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The Titahi Bay Foreshore Order 1972

DENIS BLUNDELL, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 4th day of
December 1972

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. Title and commencement—(1) This order may be cited as the Titahi Bay Foreshore Order 1972.

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

2. Interpretation—In this order—

“The Act” means the Harbours Act 1950;

“The Council” means the Porirua City Council;

“Foreshore of Titahi Bay” or “foreshore” means the foreshore of that bay as described in the First Schedule to this order;

“Minister” means the Minister of Transport; and includes any officer, person, or authority acting by or under the direction or authority of the Minister.

3. Control of foreshore—Subject to section 165 of the Act and to the conditions specified in the Second Schedule to this order, there is hereby granted to the Council for a period of 21 years from the commencement of this order the control of the foreshore of Titahi Bay.

4. Revocation—The Order in Council dated the 30th day of October 1957* granting control of part of the foreshore at Titahi Bay to the Titahi Bay Domain Board is hereby revoked.

FIRST SCHEDULE

THE FORESHORE OF TITAHI BAY

THAT portion of the foreshore at Titahi Bay commencing at the northern boundary of Section 110, Block XI, Paekakariki Survey District, and extending generally southwards to the right bank of the Ohangao Creek, as the same is shown on plan marked M.D. 4924 and deposited in the office of the Ministry of Transport at Wellington; and that portion of the

foreshore at Titahi Bay commencing at the southern boundary of Section 110, Block XI, Paekakariki Survey District, and extending generally southwards to the boundary between Sections 5 and 6, Koangaumu Block, as the same is shown between points marked “C” and “D” and coloured red on plan marked M.D. 5836 and deposited in the office of the Ministry of Transport at Wellington.

SECOND SCHEDULE

CONDITIONS AS TO CONTROL OF FORESHORE

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 at Titahi Bay without payment.

2. Nothing in this order shall authorise the Council to do or cause to be done anything repugnant to or inconsistent with any law relating to the Customs or any provision of the Harbours Act 1950 that is 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 of Titahi Bay required for securing the shore ends of any telegraph cables that are at the commencement of this order or may be at any time subsequently laid down within that foreshore.

4. The Council may from time to time—

(a) Prescribe as to not more than 40 days in any year, as it thinks fit, that the public shall not be entitled to have admission to the foreshore or any part or parts thereof set apart for the purpose of particular sports, games, or other recreations, except on a payment of a charge fixed by the Council not exceeding 40c per person;

(b) Grant exclusive use of the foreshore or any part thereof on any 1 or more of the aforesaid days, but not more than 6 days consecutively at any time, to any person, body, or society (whether incorporated or not) for the purpose of particular sports, games, or other recreation, with authority for that person, body, or society to demand a fee or charge for admission on that day or those days to the foreshore or part thereof so granted and also to any enclosure, not exceeding the sum of 40c per person;

(c) Prescribe the games which may be played on the foreshore or any part thereof, and regulate the use of the foreshore for those games, and prohibit altogether the playing of any particular game thereon;