

**Reprint
as at 19 December 1968**



**Balclutha Borough (Forestry)
Empowering Act 1954**

Local Act 1954 No 13
Date of assent 28 September 1954
Commencement 28 September 1954

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

An Act to confer powers on the Balclutha Borough Council in respect of forestry and afforestation operations.

Preamble

Whereas many years ago the Balclutha Borough Council (hereinafter called the **Council**) planted timber trees on a public reserve vested in the Mayor, Councillors, and Burgesses of the Borough of Balclutha:

And whereas such plantations are now reaching the stage of development when it is desirable to fell the trees therein and mill the timber resulting therefrom and market the same:

And whereas it is desirable to confer certain additional powers upon the Council in relation to afforestation matters.

1 Short Title

This Act may be cited as the Balclutha Borough (Forestry) Empowering Act 1954.

2 Empowering provisions

Subject to the provisions of this Act, the Council is hereby empowered to do all or any of the following things:

- (a) to purchase, lease, or otherwise acquire any area or areas of land, either with or without improvements, or any interest therein which the Council may deem it desirable to hold for afforestation purposes or other purposes incidental thereto:

provided that no land which in the opinion of the Minister of Lands is or should be used exclusively or principally for agricultural purposes, as defined in subsection 1 of section 2 of the Land Settlement Promotion and Land Acquisition Act 1952, shall be purchased, leased, or otherwise acquired for such purposes as aforesaid:

- (b) to carry on the business of forestry, afforestation, and the nursery production of forest trees, whether indigenous or exotic:
- (c) to cut down, remove, recover, and sell by private sale, tender, or auction any trees, timber, or firewood on or from any existing plantation the property of the Corpor-

ation or on or from any area or areas hereafter acquired pursuant to the authority hereinbefore granted:

- (d) to recover from the trees, timber, or wood or any other like thing by any process whatsoever any products capable of being put to commercial use or profit or to any scientific or other useful purpose, and to sell such articles and things:
- (e) to purchase any tree seeds or nursery stock necessary for the aforesaid business and to recover and sell tree seeds and other forest products from the trees grown by the Council:
- (f) to take all steps which in the opinion of the Council may be necessary or desirable for the prevention or control of fire, including for that purpose the purchase of sheep and cattle and the proper care and maintenance of the same:
- (g) to enter into any contract or agreement for the carrying out of the purposes of this Act.

Section 2(a) proviso: amended, on 19 December 1968, pursuant to section 2(3) of the Land Settlement Promotion and Land Acquisition Amendment Act 1968 (1968 No 152).

3 Council empowered to carry on sawmilling operations, etc

The Council may for the purposes of this Act establish and carry on any operations or industry relative to the felling, cutting, extraction, removal, conversion, manufacture, transport, distribution, or sale of timber, forest produce, or finished products derived from forest produce, and may construct, purchase, rent, lease, or hire any buildings, machinery, or plant required in connection therewith.

4 Working plans

- (1) The Council shall from time to time cause working plans to be prepared for all land under the control of the Council which is for the time being appropriated to forestry purposes.
- (2) Every such working plan shall, subject to the rights existing when the plan comes into operation, and subject to the provisions of this Act, regulate the management of the land de-

scribed in the plan for such period, not exceeding 20 years, as may be stated in the plan.

- (3) Every such working plan shall specify, with respect to the period thereof,—
 - (a) the silvicultural operations to be carried out:
 - (b) the maximum area from which forest produce may be disposed of or the maximum quantity of forest produce that may be disposed of, or both, as the Council thinks fit:
 - (c) the protection and development operations to be carried out:
 - (d) such other matters as the Council thinks fit.
- (4) Every working plan shall be subject to the approval of the Minister of Forests, and, when so approved, shall have effect according to its tenor from a date specified therein, and shall not be altered except by the Minister at the request of the Council.
- (5) The Council shall, within 1 year after the passing of this Act, or within such extended period as the Minister of Forests may allow, prepare a general forest working plan of future operations in respect of a period of not less than 5 years. The plan shall specify fully the silvicultural operations proposed to be carried on during the currency of the plan, and all other matters necessarily connected with forestry operations.
- (6) It shall not be lawful for the Council to carry on such silvicultural operations as aforesaid until the plan has been approved by the Minister of Forests, and all such operations shall be carried on according to the plan as so approved.
- (7) In the month of June in each year the Council shall send to the Minister of Forests a report for the year ending on the 31 March then last past specifying full particulars of the technical operations and of the administration of all land used for the purposes of this Act; and shall at the same time submit a plan of operations and management for the ensuing year, which shall take effect on being approved by the Minister.

5 Power to grant licences to work timber

The Council may from time to time, subject to the provisions of this Act and of any working plan for the time being in force

thereunder, grant licences and permits to take forest produce from any land to which this Act applies or to occupy any such land for any purpose which in the opinion of the Council is not prejudicial to forestry operations, upon and subject to such terms and conditions whether as to royalties, charges, or otherwise as the Council thinks fit.

6 Power to enact bylaws

The Council may from time to time make such bylaws as it thinks fit for the purpose of regulating the subject matter of this Act, and in particular for protecting from damage, injury, or misappropriation any property, whether real or personal, belonging to the Corporation or controlled by the Council for the purposes of this Act, whether within or beyond the Borough of Balclutha.

7 Borrowing powers

The Council may raise a special loan under the Local Bodies' Loans Act 1926 for any of the purposes hereinbefore mentioned:

provided that the Council shall not borrow more than 3,000 pounds pursuant to the authority conferred by this section.

8 Operations of Council to be trading undertaking

The operations of the Council under this Act shall be deemed to be a trading undertaking within the meaning and for the purposes of Part 11 of the Municipal Corporations Act 1933, and the provisions of that Part shall apply accordingly.

9 Other enactments not affected

Nothing in this Act shall be construed to limit or affect in any way the provisions of the Forest and Rural Fires Act 1947 or the Forests Act 1949 or any other enactment.

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Notes

1 *General*

This is a reprint of the Balclutha Borough (Forestry) Empowering Act 1954. The reprint incorporates all the amendments to the Act as at 19 December 1968, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Land Settlement Promotion and Land Acquisition Amendment Act 1968 (1968 No 152): section 2(3)
