

**Reprint
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**Reserves and other Lands Disposal
Act 1939**

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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.

This Act is administered by Land Information New Zealand.

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An Act to provide for the sale, reservation, and other disposition of certain reserves, Crown lands, endowments, and other lands, to validate certain transactions, and to make provision in respect of certain other matters

1 Short Title

This Act may be cited as the Reserves and other Lands Disposal Act 1939.

2 Exchanging certain Crown land for primary education endowment land

Whereas the lands described in subsection (3) are areas of Crown land which adjoin a block of primary education endowment land:

And whereas the lands described in subsection (4) have been reserved as endowments for primary education:

And whereas it is desirable for the better working of both areas that the lands described in subsection (3) should be exchanged for the lands described in subsection (4):

And whereas the exchange cannot be effected under the provisions of section 163 of the Land Act 1924 for the reason that the lands are not of equal value:

Be it therefore enacted as follows:

- (1) The lands described in subsection (3) are hereby declared to be permanently reserved as endowments for primary education.
- (2) The reservation as endowments for primary education over the lands described in subsection (4) is hereby cancelled, and those lands are hereby declared to be Crown land available for disposal under the Land Act 1924.
- (3) The lands to which subsection (1) relates are particularly described as follows:

All that area in the Auckland Land District containing by admeasurement 18 acres 1 rood 1 perch and four-hundredths of a perch, more or less, being Allotments 307 and 308, Apata Parish.

Also all that area in the Auckland Land District containing by admeasurement 12 acres 1 rood 14 perches and three-tenths of a perch, more or less, being Allotments 296, 297, and 298, Apata Parish.

- (4) The lands to which subsection (2) relates are particularly described as follows:

All that area in the Auckland Land District containing by admeasurement 2 acres 8 perches and four-tenths of a perch, more or less, being Allotment 249, Apata Parish, and Lot 1 on Deposited Plan Number 24913, Auckland Registry, being a subdivision of part Allotment 217, Apata Parish.

Also all that area in the Auckland Land District containing by admeasurement 5 acres 3 roods 15 perches, more or less, being all the land shown on Deposited Plan Number 26916, Auckland Registry, and being part Allotment 253, Apata Parish.

3 Section 3 of the Reserves and other Lands Disposal Act 1932–33 amended

Amendment(s) incorporated in the Act(s).

4 Adding land to the Pahiatua Domain

Whereas the land hereinafter described is vested in the Corporation of the Borough of Pahiatua:

And whereas it is desirable that the said land should be added to the Pahiatua Domain and developed for the purpose of providing recreational facilities:

And whereas the Pahiatua Borough Council is agreeable to the said land being so dealt with:

Be it therefore enacted as follows:

- (1) The land described in subsection (3) is hereby declared to be vested in His Majesty the King as a recreation reserve, to be subject to the provisions of Part 2 of the Public Reserves, Domains, and National Parks Act 1928 and to form portion of the Pahiatua Domain.
- (2) The District Land Registrar for the Land Registration District of Wellington is hereby empowered and directed to make such entries in the Register and on the outstanding certificate of title as may be necessary to give effect to the provisions of this section.
- (3) The land to which this section relates is particularly described as follows:

All the area in the Wellington Land District, in the Borough of Pahiatua, containing by admeasurement 3 roods and 33 perches, more or less, being Lots 199 and 206 on Plan Number 325 deposited in the Land Registry Office at Wellington, being part of Section 20, Block VIII, Mangahao Survey District, and being all the land comprised in certificate of title, Volume 178, folio 248, Wellington Registry.

5 Section 38 of the Reserves and other Lands Disposal Act 1938 amended

Amendment(s) incorporated in the Act(s).

6 Authorising the cancellation of a forfeiture of renewable lease of certain land in the Nelson Land District

Whereas the Land Board of the Nelson Land District, by resolution dated 13 October 1938, forfeited the interest of Paul Giljivich in his lease of the land described in subsection (3)

for failure to comply with the conditions of the said lease, and notice of such forfeiture was duly published in the *Gazette* of 19 January 1939:

And whereas it is deemed expedient to cancel the said forfeiture:

Be it therefore enacted as follows:

- (1) The Minister of Lands is hereby empowered, by notice in the *Gazette*, to cancel the forfeiture of the lease hereinbefore referred to, and thereupon the said lease, and all mortgages and encumbrances (if any) affecting the same, shall operate and be deemed to have continued to operate as if the lease had not been forfeited as aforesaid.
- (2) On presentation to him of a copy of the *Gazette* containing a notice under this section, the District Land Registrar for the Nelson Land Registration District shall make such entries in the Register and on any outstanding instruments as are necessary to give effect to the provisions of this section.
- (3) The land to which this section relates is more particularly described as follows:

All that area in the Nelson Land District, containing 531 acres 1 rood 29 perches, more or less, being Sections 35 and 36, Block II, Kongahu Survey District, and being all the land comprised in certificate of title, Volume 37, folio 94, Nelson Land Registry.

7 Validating the granting of a licence over Run 118 (Glenfalloch), Canterbury Land District

Whereas pursuant to a notice published in the *Gazette* of 23 February 1939 a pastoral run containing an area of 26 700 acres, and described as Run 118 (Glenfalloch), Canterbury Land District, was offered for license by public auction under the provisions of the Land Act 1924:

And whereas no bids were received at public auction for the licence:

And whereas by virtue of subsection (2) of section 70 of the Land Act 1924 all rural lands which have been offered for sale by auction and have not been sold are, on and after the day following such auction, open for application at the upset price:

And whereas the Canterbury Land Board deemed it expedient to accept an application from and to authorise the issue of a pastoral licence to Joseph Robert Todhunter over the said run at a rental less than the upset rental determined and notified pursuant to section 252 of the said Act:

And whereas it is expedient to validate the action of the Canterbury Land Board:

Be it therefore enacted as follows:

Notwithstanding anything to the contrary in the Land Act 1924, the action of the Canterbury Land Board in authorising the issue of a pastoral licence over Run 118 (Glenfalloch), Canterbury Land District, is hereby validated and the licence is hereby declared to have been lawfully granted.

8 C cancelling the reservation for recreation purposes over certain land in Mid-Hawea Survey District and authorising its inclusion in a pastoral licence granted over adjoining land

Whereas on 10 May 1916 the Otago Land Board issued a pastoral licence under Part 6 of the Land Act 1908 over an area of 19 700 acres, described as Run 338A, for a term of 21 years from 1 March 1917:

And whereas the term of the licence has been extended for a period of 14 years from 1 March 1938:

And whereas the area of 19 700 acres includes an area of 1 170 acres which was permanently reserved for recreation purposes by a Warrant dated 17 September 1891 and published in the *Gazette* of 24 September 1891:

And whereas there was no authority to include the said recreation reserve in the licence:

And whereas the licence is now held by Archibald Loudon Mead who has carried out substantial improvements on those portions of the said reserve described in subsection (4):

And whereas it is desirable that the reservation for recreation purposes over those portions of the reserve should be cancelled in order that the land comprised therein may be legally included in the licence:

And whereas it is desirable that the remainder of the recreation reserve should be retained under reservation and excluded from the licence:

And whereas the licensee has consented to his licence being adjusted accordingly without any alteration in the annual rental payable thereunder, and it is expedient to make the necessary provision for such adjustment:

Be it therefore enacted as follows:

- (1) The reservation for recreation purposes over the land described in subsection (4) is hereby cancelled, and that land is hereby declared to be lawfully included in the pastoral licence granted over Run 338A, and it shall be deemed to have been so included as from the date of the granting of such licence.
- (2) The land described in subsection (5) is hereby excluded from the pastoral licence, and the reservation for recreation purposes over that land is hereby confirmed.
- (3) The Commissioner of Crown Lands for the Land District of Otago is hereby empowered and directed to amend the pastoral licence in such manner as may be necessary to give full effect to the provisions of this section.

- (4) The land to which subsection (1) relates is particularly described as follows:

All that area in the Otago Land District, containing 300 acres, more or less, being part of a recreation reserve adjoining Run 338A, Mid-Hawea Survey District.

Also all that area in the Otago Land District containing 150 acres, more or less, being part of a recreation reserve adjoining Run 338A, Mid-Hawea Survey District.

As the same are more particularly delineated on the plan marked L and S 8/9/72, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

- (5) The land to which subsection (2) relates is particularly described as follows:

All that area in the Otago Land District, containing 720 acres, more or less, being part of a recreation reserve adjoining Run 338A, Mid-Hawea Survey District.

As the same is more particularly delineated on the plan marked L and S 8/9/72A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

9 Validating a certain payment by the Arthur Pass National Park Board

Notwithstanding anything to the contrary in any Act or rule of law, the payment made during the financial year ended 31 March 1938 by the Arthur Pass National Park Board to Sylvester and Company, Limited, of the sum of 5 pounds as a grant, in addition to the contract price for the erection of a shelter on the top of the divide between the Canterbury and the Westland Land Districts, is hereby validated and declared to have been lawfully made by the said Board and to have been lawfully received by the said Sylvester and Company, Limited.

10 Validating a certain payment made by the Prebbleton Domain Board

Notwithstanding anything to the contrary in the Local Authorities (Members' Contracts) Act 1934, or in any other Act, the payment of 17 pounds made during the financial year ended 31 March 1938 by the Prebbleton Domain Board to Herbert George Prebble in respect of a contract carried out by him while a member of the Board is hereby validated and declared to have been lawfully made by the Board and to have been lawfully received by the said Herbert George Prebble.

11 Modification of conditions governing the use of part of the Auckland Domain during the year 1940

[Repealed]

Section 11: repealed, on 16 December 1987, by section 15 of the Auckland Domain Act 1987 (1987 No 7 (L)).

12 Cancelling Orders in Council relating to the Pilot Reserve, and validating and amending Orders in Council relating to the Lighthouse and Signal-station Reserve in the Town of Napier

Whereas by virtue of section 2 of the Napier Harbour Board Act 1876 the lands described in subsections (4) and (5) were vested in the Napier Harbour Board for the use, benefit, and endowment of the Harbour of Napier:

And whereas section 3 of that Act authorised the Governor-General, on behalf of the Crown, from time to time or at any time upon giving 1 month's notice in writing to the Board to enter upon and take possession of those lands:

And whereas it is desirable that certain portions of the lands should be vested in the Board freed and discharged from the right of re-entry in favour of the Crown as contained in section 3 of the said Act:

And whereas it is also desirable that certain portions of the said lands should be declared to be Crown land available for disposal under the Land Act 1924:

And whereas the consent of all interested parties has been obtained to the proposed dealings with the said lands:

And whereas by Order in Council dated 27 July 1938, and published in the *Gazette* of 28 July 1938, the vesting in the Board of the land described in subsection (4) was purported to have been cancelled:

And whereas by a further Order in Council dated 27 July 1938, and published in the *Gazette* of 28 July 1938, the said land was purported to be again vested in the said Board for the same purposes as it was originally reserved, freed and discharged, however, from the right of re-entry in favour of the Crown as contained in section 3 of the Napier Harbour Board Act 1876:

And whereas doubts have arisen as to the validity of the said Orders in Council, and it is expedient that they should be cancelled and provision made as hereinafter appears for the removal of the right of re-entry in favour of the Crown as hereinbefore referred to not only over the land described in the said Orders in Council, but also over the rest of the land to which such right obtained:

And whereas by Orders in Council dated 1 September 1938, and published in the *Gazette* of 8 September 1938, the vesting in the Board of the land described in subsection (5), save and excepting thereout Lot 4 as shown on a plan deposited in the Land Registry Office at Napier as Number 6634, was purported to have been cancelled, and the reservation over that land was purported to have been cancelled, and the land was purported to have been declared Crown land available for disposal under the Land Act 1924:

And whereas doubts have arisen as to the validity of the last-mentioned Orders in Council, and it is expedient that such doubts should be removed:

And whereas it is desirable that, in addition to the said Lot 4, a further area, known as Lot 7, should remain vested in the said Board and that the said Orders in Council should be amended accordingly:

Be it therefore enacted as follows:

- (1) *Amendment(s) incorporated in the Act(s).*
- (2) The said Orders in Council dated 27 July 1938 and published in the *Gazette* of 28 July 1938 cancelling the vesting in the Napier Harbour Board of the land described in subsection (4) and revesting the said land in the said Board are hereby revoked and declared to have been of no force or effect.
- (3) The said Orders in Council dated 1 September 1938 and published in the *Gazette* of 8 September 1938 are and are hereby declared to have been at all times since the date thereof effective to vest in the Crown as Crown land available for disposal under the Land Act 1924 and forever freed and discharged from the trusts and reservations imposed by section 2 of the Napier Harbour Board Act 1876 the land described in subsection (5), save and excepting thereout part of the said land, being Lots 4 and 7 as shown on a plan deposited in the Land Registry Office at Napier as Number 6634; and it is hereby further declared that the said Orders in Council are and have been of no force and effect so far as they relate to the said Lot 7, and the said Orders in Council are hereby amended accordingly.

- (4) The land to which subsection (2) relates is particularly described as follows:

All that parcel of land situate in the Town of Napier, Hawke's Bay Land District, being a public reserve known as the Pilot Reserve containing by admeasurement 2 roods and 16 perches, more or less: bounded towards the north by Waghorn Street, 110 links; towards the east by Town Section Number 518, 280 links; and towards the south-east, south-west, and north-west by Napier Harbour Board Endowment Reserve: be all the aforesaid linkages more or less: as the same is delineated on the plan marked L and S 6/10/22C, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

- (5) The land to which subsection (3) relates is particularly described as follows:

All that parcel of land situate in the Town of Napier, Hawke's Bay Land District, being a public reserve known as the Lighthouse and Signal-station Reserve, containing by admeasurement 14 acres, more or less: bounded to the north and east by Hawke Bay; to the south by Suburban Sections 69, 70, 71, 72, and 82, 3 160 links; to the west by Suburban Section 68, 535 links: as the same is delineated on the plan marked L and S 6/10/22D, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

13 Validating the payment of certain fees to the Temuka Progress League and empowering the Temuka Domain Board to make certain payments to the said League

Whereas the Temuka Domain Board authorised the Temuka Progress League to erect buildings and carry out certain improvements on a portion of the Temuka Domain for the purpose of establishing a motor camp thereon:

And whereas for the purpose of reimbursing the League, the Board agreed that the League should control the camp and collect fees from the campers:

And whereas there was no authority for the arrangement entered into between the Board and the League:

And whereas the League has collected certain fees and has incurred certain liabilities in establishing the camp:

And whereas the camp is now the property of the Crown:

And whereas it is equitable that the League should be reimbursed for the expenditure incurred in establishing the camp:

Be it therefore enacted as follows:

Notwithstanding anything to the contrary in the Public Reserves, Domains, and National Parks Act 1928, or in any other Act or rule of law, the fees received by the Temuka Progress League from campers on the Temuka Domain are hereby declared to have been lawfully received, and the Temuka Domain Board is hereby authorised and empowered to make from time to time, out of fees collected from campers on the Domain, grants to the League not exceeding in the aggregate the sum of 350 pounds.

14 Validating the sale by the State Advances Corporation of New Zealand of certain Crown land in the Southland Land District formerly vested in the State Advances Superintendent

Whereas all those parcels of land hereinafter described were purchased by the State Advances Superintendent through the Registrar of the Supreme Court on 16 October 1935:

And whereas by subsection (1) of section 5 of the Finance Act 1937 the said parcels of land were vested in His Majesty the King, and in pursuance thereof are now deemed to be Crown land subject to the Land Act 1924:

And whereas the State Advances Corporation of New Zealand established under the State Advances Corporation Act 1934–35 has been administering the property comprised in the said parcels of land:

And whereas the State Advances Corporation of New Zealand entered into an agreement with Ronald Farquhar Elder and Keith Gunn Elder, both of Gore, in New Zealand, farmers, for the sale to them of the said property:

And whereas the State Advances Corporation of New Zealand is not in a position to give title to the said property:

Be it therefore enacted as follows:

- (1) Subject to the provisions of this section, the said agreement is hereby validated and declared to have been lawfully made.
- (2) The State Advances Corporation of New Zealand is hereby authorised and empowered to execute a memorandum of transfer or such other document or documents as may be necessary to transfer the fee simple in the said parcels of land to the said Ronald Farquhar Elder and the said Keith Gunn Elder in pursuance of such agreement, and the District Land Registrar for the Land Registration District of Southland shall, on application, register any such document or documents in the appropriate Register.
- (3) The land to which this section relates is particularly described as follows:

All those parcels of land in the Hokonui District, containing together 879 acres and 31 perches, more or less, being parts of Lot 1 on a plan deposited in the Land Registry Office at Invercargill as Number 914, and being also parts of Sections 40, 129, 202, 511, 561, and 567 on the public map of the said district deposited in the office of the Chief Surveyor at Invercargill, and being all the land comprised in certificate of title, Volume 87, folio 193, Southland Registry.

15 Validating an agreement between His Majesty the King and the Auckland Harbour Board

Whereas certain land situated between King's Drive and the foreshore at Mechanic's Bay in the City of Auckland is vested in the Auckland Harbour Board:

And whereas a terminal base for the proposed air service across the Tasman Sea has been established at Mechanic's Bay:

And whereas it was necessary for His Majesty the King to have possession of portions of the said land upon which buildings and facilities for the said base could be erected and provided:

And whereas by an agreement made on 23 March 1939 between His Majesty the King and the said Board (evidenced by correspondence deposited in the office of the Air Department under number Air 35/4/3) the Board granted to His Majesty the King a year-to-year tenancy over those portions of the

land which are hereinafter described for a period not exceeding 10 years at a peppercorn rental:

And whereas there was no authority for the making of the agreement and it is desired to validate it:

Be it therefore enacted as follows:

- (1) The said agreement is hereby declared to have been lawfully made, notwithstanding anything to the contrary in the Public Bodies' Leases Act 1908 or in any other Act.
- (2) The land to which this section relates is particularly described as follows:

All those areas in the City of Auckland, containing by admeasurement 2 roods 10 perches and six-tenths of a perch and 2 perches and seven-tenths of a perch respectively, more or less, being portions of land reclaimed from the Waitemata Harbour, and being portions of the area comprised in Crown Grant Number 11499, Auckland Registry: as the same are more particularly delineated on the plan numbered 30553, deposited in the office of the Chief Surveyor at Auckland, and thereon bordered red.

16 Cancelling the reservation over certain education endowment lands in Wellington Land District, setting them apart as reserves for hospital site purposes, and vesting them in the Wairarapa Hospital Board

Whereas the lands hereinafter described are reserved as endowments for primary education:

And whereas the lands are required as additions to the site of the Masterton Public Hospital, and it is desirable that they should be set apart for hospital site purposes and vested in the Wairarapa Hospital Board:

Be it therefore enacted as follows:

- (1) The reservation as endowments for primary education over the lands hereinafter described is hereby cancelled, and the said lands are hereby set apart as reserves for hospital site purposes and vested in the Wairarapa Hospital Board in trust for such purposes.
- (2) The lands to which this section relates are particularly described as follows:

All those parcels of land in the Wellington Land District, containing by admeasurement 2 acres and 28 perches and 4 acres 3 roods and 32 perches, more or less, being parts of Section 101, Masterton Small Farm Settlement, Block I, Otahoua Survey District (part of the said land being parts of Lots 5, 6, and 11 on plan numbered 4084 deposited in the office of the District Land Registrar at Wellington), and being part of the land comprised in certificates of title, Volume 6, folio 67, and Volume 455, folio 219, respectively, and bounded as follows: towards the north-east by Blair Street; generally towards the east and north-east by Lot 1 on plan numbered 1626 deposited as aforesaid; towards the south-east by other part of the said Lot 6 on plan numbered 4084, distance 574.6 links, bearing $214^{\circ}37'$; towards the south-west by other parts of the said Lots 6, 5, and 11 on plan numbered 4084, distance 1 047 links, bearing $300^{\circ}47'15''$, and distance 165 links, bearing $342^{\circ}57'$; towards the west by the Waipoua River; again towards the west by other part of the said Section 101, Masterton Small Farm Settlement, distance 73 links, bearing $20^{\circ}04'45''$, being the production of the north-west side of Blair Street: be all the aforesaid linkages more or less: as the same are more particularly delineated on plan marked SO 20337, deposited in the office of the Chief Surveyor at Wellington, and thereon bordered red.

17 Redescribing a reserve in the Town of Oamaru and authorising the issue of a certificate of title

Whereas by Order in Council made on 10 July 1879, under the authority of section 6 of the Public Reserves Act Amendment Act 1878 and published in the *Gazette* of 17 July 1879, a reserve for municipal purposes described as Sections Numbers 20, 21, 22, 23, and 24, Block XIV, Town of Oamaru, was vested in the Corporation of the Town of Oamaru:

And whereas it has been ascertained that the area of the reserve was erroneously shown in the said Order in Council:

And whereas the Oamaru Borough Council has now applied for the issue of a certificate of title to the reserve:

Be it therefore enacted as follows:

- (1) The description of the reserve as set out in the said Order in Council is hereby cancelled, and the reserve is hereby described as follows:

All that area in the Otago Land District, containing by admeasurement 1 acre 1 rood 4 perches and sixteen one-hundredths of a perch, being Sections 20, 21, 22, 23, and 24, Block XIV, Town of Oamaru.

- (2) The District Land Registrar for the Land Registration District of Otago is hereby empowered to issue a certificate of title to agree with the description set forth in subsection (1) as if that were the original description of the land comprised in the said Order in Council.

18 Adding land to the Otaki Domain

Whereas the land hereinafter described was acquired under the provisions of the Housing Act 1919:

And whereas the land is not required for the purpose of housing:

And whereas it is desirable that the land should be added to the Otaki Domain:

Be it therefore enacted as follows:

- (1) The land described in subsection (2) is hereby declared to be no longer subject to the Housing Act 1919 and is hereby declared to be vested in His Majesty the King as a recreation reserve, to be subject to the provisions of Part 2 of the Public Reserves, Domains, and National Parks Act 1928 and to form portion of the Otaki Domain.

- (2) The land to which this section relates is particularly described as follows:

All that parcel of land in the Wellington Land District, in the Borough of Otaki, containing by admeasurement 1 acre 1 rood 31 perches and seven-tenths of a perch, more or less, being part of Waerenga No 1 Block, situated in Block IX, Waitohu Survey District, and being more particularly Lot 6 on plan numbered 20181, deposited in the office of the Chief Surveyor at Wellington.

19 Authorising the Minister of Lands to approve the adjustment of liabilities of Crown tenants in certain cases

Whereas by section 77 of the Mortgagors and Lessees Rehabilitation Act 1936 it is provided that, notwithstanding anything to the contrary in any Act, the Crown, or any person acting for and on behalf of the Crown, may agree to an adjustment of the liabilities of any mortgagor, lessee, or guarantor in accordance with the provisions of that Act:

And whereas certain adjustments of liabilities have been agreed upon between the Crown and individual applicants under that Act, but as a result of the applicants filing notices of withdrawal of their respective applications no orders of the Court of Review have been made confirming the terms of the adjustments of liabilities agreed upon:

Be it therefore enacted as follows:

- (1) Where an agreement has been entered into between the Crown and any applicant under the Mortgagors and Lessees Rehabilitation Act 1936 pursuant to the provisions of section 77 of that Act and such agreement has not been embodied in an order of the Court of Review, the adjustment agreed upon with respect to the applicant's liabilities to the Department of Lands and Survey may be approved by the Minister of Lands, and thereafter such adjustment shall be as binding and effective as if it had been embodied in an order made and sealed by the Court of Review.
- (2) Where an adjustment of liabilities approved by the Minister of Lands in accordance with the provisions of this section affects any land under the Land Transfer Act 1915, the Commissioner of Crown Lands shall forward to the District Land Registrar a certificate under his hand setting forth particulars of the adjustment in so far as it affects the title to the said land, and the District Land Registrar shall thereupon, without fee, enter a memorandum thereof in the Register and on all relevant instruments of title.

20 Authorising exchange of part of Hamilton Domain for certain land vested in the Hamilton Borough Council

Whereas the Hamilton Borough Council desires to exchange the land described in subsection (5) for the land described in

subsection (6), which last-mentioned land is part of a public domain under Part 2 of the Public Reserves, Domains, and National Parks Act 1928:

And whereas the land described in subsection (6) is included in Schedule 1 of the Hamilton Domains Act 1911 and is subject to the provisions of section 2 of that Act:

And whereas it is desirable that on such exchange being effected the land described in subsection (5) should be brought under the provisions of section 2 of the Hamilton Domains Act 1911 but there is no statutory authority enabling such last-mentioned land to be brought under the provisions of the said section 2:

Be it therefore enacted as follows:

- (1) The vesting in the Corporation of the Borough of Hamilton of the land described in subsection (5) is hereby cancelled and the land is hereby vested in His Majesty the King and declared to form part of the Hamilton Domain under Part 2 of the Public Reserves, Domains, and National Parks Act 1928 to be administered by the Hamilton Domain Board under the provisions of that Act and subject to section 2 of the Hamilton Domains Act 1911. The District Land Registrar of the Land Registration District of Auckland is hereby empowered and directed to cancel all existing titles to the said land and to issue a certificate of title in respect thereof in the name of His Majesty the King free of all encumbrances with the exception of a memorial that the said land is subject to Part 2 of the Public Reserves, Domains, and National Parks Act 1928 and section 2 of the Hamilton Domains Act 1911.
- (2) Schedule 1 of the Hamilton Domains Act 1911 is hereby extended by incorporating therein a reference to the land described in subsection (5), and that land may be dealt with accordingly in the manner prescribed by section 2 of that Act.
- (3) The reservation over the land described in subsection (6) for the purpose of public recreation is hereby cancelled and the land is hereby vested in the Corporation of the Borough of Hamilton for an estate in fee simple as an endowment in aid of the borough funds; and the District Land Registrar of the Land Registration District of Auckland is hereby empowered

and directed to cancel all existing titles to the said land and to issue a certificate of title in respect thereof to the Corporation of the Borough of Hamilton as an endowment in aid of the borough funds.

- (4) *Amendment(s) incorporated in the Act(s).*
- (5) The land to which subsection (1) relates is particularly described as follows:

All that piece or parcel of land in the Auckland Land District, containing 18 perches and four-tenths of a perch, more or less, situated in the Borough of Hamilton, being Lot 7 on a plan deposited in the Land Registry Office at Auckland as Number 9051, being part of Allotment Number 1 of the Parish of Te Rapa, and being the whole of the land comprised in certificate of title, Volume 670, folio 180, Auckland Registry.

- (6) The land to which subsection (2) relates is particularly described as follows:

All that piece or parcel of land in the Auckland Land District containing 1 acre, more or less, situated in the Borough of Hamilton, and being Section 350, Town of Hamilton West.

21 Revoking reservations over certain education endowment lands and declaring them to be subject to the Scenery Preservation Act 1908

Whereas the lands described in the Schedule are vested in the Crown as education endowments:

And whereas it is desirable that those lands should be reserved as scenic reserves under and subject to the provisions of the Scenery Preservation Act 1908:

Be it therefore enacted as follows:

Notwithstanding anything to the contrary in any Act, the existing reservations over the lands described in the Schedule are hereby revoked, and the said lands are hereby declared to be scenic reserves under and subject to the provisions of the Scenery Preservation Act 1908.

22 Vesting land in the Corporation of the County of Clutha with power to lease the same, and provisions incidental thereto

[Repealed]

Section 22: repealed, on 26 August 1981, by section 6 of the Clutha County Council (Port Molyneux Reserve) Empowering Act 1981 (1981 No 3 (L)).

23 Providing for the readjustment of leases and licences consequent on the alteration of boundaries of certain holdings

[Repealed]

Section 23: repealed, on 1 April 1949, by section 185(1) of the Land Act 1948 (1948 No 64).

24 Adding land to the Massey Park Domain

Whereas the land hereinafter described was at one time portion of the Massey Park Domain:

And whereas by section 8 of the Reserves and other Lands Disposal Act 1927 the reservation for public domain purposes over the said land was cancelled and the area declared to be available for disposal by way of sale for cash under the provisions of the Land Act 1924:

And whereas the said land has not been sold, and it is now found to be desirable that the said land should again form portion of the domain in order that it may be developed and used for recreation purposes:

Be it therefore enacted as follows:

- (1) The land hereinafter described is hereby declared to be set apart as a reserve for recreation purposes, to be subject to the provisions of Part 2 of the Public Reserves, Domains, and National Parks Act 1928, and to form portion of the Massey Park Domain.
- (2) *Amendment(s) incorporated in the Act(s).*
- (3) The land to which this section relates is particularly described as follows:

All that area in the North Auckland Land District containing by admeasurement 1 acre 3 roods, more or less, being part of Allotment 73, Village of Waiuku, and bounded as fol-

lows: towards the east by Queen Street, 552.35 links and 175.97 links; towards the south by Belgium Street, 463.73 links; and towards the north-west by the Paerata–Waiuku Railway, taken by Proclamation dated 6 June 1917 and published in the *Gazette* of 14 June 1917, 129.17 links and 749.97 links: be all the aforesaid linkages a little more or less: as the same is more particularly delineated on the plan numbered 24305, deposited in the office of the Chief Surveyor at Auckland, and thereon bordered red.

25 Validating certain decisions of the Dominion Revaluation Board and validating the registration of relevant certificates

Whereas the Discharged Soldiers Dominion Revaluation Board (hereinafter referred to as the **said Board**), acting pursuant to the provisions of the Discharged Soldiers Settlement Amendment Act 1923, has granted concessions to various mortgagors, lessees, and licensees:

And whereas it is provided in that Act that in the event of any concessions being granted by the said Board then such concessions are to take effect as from certain dates referred to in the Act:

And whereas the said Board has granted reductions, revaluations, and other concessions not in accordance with the provisions of the Discharged Soldiers Settlement Amendment Act 1923, and such acts of the Board are void for want of statutory authority:

Be it therefore enacted as follows:

- (1) All acts and decisions of the said Board in connection with the adjustment of mortgages or of the capital values of leases or licences or in respect of any other matter shall be deemed to have been lawfully done and made according to their tenor.
- (2) Any certificate signed by a Commissioner of Crown Lands and already registered by any District Land Registrar which purports to be in terms of section 15 of the Discharged Soldiers Settlement Amendment Act 1923 and which sets forth particulars as to any reduction made pursuant to the said Act in the capital value of any land, or in the rental payable under any

lease or licence, or in the amount of any mortgage, or as to the extension of any term, or as to any other matter arising out of the said Act, and which sets out a date from which any of the said matters shall be effective which is not in accordance with the provisions of the said Act, is hereby validated and declared to have been lawfully made, and it shall not be necessary for any further memorial to be noted by any District Land Registrar against any lease, licence, or certificate of title so affected to give effect to this section.

- (3) The District Land Registrar, on receipt of a certificate signed by a Commissioner of Crown Lands setting forth any particulars as to any reduction in the capital value of any land or in the rental payable under any lease or licence pursuant to any decision of the said Board hereby validated, shall endorse without payment of any fee a memorial of such certificate on the registered copy of the lease or licence, as the case may require.

26 Authorising the taking of certain land in the Town of Palmerston North as for railway purposes, and the vesting of portions in the Palmerston North City Council, and provisions incidental thereto

Whereas certain land has been taken or acquired for railway purposes in connection with the proposed railway station at Palmerston North on the Palmerston North deviation of the Wellington to New Plymouth line of railway:

And whereas it is considered desirable to take the whole or part of the land specified in subsection (5) for the purposes more particularly specified in subclause (2):

And whereas it is deemed expedient that the whole of the land necessary for such purposes should be taken as for a public work under the Public Works Act 1928 and that such land when taken shall be deemed to have been taken for the purposes of a railway within the meaning of the said Act to the end that the compensation to be paid for the land so taken shall not include any increase in the value of such land that shall be caused or be likely to be caused by the construction of the said railway deviation and the said railway station:

And whereas the Mayor, Councillors, and Citizens of the City of Palmerston North (hereinafter referred to as the **Corpor-**

ation) have requested that part of the said land, together with certain lands of the Crown being lands previously taken or acquired for railway purposes, should be vested in the Corporation in trust for the purposes hereinafter appearing:

And whereas it is desired to comply with such request and to make provision for the payment in instalments by the Corporation to the Railways Department of the cost of the portions of the land to be paid for by the Corporation:

Be it therefore enacted as follows:

- (1) The Governor-General may take the whole or any part of the lands specified in subsection (5) as for a public work under the Public Works Act 1928 and such land when taken shall be deemed to have been taken for the purposes of the Palmerston North deviation of the Wellington to New Plymouth line of railway.
- (2) The Governor-General may by Proclamation vest the whole or any portion or portions of the land specified in subsection (5), together with certain lands of the Crown as hereinbefore mentioned, in the Corporation in trust for the purposes of or in connection with the construction of streets to serve the said proposed railway station and an overhead bridge across the line of railway, and also for the purposes of beautifying the environs of the station and providing recreation grounds and playing areas in close proximity thereto, or for any similar purposes, subject to such conditions as the Minister of Railways deems fit to impose for the purpose of ensuring that the land so vested shall remain public in character; and in particular, but without limiting the generality of this provision, subject to the condition that no building, structure, or erection of any kind shall be built, erected, or placed upon the said land without his previous written consent. The powers conferred upon the Governor-General by this subsection are in addition to and not in derogation of any other powers conferred upon him by the Public Works Act 1928 or any other Act.
- (3) Upon receipt from the Minister of Railways of a certified plan defining the land vested in the Corporation pursuant to this section the District Land Registrar for the Land Registration District of Wellington shall thereupon, without further authority than this section, issue to the Corporation a certificate of

title in the name of the Corporation for the land so defined, subject to such conditions as may be endorsed by the Minister on the plan or contained in a memorandum delivered to the Registrar with the plan.

- (4) The Corporation is hereby empowered to pay its share of the cost of acquiring the land vested in it, together with interest on the amount of such cost, to the Railways Department in annual instalments spread over a period of not more than 6 years.
- (5) The land to which this section relates other than the lands of the Crown hereinbefore referred to is particularly described as follows:

All that area in the Kairanga County containing by admeasurement 17 acres and 15 perches and nine-tenths of a perch, more or less, being parts of Allotments 3 and 4, DP 256, of Section 422, Town of Palmerston North, and being all the land comprised and described in certificates of title, Volume 30, folios 251 and 252, Wellington Registry: as the same is more particularly delineated on the plan marked LO 5867, deposited in the office of the Minister of Railways, at Wellington, and thereon coloured yellow.

27 Authorising Auckland City Council to accept surrender of a lease over portion of the Auckland Domain and to grant to the Auckland Bowling Club a new lease of such land and of another portion of the Domain

[Repealed]

Section 27: repealed, on 16 December 1987, by section 15 of the Auckland Domain Act 1987 (1987 No 7 (L)).

Schedule

Lands to which section 21 relates

North Auckland Land District

All those areas in Mangonui County containing by admeasurement 652 acres 2 roods 18 perches, more or less, situated in Block I, Maungataniwha Survey District, being part of Allotment 41 (Secondary Education Endowment, *Gazette*, 1878, page 1780), part of Allotment 41 (Primary Education Endowment, *Gazette*, 1878, page 1775), and Allotments 40 and 30 (Primary Education Endowments, *Gazettes*, 1888, page 1348, and 1889, page 1083), Oruru Parish, and being all the land comprised in certificate of title, Volume 274, folio 52, Auckland Registry: As the same are more particularly delineated on the plan marked L and S 27/118, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red. (North Auckland Plan 19133.)

All that area in Waitemata County containing by admeasurement 96 acres 2 roods 17 perches, more or less, being part of Allotment 305, Pukeatua Parish (Primary Education Endowment, *Gazette*, 1878, page 1775), and being the residue of the land comprised in certificate of title, Volume 6, folio 21, Auckland Registry; also all that area in Waitemata County, containing by admeasurement 1 acre 1 rood 34 perches, more or less, being Allotment 367, Pukeatua Parish (Primary Education Endowment, *Gazette*, 1920, page 487): As the same are more particularly delineated on the plan marked L and S 4/865, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red. (SO Plans 904 and 20405.)

All that area in Whangarei County containing by admeasurement 365 acres, more or less, being Section 16, Block II, Opuawhanga Survey District (Primary Education Endowment, *Gazette*, 1905, page 4), and being all the land comprised in certificate of title, Volume 191, folio 183, Auckland Registry: As the same is more particularly delineated on the plan marked L and S 4/781, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red. (North Auckland Plan SO 12651.)

Taranaki Land District

All that area in Patea County containing by admeasurement 1 076 acres 2 roods 35 perches, more or less, being part of Section 2, Block VIII, Opaku Survey District (Primary Education Endowment, *Gazette*, 1900, page 1872), and Section 11, Block VIII, Opaku Survey District (Primary Education Endowment), and being all the land comprised in certificate of title, Volume 69, folio 10, Taranaki Registry: As the same is more particularly delineated on the plan marked L and S 4/54, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

Southland Land District

All that area in Southland County containing by admeasurement 16 acres 2 roods 12 perches, more or less (Primary Education Endowment, *Gazette*, 1878, page 841), being part of Lot 5, DP 2771, being also part of Section 1, Block VI, Wyndham Survey District, and being part of the land comprised in certificate of title, Volume 97, folio 7, Southland Registry, and bounded as follows: commencing at the north-west corner of Lot 7, DP 2771; thence in a southerly and easterly direction along the west and south boundaries of the said Lot 7, 353.3 and 859.8 links respectively, to a public road; thence in a southerly direction generally along the said road, 10.9, 237.0, and 294.4 links respectively; thence by right lines as follows: 236°21', 1 754.0 links; 250°48'30", 665.3 links; 309°49', 373.0 links; 38°28'20", 378.3 links; 95°57', 384.4 links; 24°39', 425.2 links; 73°30'10", 425.6 links; 18°7'10", 583.0 links; and 32°0'59", 568.1 links, to the point of commencement: be all the aforesaid measurements a little more or less: As the same is more particularly delineated on the plan marked L and S 4/856, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

Contents

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 - 2 Status of reprints
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Notes**1 *General***

This is a reprint of the Reserves and other Lands Disposal Act 1939. The reprint incorporates all the amendments to the Act as at 16 December 1987, 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)*

Auckland Domain Act 1987 (1987 No 7 (L)): section 15

Clutha County Council (Port Molyneux Reserve) Empowering Act 1981 (1981 No 3 (L)): section 6

Land Act 1948 (1948 No 64): section 185(1)
