herein contained shall authorise the Council to remove or cause to be removed any stone, sand, shingle, or shells without the consent of the Minister being first obtained.

6. Suitably worded signs shall be erected at main public access ways to the foreshore described in the First Schedule to this order indicating that control has been granted to the Council pursuant to sections 8A and 165 of the Act and that bylaws are in force.

7. Subject to the provisions of section 8A of the Act, the Council for and within the area of water described in the Second Schedule to this order—

- (a) May by bylaw do anything which a Harbour Board may do by bylaw under section 232 of the Act.
 (b) May appoint harbourmasters and other officers and define or limit their powers and duties.
 (c) Shall have all the powers, functions, duties, and authorities of a Harbour Board under the Act as if it were constituted a Harbour Board.

8. All money received by the Council in respect of Akaroa Harbour in the exercise or performance of the powers, functions, duties, and authorities conferred on it by this order shall, subject to the deduction of any expenditure incurred by the Council in the exercise or performance of those powers, functions, duties, and authority, be applied to the construction, repair, or improvement of harbour works in or in respect of the Akaroa Harbour and not otherwise.

9. 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 Council 6 calendar months 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 Council in New Zealand.

P. J. BROOKS, Clerk of the Executive Council.

**Gazette*, 23 November 1868, page 549

(M. 43/19/3)

The Patangata County Foreshore Control Order 1968

ARTHUR PORRITT, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 4th day of June 1968

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 165 of the Harbours Act 1950, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

ORDER

1. (1) This order may be cited as the Patangata County Foreshore Control Order 1968.

(2) This order shall come into force on the date of its publication in the *Gazette*.

2. In this order—

- “The Council” means the Patangata County Council;
 “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;
 “Minister” means the Minister of Marine, and includes any officer, person, or authority acting by or under the direction or authority of the Minister.

3. There is hereby granted to the Council for a period of 21 years from the commencement of this order the control of the foreshores described in the First Schedule to this order, subject to the provisions of section 165 of the Harbours Act 1950 and to the conditions specified in the Second Schedule to this order.

FIRST SCHEDULE

THAT portion of the foreshore fronting the Patangata County commencing at a point in line with the northern boundary of Lot 2, D.P. 3216, in Block III, Waimarama Survey District, and extending south-westerly to the western boundary of Lot 3, D.P. 549, in Block X, Tautane Survey District: as the same is shown coloured red on plan marked M.D. 12876 and deposited in the office of the Marine Department at Wellington.

SECOND SCHEDULE

CONDITIONS

1. Her 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 into, over, and out of the foreshore described in the First Schedule to this order without payment.

2. Nothing herein contained shall authorise the Council 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 that are or may hereafter be in force.

3. The rights, powers, and privileges conferred by this order 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.