

**Reprint
as at 1 April 1953**



**Reserves and other Lands Disposal
Act 1941**

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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 1941.

2 Validating a certain payment to the Waimairi County Council

Whereas section 14 of the Reserves and other Lands Disposal Act 1934 cancelled the reservation over certain reserves in the Fendalton Riding of the Waimairi County, and declared such lands to be Crown land available for disposal by way of sale for cash under the Land Act 1924 but subject to the special provisions set forth in subsection (2) of the said section 14 for the disposition of the proceeds from any sale of such lands:

And whereas by Proclamation published in the *Gazette* of 14 November 1940, Reserve 4196, Block X, Christchurch Survey District, containing an area of 3 roods 9 perches and six-tenths of a perch, and being portion of the lands hereinbefore referred to, was declared to be set apart for the purposes of Part 1 of the Housing Act 1919:

And whereas in respect of such transaction the sum of 780 pounds was on 7 November 1940 paid out of the Land for Settlements Account to the Waimairi County Council, such payment purporting to be made under the authority of the said subsection (2) of section 14 of the Reserves and other Lands Disposal Act 1934:

And whereas doubts have arisen as to whether the setting apart of such land for housing purposes was a sale of land, and whether such payment was lawfully made:

And whereas it is desirable that such doubts should be removed:

Be it therefore enacted as follows:

The setting apart of Reserve 4196, Block X, Christchurch Survey District, for the purposes of Part 1 of the Housing Act 1919, by the Proclamation published in the *Gazette* of 14 November 1940, shall, for the purposes of section 14 of the Reserves and other Lands Disposal Act 1934, be deemed to have been a sale of land, and the aforesaid payment of the sum of 780 pounds to the Waimairi County Council is hereby validated and declared to have been lawfully made to and received by the said Council.

3 Cancellling the reservation over certain provisional State forest land in Nelson Land District, setting it apart as a reserve for water supply purposes, and vesting it in the Corporation of the City of Nelson

Whereas the land hereinafter described is a provisional State forest reserve set apart by Proclamation published in the *Gazette* of 8 July 1920 and is subject to the provisions of the Forests Act 1921–22:

And whereas the land is required as an addition to the water supply areas vested in and owned by the Corporation of the City of Nelson (hereinafter called the **Corporation**), and it is desirable that the said land should be set apart for water supply purposes and vested in the Corporation:

Be it therefore enacted as follows:

- (1) The reservation for provisional State forest purposes over the land hereinafter described is hereby cancelled, and the said land is hereby set apart as a reserve for water supply purposes and vested in the Corporation in trust for such purposes.
- (2) The land to which this section relates is particularly described as follows:

All that area in the Nelson Land District, containing by ad-measurement 734 acres, more or less, being Section 9, Block VIII, Waimea Survey District: as the same is more particularly delineated on the plan marked L and S 4/744, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red (Nelson plan SO 7563).

4 Cancellling the reservation over certain education endowment lands in North Auckland Land District and setting them apart for defence purposes

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

And whereas the said lands are required for defence purposes, and it is expedient that they should be set apart accordingly:

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 for defence purposes.

- (2) The lands to which this section relates are particularly described as follows:

All that area in the North Auckland Land District, containing by admeasurement 2 acres 2 roods 38 perches, more or less, being portion of Allotment 57, Pakuranga Parish, being all the land in Deposited Plan Number 2574, and being all the land comprised in certificate of title, Volume 107, folio 114, Auckland Registry.

Also all that area in the North Auckland Land District, containing by admeasurement 119 acres, more or less, being Allotment 56, Pakuranga Parish, and being all the land comprised in certificate of title, Volume 285, folio 15, Auckland Registry.

As the same are more particularly delineated on the plan marked L and S 6/3/449, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red and blue respectively (Auckland plans SO 20239 and 30219).

5 Vesting certain land at Seacliff, Otago Land District, in His Majesty as a public domain

Whereas in or about the year 1906 public subscriptions were raised for the purchase for recreation purposes of the land at Seacliff hereinafter described, but no steps were taken to establish public ownership over the area:

And whereas the said land is now held by the Public Trustee as Administrator of the estate of the late Sir Frederick Truby King:

And whereas the Public Trustee recognises a trust with respect to the said land, but is unable to decide who are the beneficiaries thereunder:

And whereas it has been ascertained that the wishes of the majority of the residents of Seacliff will be met if the land is made a public domain:

And whereas under the circumstances it is desirable to make suitable provision in that behalf:

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 public domain under and

subject to the provisions of Part 2 of the Public Reserves, Domains, and National Parks Act 1928, and shall hereafter be known as the Seacliff Domain.

(2) The District Land Registrar for the Land Registration District of Otago is hereby directed to make such entries in the register book and in the outstanding certificate of title for the said land 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 that area in the Otago Land District, containing by admeasurement 3 roods 18 perches and eighty-five hundredths of a perch, more or less, being Allotment 4 and part of Allotment 1, Township of Seacliff Extension Number 1, Deposited Plan 1937, being a subdivision of part of Section 34, Block III, Waikouaiti Survey District, and being all the land comprised in certificate of title, Volume 256, folio 79, Otago Registry: as the same is delineated on the plan marked L and S 1/1089, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

6 Special provision with respect to maternity hospital site, Waitara

Whereas the land hereinafter described was set apart in the Town of Waitara East as an endowment in aid of the Town Board funds by a Warrant published in the *Gazette* of 15 January 1885 and later became vested in the Corporation of the Borough of Waitara:

And whereas by Proclamation published in the *Gazette* of 30 January 1941 the said land was taken for a maternity hospital, and thereby became vested in the Taranaki Hospital Board as from 3 February 1941:

And whereas in view of the purpose for which the land was required the Waitara Borough Council agreed to forego any claim for compensation for the taking of the said land and its vesting in the Hospital Board:

And whereas it is desirable to validate the Council's action in that respect:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act or rule of law the action of the Waitara Borough Council in foregoing as aforesaid any claim for compensation in respect of the taking for a maternity hospital of the land hereinafter described is hereby validated.
- (2) The land to which this section relates is described as follows:
All that area in the Taranaki Land District, containing by admeasurement 1 acre 1 perch and forty-four hundredths of a perch, more or less, and being Sections 1, 2, 3, and 4, Block XL, Town of Waitara East.

7 Certain education endowment lands in Southland Land District declared to be subject to the Tourist and Health Resorts Control Act 1908

Whereas the lands hereinafter described are vested in the Crown as endowments for primary education:

And whereas the said lands are required for general purposes in connection with the tourist traffic at Lake Te Anau and in its vicinity, and it is desirable therefore that the said lands should be brought under the provisions of the Tourist and Health Resorts Control Act 1908:

Be it therefore enacted as follows:

- (1) The reservation as an endowment for primary education over the lands hereinafter described is hereby cancelled, and notwithstanding anything to the contrary in the Education Reserves Act 1928, or in any other Act, the control of the said lands is hereby declared to be vested in the Minister charged with the administration of the Tourist and Health Resorts Control Act 1908, and the said lands shall hereafter be administered under the provisions of such last-mentioned Act.
- (2) The lands to which this section relates are particularly described as follows:
All those areas in the Southland Land District, containing together by admeasurement 248 acres and 32 perches, more or less, being Lots 1 to 6, both inclusive, 8, 11 to 17, both inclusive, and 21 to 28, both inclusive, Block II, and Lots 1, 2,

4 to 12, both inclusive, and the north-western part of Lot 3, Block III, Township of Marakura, DP 280, and being also part of Run 301B, Block I, Manapouri Survey District: as the same are more particularly delineated on the plan marked L and S 20/857, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

8 Vesting certain land in Greymouth Harbour Board as endowment

- (1) The land hereinafter described is hereby vested in the Greymouth Harbour Board in trust, without power of sale, as an endowment for harbour purposes.
- (2) The land to which this section relates is particularly described as follows:

All that area in the Borough of Greymouth, Westland Land District, containing by admeasurement 11 acres 3 roods 34 perches and five-tenths of a perch, more or less, being Reserve 1778, Block XII, Greymouth Survey District.

Also all that area in the Borough of Greymouth, Westland Land District, containing by admeasurement 12 acres 8 perches and one-tenth of a perch, more or less, being Reserve 1779, Block XII, Greymouth Survey District: as the same are more particularly delineated on the plan marked L and S 22/2759, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

9 Cancelling the reservation as an endowment for secondary education over certain land in the City of Auckland and adding the said land to the Avondale Domain

Whereas the land hereinafter described is reserved as an endowment for secondary education:

And whereas it is desirable that the reservation over the said land should be cancelled and that the said land should be brought under the provisions of Part 2 of the Public Reserves, Domains, and National Parks Act 1928 as an addition to the Avondale Domain:

Be it therefore enacted as follows:

- (1) The reservation as an endowment for secondary education over the land hereinafter described is hereby cancelled, and the said land is hereby declared to be reserved 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 Avondale Domain.
- (2) The land to which this section relates is particularly described as follows:

All that area in the City of Auckland, North Auckland Land District, situated in Block VII, Titirangi Survey District, containing by admeasurement 1 acre 1 perch and nineteen-hundredths of a perch, being Lots 1 to 5 on Deposited Plan 20399, being part Allotments 213, 214, 282, and 362, Education Reserves, Whau Township South: as the same is more particularly delineated on the plan marked L and S 1/641A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

10 Adjusting boundary between Section 3, Block VIII, Thames Survey District, and Tupanaki No 2 Block

Whereas on 28 March 1907 the Auckland Land Board issued a lease in perpetuity under section 157 of the Land Act 1892 over an area of 300 acres described as Section 3, Block VIII, Thames Survey District, and the said lease is now held by Henry Percival Hansen, of Thames, farmer:

And whereas, on account of the Wharehoe Stream having been mutually adopted as the boundary between the said Section 3 and adjoining Maori land, known as the Tupanaki Number 2 Block, 3 small portions as hereinafter described of that block were included in the land leased as aforesaid:

And whereas the said Henry Percival Hansen has made application to purchase the fee simple of the land described in the said lease:

And whereas the interests of the Maoris in Tupanaki Number 2 Block have been acquired by Henry Lowe, of Thames, butcher, but a conveyance of the said block has not been registered:

And whereas it is desirable that the inclusion of portions of Tupanaki Number 2 Block in Section 3, Block VIII, Thames Survey District, should be validated:

And whereas it is also desirable that the said Henry Lowe should be granted as compensation certain adjoining areas of Crown land and that the said areas should be included in the said Tupanaki Number 2 Block:

And whereas the said Henry Lowe has agreed to such adjustment of areas:

Be it therefore enacted as follows:

(1) Those portions of Tupanaki Number 2 Block described in subsection (3) shall be deemed to have been included in and to have formed part of Section 3, Block VIII, Thames Survey District, as from 27 March 1907.

(2) The Crown land described in subsection (4) shall be deemed to have been included in and to have formed part of Tupanaki Number 2 Block as from 27 March 1907.

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

All those areas in the Auckland Land District, being parts of Tupanaki Number 2 Block, containing 2 roods and 30 perches, 1 acre 3 roods 30 perches, and 10 perches, respectively, more or less, and being parts of the land in Deeds Index 2D, folio 186, Auckland Registry: as the same are more particularly delineated on the plan numbered 30990, deposited in the Office of the Chief Surveyor at Auckland, and thereon coloured purple.

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

All those areas in the Auckland Land District containing 6 acres 1 rood, more or less, being Section 22, Block VIII, and Sections 16, 17, and 18, Block IX, Thames Survey District.

Section 10: amended, on 27 November 1947, pursuant to section 2(2) of the Maori Purposes Act 1947 (1947 No 59).

11 Establishing Savage Private Burial-ground and Memorial Park at Bastion Point, Auckland, and provisions incidental thereto

Whereas by Proclamation dated 16 June 1887, and published in the *Gazette* of 23 June, an area of 13 acres and 4 perches at Bastion Point, Auckland, was taken for defence purposes and became vested in His Majesty the King:

And whereas by Proclamation dated 7 February 1930, and published in the *Gazette* of 13 February, an area of 1 rood and 4 perches of the land taken as aforesaid was proclaimed as a street:

And whereas by Proclamation dated 21 March 1934, and published in the *Gazette* of 29 March, an area of 1 acre and 12 perches of the land taken as aforesaid was declared to be Crown land subject to the Land Act 1924:

And whereas the Governor-General, purporting to act under the authority of the Cemeteries Act 1908, did by Warrant under his hand dated 28 March 1940 declare portion of the said land as described in the Schedule of the said Warrant to be a private burial ground to be called and known by the name of "The Private Burial-ground of the Right Honourable Michael Joseph Savage":

And whereas it is fitting and desirable that the said Warrant should be validated, that a suitable portion of the said land should remain vested in His Majesty appropriated as a burial ground for the said Michael Joseph Savage and as a site for a memorial to him, and that another portion of the said land, together with some adjoining Crown land, should be set apart for recreation purposes:

And whereas for the better carrying out of these matters it is expedient and desirable that the reservation for defence purposes of the residue of the land taken by the Proclamation aforesaid should be revoked and that other provision should be made as hereinafter appears:

Be it therefore enacted as follows:

- (1) The Warrant dated 28 March 1940, as hereinbefore referred to, shall be and be deemed at all times since the date thereof to have been valid and of full force and effect according to

its tenor, but shall from the date of the passing of this Act be deemed to be cancelled.

- (2) The reservation for defence purposes of the residue of the land taken by the Proclamation dated 16 June 1887, as hereinbefore referred to, is hereby revoked.
- (3) The area described in subsection (6) being portion of the land over which the reservation for defence purposes is revoked by the last preceding subsection, shall be and remain vested in His Majesty as a burial ground for the said Michael Joseph Savage and as a site for a memorial to him. Section 60 of the Cemeteries Act 1908 shall not apply to the establishment of the said burial ground, and no body other than that of the said Michael Joseph Savage shall be buried therein.
- (4) The area firstly described in subsection (7), being portion of the land over which the reservation for defence purposes is revoked by subsection (2), together with the areas of Crown land secondly and thirdly described in the said subsection, is hereby declared to be reserved 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 Orakei Domain.
- (5) Notwithstanding anything contained in the last preceding subsection, the areas described in subsections (6) and (7) shall together be called and known by the name of “The M. J. Savage Memorial Park”.
- (6) The land to which subsection (3) relates is particularly described as follows:

All that area in the City of Auckland, North Auckland Land District, containing by admeasurement 2 perches and four-tenths of a perch, more or less, being part of the land described in Proclamation Number 905, Auckland Registry, and being also part of the Orakei Block: as the same is more particularly shown on the plan numbered 32269, deposited in the Office of the Chief Surveyor at Auckland, and thereon coloured purple.
- (7) The land to which subsection (4) relates is particularly described as follows:

Firstly, all that area in the City of Auckland, North Auckland Land District, containing by admeasurement 10 acres

4 perches and eight-tenths of a perch, more or less, being part of the land described in Proclamation Number 905, Auckland Registry, and being also part of the Orakei Block: as the same is more particularly shown on the plan numbered 32269, deposited in the Office of the Chief Surveyor at Auckland, and thereon bordered yellow;

Secondly, all that area in the City of Auckland, North Auckland Land District, containing by admeasurement 6 acres 3 roods and three-tenths of a perch, more or less, being part of the land comprised in certificate of title, Volume 276, folio 295, Auckland Registry, and being part of Orakei 4B Block; and

Thirdly, all that area in the City of Auckland, North Auckland Land District, containing by admeasurement 1 acre 32 perches and one-tenth of a perch, more or less, being part of the land comprised in certificate of title, Volume 276, folio 295, Auckland Registry, and being part of Orakei 4C Block: the land secondly and thirdly described being more particularly shown on the plan numbered 32269, deposited in the Office of the Chief Surveyor at Auckland, and thereon bordered red.

12 **Validating the sale by the Westport Borough Council of a certain pleasure ground area**

Whereas by the Westport Public Parks Vesting Act 1913 an area of 12 acres 1 rood and 37 perches was vested in the Mayor, Councillors, and Burgesses of the Borough of Westport as a pleasure ground:

And whereas by the Westport Technical School Site Act 1919 and section 142 of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1924, certain portions of the said pleasure ground totalling 7 acres 3 roods and 33 perches were vested for school purposes in the Education Board of the District of Nelson (hereinafter referred to as the **Board**):

And whereas the land hereinafter described forms the remaining portion of the said pleasure ground:

And whereas the Westport Borough Council (hereinafter referred to as the **Council**) has sold the said land to the Board for school purposes and has executed a memorandum of transfer

of the said land dated 21 January 1941 and the said memorandum of transfer is lodged for registration in the Land Transfer Office at Nelson as Number 31490:

And whereas there is no authority enabling the said land to be sold and it has therefore not been possible to obtain registration of the said memorandum of transfer:

And whereas it is desirable that the sale of the said land should be validated and that the District Land Registrar should be empowered to register the said memorandum of transfer:

And whereas it is also desirable that the proceeds of sale should be held by the Council and applied towards the purchase of other reserves:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act, the sale by the Council to the Board of the land hereinafter described is hereby validated and the said land is hereby freed and discharged from the trusts, reservations, and restrictions heretofore affecting the same.
- (2) The net proceeds of such sale shall be held and applied by the Council towards the purchase of land for recreation purposes.
- (3) The District Land Registrar of the Nelson Land Registration District is hereby empowered to register the memorandum of transfer Number 31490 hereinbefore referred to, and to make such endorsements on the certificate of title in respect of the said land as may be necessary to give effect to the provisions of this section.
- (4) The land to which this section relates is particularly described as follows:

All that area in the Nelson Land District being portion of Section 1002, Town of Westport, containing 4 acres 2 roods and 4 perches, more or less: Bounded towards the north by Section 12, Block III, Kawatiri Survey District, 744 links; towards the east by Domett Street, 625 links; towards the south by Orowaiti Road, 785.6 links; and towards the west generally by another portion of Section 1002, 481.6 links, 76.1 links, and 127.5 links: as the same is more particularly delineated on a plan numbered 3055, deposited in the office of the Dis-

trict Land Registrar at Nelson, and thereon in outline edged green.

13 Cancelling reservation over certain lands and setting them apart as additions to Rotorua Public School site

Whereas by Warrant published in the *Gazette* of 12 April 1883, portion of Block LVIII, Town of Rotorua, was set apart for the purpose of a park or domain for the public use and enjoyment of the inhabitants of the Town of Rotorua:

And whereas by Warrant published in the *Gazette* of 23 March 1905, Section 3, Block LVIII, Town of Rotorua, was set apart as a hospital reserve:

And whereas both of the said pieces of land were by Order in Council published in the *Gazette* of 12 March 1908, brought under the operation of the Tourist and Health Resorts Control Act 1906:

And whereas by section 32 of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1917 and by section 96 of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1920 certain portions of both the aforesaid reserves were set apart as additions to the Rotorua Public School site:

And whereas it is now desirable that further portions of the said reserves should be added to the said school site:

Be it therefore enacted as follows:

- (1) The reservation for the purpose of a park or domain over the land firstly described in subsection (3) and the reservation for the purpose of a hospital reserve over the land secondly described in the said subsection are hereby cancelled, and the said lands are hereby declared to be no longer subject to the Tourist and Health Resorts Control Act 1908.
- (2) The said lands are hereby set apart as a site for a public school, and vested in the Education Board of the District of Auckland.
- (3) The lands to which this section relates are more particularly described as follows:

Firstly, all that area in the Auckland Land District, containing by admeasurement 1 rood 12 perches, more or less, being Part Pukeroa Recreation Reserve and now known as Section 11,

Block LVIII, Rotorua Town: as the same is more particularly delineated on the plan marked L and S 6/6/254A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red (Auckland plan SO 31362).

Secondly, all that area in the Auckland Land District, containing by admeasurement 2 roods 36 perches, more or less, being Part Section 3 of Block LVIII, Rotorua Town: Bounded on the east by Rangiuru Street, 151.52 links; on the south by Part Section 3 of Block LVIII, 480 links; on the west by Section 11 of Block LVIII, 151.52 links; and on the north by Part Section 3 of Block LVIII, 480 links: as the same is more particularly delineated on the plan marked L and S 6/6/254B, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered yellow (Auckland plan SO 31362).

14 Cancellling the reservation as an endowment for primary education over certain land in the Town of Opuā, and adding the said land to the Opuā Domain

Whereas the land hereinafter described is reserved as an endowment for primary education:

And whereas it is desirable that such reservation should be cancelled and that the said land should be brought under the provisions of Part 2 of the Public Reserves, Domains, and National Parks Act 1928 as an addition to the Opuā Domain:

Be it therefore enacted as follows:

- (1) The reservation as an endowment for primary education over the land hereinafter described is hereby cancelled, and the said land is hereby declared to be reserved 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 Opuā Domain.
- (2) The land to which this section relates is particularly described as follows:

All that area in the Bay of Islands County, North Auckland Land District, situated in Block V, Russell Survey District, containing by admeasurement 1 acre and 1 rood, more or less, being Sections 1, 2, 3, 18, and 19, Block XV, Town of Opuā, and being part of the land comprised in certificate of title, Vol-

ume 191, folio 181, Auckland Registry: as the same is more particularly delineated on the plan marked L and S 1/1087, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

15 Validating certain expenditure by trustees of will of the late Sir John Logan Campbell and authorising further expenditure of trust funds

The expenditure by the trustees of the will of the late Sir John Logan Campbell of the sum of 562 pounds 14 shillings and 10 pence in order to comply with the requirements of the local authority controlling the Waitemata Harbour Aerodrome for the lighting of the obelisk on One Tree Hill erected pursuant to the aforesaid will, is hereby validated and declared to have been lawfully made, and the said trustees are hereby authorised and empowered to expend from the trust funds held by them the further sum of 16,000 pounds in the construction and tar sealing of a roadway and footpath from the roadway through the One Tree Hill Domain to the said monument.

Section 15: amended, on 6 December 1951, by section 24 of the Reserves and Other Lands Disposal Act 1951 (1951 No 76).

16 Setting apart portion of the Westport Colliery Reserve as a site for a public school and creating an easement thereover in favour of the Westport Coal Company, Limited

Whereas the land hereinafter described is portion of the Westport Colliery Reserve, which was set apart by the Westland and Nelson Coalfields Administration Act 1877 and is now administered in accordance with the provisions of that Act and the Westport Harbour Act 1920:

And whereas the said land was included in a drainage area licence granted on 18 September 1906 to the Westport Coal Company, Limited, under the provisions of the Mining Act 1905, and registered under Number 1562 at the office of the Mining Registrar at Westport:

And whereas the said company has executed a surrender of the said licence in so far as it affects the said land, subject, however, to the condition that the right of the company to the use

of a certain pipeline intersecting the said land shall nevertheless enure:

And whereas it is desirable that the said land should be reserved as a site for a public school:

And whereas it is also desirable that the said company should be granted the right, by way of easement, to the use of the pipeline hereinbefore referred to:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Westland and Nelson Coalfields Administration Act 1877, or in any other Act, the land hereinafter described is hereby declared to be freed and discharged from all trusts, reservations, and restrictions heretofore affecting the same, and the said land is hereby set apart as a site for a public school, subject to the provisions of the Education Reserves Act 1928.
- (2) The right, by way of easement, is hereby granted to the Westport Coal Company, Limited, and its assigns, to the use of the pipeline intersecting the said land, and more particularly delineated C–D on plan numbered 9002, deposited in the office of the Chief Surveyor at Nelson, for such period as the supply of water conveyed thereby may be necessary for coal mining purposes and works connected therewith, together with the right of entry by the company, its officers and workmen, for the purpose of inspecting, repairing, or renewing the said pipeline over that part of the said land being 3 ft on each side of the centre of the said pipeline, and more particularly delineated and coloured yellow on the said plan.
- (3) The land to which this section relates is more particularly described as follows:

All that area in the Nelson Land District, containing by admeasurement 2 acres and 3 roods, more or less, being Section 42, Block VI, Kawatiri Survey District.

17 Vesting certain land in the Corporation of the Borough of Ross for aerodrome purposes

Whereas by the Ross Borough Council Vesting and Empowering Act 1911, as amended by the Ross Borough Council Vesting and Empowering Amendment Act 1912, certain

Crown land as described in the said Acts was vested in the Mayor, Councillors, and Burgesses of the Borough of Ross (hereinafter called the **Corporation**) as an endowment:

And whereas it was declared that all the provisions of the Mining Act 1908 and its amendments should apply to and might be exercised over the said land, and also that the vesting of the said land as aforesaid should be subject to all legal rights and mining privileges existing at the commencement of the said Acts:

And whereas it is desirable that portion of the said land as hereinafter described should be vested in the Corporation for the purposes of an aerodrome, and no mining rights or privileges are in existence over such portion:

And whereas the aerodrome area is traversed by a street, and it is desirable that portion of such street as hereinafter described should be closed and vested in the Corporation for aerodrome purposes:

And whereas it is expedient that both areas to be vested in the Corporation as aforesaid should be exempted from the operation of the provisions of the Mining Act 1926:

Be it therefore enacted as follows:

- (1) The land described in subsection (5), being portion of the endowment hereinbefore referred to, is hereby declared freed from all rights, reservations, and restrictions heretofore affecting the same, and to be vested in the Corporation in trust as a site for an aerodrome.
- (2) Notwithstanding anything to the contrary in the Municipal Corporations Act 1933, or in any other Act, the street described in subsection (6) is hereby declared to be closed and vested in the Corporation in trust as a site for an aerodrome.
- (3) Notwithstanding anything to the contrary in the Ross Borough Council Vesting and Empowering Act 1911 the areas referred to in the 2 last preceding subsections shall from the passing of this section be exempted from the operation of the provisions of the Mining Act 1926.
- (4) The District Land Registrar for the Land Registration District of Westland is hereby empowered and directed to make such

entries in the register books and generally to do all things necessary to give effect to the provisions of this section.

- (5) The endowment land vested in the Corporation in trust as a site for an aerodrome under the provisions of subsection (1) is particularly described as follows:

All that area in the Westland Land District, containing by admeasurement 101 acres 3 roods 10 perches and six-tenths of a perch, more or less, being portion of Reserve 1463, Block II, Totara Survey District, situated in the Borough of Ross, and bounded as follows: Commencing at the northernmost corner of Section 1889, Block II, Totara Survey District, and proceeding in a south-westerly direction along the north-western boundary of the said Section 1889 to its westernmost corner; thence in a south-easterly direction along the north-eastern side of a public street bearing $144^{\circ}00'$ for 1 726.8 links; thence generally in a westerly direction across the said public street, to and along the northern side of the South Road for 2 804.4 links; thence by right lines bearing $336^{\circ}02'40''$ for 2 836.3 links, $54^{\circ}00'$ for 1 425.9 links, $48^{\circ}22'40''$ for 1 832.0 links, crossing the aforesaid public street to the south-western side of Moorhouse Road; thence in a south-easterly direction along the said south-western side of Moorhouse Road for 2 299.5 links to the point of commencement—excluding therefrom the public street intersecting the area: as the same is more particularly delineated on the plan marked L and S 6/11/120, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

- (6) The street closed and vested in the Corporation in trust as a site for an aerodrome under the provisions of subsection (2) is particularly described as follows:

All that area in the Westland Land District, containing by admeasurement 3 acres 3 roods 20 perches and four-tenths of a perch, more or less, being portion of a public street situated in the Borough of Ross, and bounded as follows: Commencing at the westernmost corner of Section 1889, Block II, Totara Survey District, and proceeding by right lines bearing $144^{\circ}00'$ for 1 726.8 links, $256^{\circ}29'20''$ for 108.2 links, $324^{\circ}00'$ for 1 685.4 links, $323^{\circ}59'$ for 2 166.5 links, $48^{\circ}22'40''$ for 100.5 links, and $143^{\circ}59'$ for 2 176.3 links to the point of commencement: as the

same is more particularly delineated on the plan marked L and S 6/11/120A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon coloured green.

18 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 endowments for primary education:

And whereas the said lands carry native bush which should be preserved, and it is therefore desirable that they 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.

19 Cancelling the reservation for recreation purposes over Reserve A, Dart Survey District, Otago Land District, and declaring the land to be a scenic reserve

Whereas the land hereinafter described was permanently reserved for recreation purposes by Warrant dated 17 September 1891, and published in the *Gazette* of 24 September 1891, and is subject to the provisions of Part 1 of the Public Reserves, Domains, and National Parks Act 1928:

And whereas the said land is of considerable scenic value, and for the better protection of the bush growing thereon it is desirable that the said land should be reserved as a scenic reserve subject to the provisions of the Scenery Preservation Act 1908:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Public Reserves, Domains, and National Parks Act 1928 the reservation for recreation purposes over the land hereinafter described is hereby cancelled, and the said land is hereby declared to be re-

served for scenic purposes and to be subject to the provisions of the Scenery Preservation Act 1908.

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

All that area in the Otago Land District, containing 708 acres, more or less, being Reserve A, Dart Survey District: as the same is delineated on the plan marked L and S 1/998, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

20 Further provisions with respect to mining privileges for the supply of water to lands in the Downs Settlement and other lands in Otago Land District

Whereas by section 15 of the Reserves and other Lands Disposal Act 1932 and by section 2 of the Reserves and other Lands Disposal Act 1936 special provisions were made with respect to certain mining privileges acquired by His Majesty the King for the supply of water to the Downs Settlement and certain other lands:

And whereas it is desirable to make further provision in relation thereto in manner hereinafter appearing:

Be it therefore enacted as follows:

- (1) Subject to the provisions of this section and notwithstanding the provisions of section 123 of the Mining Act 1926 all or any of the water authorised to be diverted under the said mining privileges may be used for mining purposes during the period between 30 April and 30 September in any year either within any area that may be defined under paragraph (a) of subsection (2) of the said section 15 or outside the boundaries of such area.
- (2) The use of any such water for the purposes aforesaid may be authorised either by the Minister of Lands (hereinafter called the **Minister**) or by any committee to which any delegation not expressly excluding such power may have been made in pursuance of the said sections, but no authority for the use of any such water shall in any case be granted except upon such terms and conditions and for such consideration as may from time to time be approved by the Minister.

- (3) All moneys from time to time received in payment for any water used as aforesaid shall be paid to the Receiver of Land Revenue for the Land District of Otago, and shall, subject to the approval of the Minister, be applied in payment of such matters and things (other than ordinary maintenance and repairs) as may from time to time be requisite or necessary in relation to the water races, pipelines, and other works for the time being subsisting under or in respect of the said mining privileges and the water authorised to be diverted thereunder, and may also, subject to the approval of the Minister, be applied from time to time in payment of ordinary maintenance and repairs in respect of the matters aforesaid. Any such moneys may from time to time be deposited by the said Receiver of Land Revenue in the Post Office Savings-bank, and the interest thereon shall be applicable for the same purposes.
- (4) For the purposes of this section the expression **mining purposes** shall have the meaning assigned thereto by the Mining Act 1926.
- (5) No duty, fee, or charge payable under any Act shall be payable in respect of any agreement for the supply of water under paragraph (d) of subsection (2) of the said section 15, whether such agreement was executed before or is executed after the passing of this section, or in respect of any document of delegation under paragraph (e) of the said subsection (2), or in respect of any agreement for the supply of water under this section.
- (6) *Amendment(s) incorporated in the Act(s).*

21 Special provisions with respect to a site for a convalescent hospital for soldiers at Rotorua

Whereas the Rotorua Borough Council (hereinafter called the **Council**) has agreed with the Crown that portion of the Rotorua Domain and portion of certain stopped streets as hereinafter described shall be made available as a site for a convalescent hospital for soldiers:

And whereas the proposals contemplate a lease from the Council to the Crown at a peppercorn rental of the portion of stopped streets aforesaid:

And whereas there is no authority for the granting of such a lease, and it is expedient and desirable that special provision should be made in that respect:

And whereas it is also expedient that special provision should be made for the temporary use for hospital purposes of portion of the Rotorua Domain as aforesaid:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Public Reserves, Domains, and National Parks Act 1928 it is hereby declared that portion of the Rotorua Domain as described in subsection (6) may be used as a site for a hospital for convalescent soldiers. The period of such use shall be for the duration of the present war with Germany and for 10 years thereafter, and during such period the land shall be deemed to be Crown land appropriated for hospital purposes.
- (2) Notwithstanding anything to the contrary in the Municipal Corporations Act 1933 it shall be lawful for the Council to lease to the Crown at a peppercorn rental the portion of stopped streets described in subsection (7). The term of such lease shall be for the duration of the present war with Germany and for 10 years thereafter, and the terms and conditions thereof shall be such as may be mutually agreed upon between the Council and the Crown.
- (3) Notwithstanding anything contained in the last 2 preceding subsections the Crown may terminate its occupancy of the lands hereinafter described at any time, and in that event the lease hereinbefore referred to shall immediately determine.
- (4) On the expiration or sooner determination of the lease the buildings then existing on the lands described in subsections (6) and (7) shall remain the property of the Crown, and the Council shall have the right to purchase all or any of those buildings. Such right may be exercised at any time within 4 calendar months of the date of expiration or sooner determination of the lease, and the price to be paid shall be such as may be agreed upon between the Council and the Crown, or as may be decided by arbitration in the event of a failure to agree, but in no case shall the price exceed the actual cost of the buildings less depreciation calculated at the rate of 5% per

annum. If the Council fails to exercise its right of purchase of all or any of those buildings the Crown shall within a reasonable time remove all buildings and structures erected and remaining on the land and not so purchased, and shall fill in any excavations that may have been made, and shall leave the land in good and proper order and condition.

(5) On the expiration or sooner determination of the lease as aforesaid the land described in subsection (6) shall again form portion of the Rotorua Domain, and the land described in subsection (7) shall again be held and administered by the Council in accordance with the provisions of the Municipal Corporations Act 1933.

(6) The portion of the Rotorua Domain to which this section relates is particularly described as follows:

All that area in the Borough of Rotorua, Auckland Land District, situated in Block I, Tarawera Survey District, containing by admeasurement 1 acre 24 perches and eight-hundredths of a perch, more or less, being Block VI, Town of Rotorua, and bounded as follows: Towards the west, north, and east by stopped street, 200 links, 575.32 links, and 200 links respectively, and towards the south by Whakaue Street, 575.32 links: as the same is more particularly delineated on the plan marked L and S 6/8/67, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon coloured red.

(7) The portion of stopped streets to which this section relates is particularly described as follows:

All that area in the Borough of Rotorua, Auckland Land District, situated in Block I, Tarawera Survey District, containing by admeasurement 3 acres 14 perches and eight-tenths of a perch, more or less, being part of stopped streets under the Municipal Corporations Act 1920, shown on a plan lodged in the Office of the Chief Surveyor at Auckland under Number 24514: Bounded by lines commencing at the north-western corner of Block VI, Town of Rotorua, bearing true north 385 links; thence bearing $89^{\circ}58'$, 725.32 links; thence bearing due south 585 links to Whakaue Street; thence bearing $269^{\circ}58'$, 150 links along the northern side of the said street to the south-eastern corner of the aforesaid Block VI; thence by the eastern and northern boundaries of that block to the

point of commencement; be all the aforesaid linkages a little more or less: as the same is more particularly delineated on the plan marked L and S 6/8/67, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon coloured green.

22 Special provisions with respect to disposal of a school site in the Borough of Huntly

Whereas the Education Board of the District of Auckland (hereinafter called the **Board**) has subdivided a school site in the Borough of Huntly which was no longer required for school purposes, and has sold a number of allotments within the subdivision to various purchasers under the powers conferred by section 71 of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1922:

And whereas for the better disposal of the allotments the Board with the consent of the Minister of Education (hereinafter called the **Minister**) has granted certain rights of way which were necessary for the most effective utilisation of the land:

And whereas there was no authority for the granting of such rights of way, and it is expedient and desirable that the action of the Board should be validated:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act or rule of law the Board shall have and be deemed at all times to have had power with the consent of the Minister to grant rights of way upon such terms and subject to such conditions as may be or may have been agreed upon over and along the land hereinafter described, and such rights of way shall be appurtenant to Lots 1 to 12 (inclusive) on Deeds Plan Number 577, Auckland Registry, and also appurtenant to Lots 1 to 6 (inclusive) on the plan deposited in the Office of the District Land Registrar at Auckland under Number 21810.
- (2) The Minister shall have and shall be deemed to have had power to consent to the granting by the Board of such rights of way as aforesaid.

- (3) The rights-of-way area to which this section relates is particularly described as follows:

All that area in the Borough of Huntly, Auckland Land District, containing by admeasurement 11 perches and seventy-four one-hundredths of a perch, more or less, being portion of Allotment 51, Parish of Taupiri, comprised in certificate of title, Volume 502, folio 257, Auckland Registry, and being part of the land marked right of way on the plan lodged in the Office of the Registrar of Deeds at Auckland under Number 577: as the same is delineated on the plan marked L and S 6/6/353, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

23 Special provisions with respect to disposal of a school site in the Borough of Newmarket

Whereas the Education Board of the District of Auckland (hereinafter called the **Board**) has subdivided a school site in the Borough of Newmarket which was no longer required for school purposes, and with the consent of the Minister of Education (hereinafter called the **Minister**) given pursuant to section 6 of the Education Reserves Act 1908 and section 6 of the Education Reserves Act 1928, has sold a number of allotments within the subdivision to various purchasers:

And whereas for the better disposal of the allotments the Board with the consent of the Minister has granted certain rights of way which were necessary for the most effective utilisation of the land:

And whereas there was no authority for the granting of such rights of way, and it is expedient and desirable that the action of the Board should be validated:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act or rule of law the Board shall have and shall be deemed at all times to have had power with the consent of the Minister to grant rights of way upon such terms and subject to such conditions as may be or may have been agreed upon over and along the lands hereinafter described.

- (2) The Minister shall have and shall be deemed to have had power to consent to the granting by the Board of such rights of way as aforesaid.
- (3) The rights-of-way areas to which this section relates are particularly described as follows:

Firstly, all that area in the Borough of Newmarket, North Auckland Land District, containing by admeasurement 4 perches and six-tenths of a perch, more or less, being portion of Lot 6 on a plan deposited in the Office of the District Land Registrar at Auckland under Number 19382 and marked thereon right of way, which said area of land is now comprised in certificate of title, Volume 447, folio 54, Auckland Registry, and over which rights of way have been created appurtenant to Lots 1 to 4 (inclusive) of the said deposited plan: as the same is delineated on the plan marked L and S 6/6/441, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon coloured red.

Secondly, all that area in the Borough of Newmarket, North Auckland Land District, containing by admeasurement 20 perches and twenty-three one-hundredths of a perch, more or less, being portion of Lot 2 on a plan deposited in the Office of the District Land Registrar at Auckland under Number 25382, and marked thereon right of way, together with a further portion of the said Lot 2 being of a uniform width of 23.79 links: Bounded to the south by Part Lot 8 and Lots 9 to 14 on Deposited Plan 19382; towards the west by Lot 15, Deposited Plan 19382; towards the north by part of the aforesaid Lot 2; and towards the east by the other part of Lot 2, marked right of way on Deposited Plan 25382, the said area of land being comprised in certificate of title, Volume 145, folio 262, Auckland Registry: as the same is delineated on the plan marked L and S 6/6/441, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon coloured blue and yellow.

24 Providing for cutting of milling timber on lands subject to pastoral licences in Karamea and Westland Mining Districts

Whereas, pursuant to certain regulations more particularly hereinafter referred to, pastoral licences have been granted over Crown lands within the Karamea and Westland Mining Districts:

And whereas the said regulations expressly provided, in respect of licences granted pursuant thereto, that the licensee should have the right to the surface soil only of the demised land, and that the licensee should have no right, either himself or through any other person, to fell, cut, remove, or otherwise dispose of any milling timber or silver pine on the land included in his licence except in conformity with the regulations for the time being in force in relation thereto under the Mining Act, and that the licensee should not be entitled to cut, fell, or remove any timber growing on the land comprised in his licence except for his domestic use or for fencing or clearing for cultivation:

And whereas doubts have arisen as to whether a licensee may not fell, cut, or remove milling timber or silver pine for domestic use or for fencing or clearing for cultivation, and it is desirable to resolve those doubts:

And whereas, as all milling timber and silver pine has been reserved to the Crown, it is desirable to define expressly the rights which may be exercised by the Crown or by any purchaser of the milling timber or silver pine for the purpose of felling, cutting, and removing the same:

Be it therefore enacted as follows:

- (1) The regulations to which this section refers (in this section called the **said regulations**) are as follows:
 - (a) regulations for the occupation of pastoral lands in the Karamea and Westland Mining Districts dated 5 December 1911 and published in the *Gazette* of 14 December 1911:
 - (b) regulations for the occupation of pastoral lands within the Karamea and Westland Mining Districts dated 26 March 1913, and published in the *Gazette* on 3 April 1913:

- (c) Part 9 of the Crown Lands Regulations 1941:
 - (d) any regulations corresponding to the regulations referred to in paragraph (a), and enacted prior thereto, for the issue of pastoral licences for any Crown land within the Karamea or Westland Mining Districts.
- (2) It is hereby expressly declared that—
- (a) no licensee under any pastoral licence granted pursuant to any of the said regulations shall be entitled by virtue of his licence or the said regulations to cut, fell, remove, or otherwise dispose of any milling timber or silver pine on the land comprised in his licence except as provided in paragraph (c):
 - (b) every licensee shall be entitled to cut, fell, or remove any other timber growing on the land comprised in his licence for his domestic use, or for fencing, or in the course of clearing the land for cultivation:
 - (c) with the prior consent in writing of the Commissioner of Crown Lands, and subject to such conditions as he may impose, any licensee may cut, fell, or remove any milling timber on the land comprised in his licence for the purpose of fencing that land or erecting farm buildings thereon.
- (3) The Commissioner of Crown Lands (hereinafter referred to as the **Commissioner**) may grant licences to any person to cut, fell, and remove milling timber or silver pine growing, standing, or lying on any land subject to a pastoral licence granted pursuant to any of the said regulations upon and subject to such terms and conditions, subject to the provisions of this section, as the Commissioner thinks fit.
- (4) The Commissioner, or any person authorised by him in writing in that behalf, or any person to whom a licence has been granted under the last preceding subsection may enter upon any land comprised in a pastoral licence issued under any of the said regulations for the purpose of cutting, felling, or removing all or any of the milling timber or silver pine growing, standing, or lying thereon, the Commissioner or other person doing as little damage as is reasonably possible:
provided that where it is found necessary to remove or cut any fences for the purpose of working the timber, the fences shall

be restored as near as may be to their original condition by the Commissioner or other person as soon as possible, and substantial gates or cattle stops shall be erected and maintained in place thereof by the Commissioner or other person during the removal of the timber for the purpose of preventing the straying of stock.

- (5) The right to enter upon the land comprised in any pastoral licence granted pursuant to any of the said regulations, for the purpose of cutting, felling, and removing the timber, shall include the right to construct such tramways and roadways, and to do such other works as may be necessary for the proper cutting, felling, or removal of the timber in accordance with the accepted practices for the milling of timber.
- (6) The licensee under any pastoral licence who suffers any damage done to buildings, crops, pastures, or fences or other substantial improvements by the Commissioner or by the person holding any licence granted under subsection (3), or who suffers damage by reason of the neglect of the Commissioner or other person to comply with the requirements of the proviso to subsection (4) shall be entitled to receive reasonable compensation therefor from the Commissioner or other person, as the case may be, but save as aforesaid the licensee shall not be entitled to receive any compensation in respect of the exercise by the Commissioner or any other person of the rights referred to in subsections (3), (4), and (5).
- (7) If any question arises as to the amount of any compensation payable under this section and the parties are unable to agree thereon, the question shall be referred to 1 arbitrator, if the parties can agree upon one, and otherwise to 2 arbitrators, one to be appointed by each party, under the provisions of the Arbitration Act 1908, and the obtaining of an award shall be a condition precedent to the commencement of legal proceedings in any court for the recovery of the amount claimed.
- (8) The provisions of section 357 of the Land Act 1924 shall not apply to the revenue received by the Receiver of Land Revenue in respect of royalty under any licence for cutting timber granted under the authority of this section, but one-fifth of that revenue shall be payable to the local authority within whose district the timber is obtained and the revenue derived,

and shall be applied by such local authority exclusively in constructing, repairing, and maintaining roads.

25 Extending for 5 years the term of certain leases and licences administered by Land Boards

Whereas numerous leases of land administered by Land Boards contain provision for the renewal thereof, or for the grant of new leases in substitution therefor, at rentals to be agreed upon or assessed in the manner prescribed:

And whereas owing to the uncertain conditions at present prevailing it is difficult to find a fair and reasonable basis upon which to assess the rentals:

And whereas negotiations for the renewal of leases or for the granting of new leases frequently commence 3 years before the expiry of existing leases:

And whereas it is desirable to extend existing leases which are about to expire for a period sufficient to allow conditions to become stable:

Be it therefore enacted as follows:

- (1) For the purposes of this section the term **lease** includes a licence, and the term **lessee** includes a licensee.
- (2) Except as hereinafter provided, this section shall apply to every lease of land administered by a Land Board if the lessee has a right, whether absolute or not, to have on or before the expiration of the lease a renewal thereof or a new lease of the same land or any part of the same land upon the same or any other terms and conditions.
- (3) The term of each lease to which this section applies and which, but for the passing of this section, would expire by effluxion of time after the passing of this Act and on or before 1 January 1947 is hereby extended for a period of 9 years from the date of the expiry thereof subject to the same covenants, conditions, and restrictions as are contained and implied in the lease, and the estate of the lessee thereunder shall continue to be subject to all encumbrances, liens, and interests to which it is subject on the date of the expiry of the lease.
- (4) In any case where the provisions of any lease, the term whereof is extended by the last preceding subsection, require any pro-

ceedings relating to the renewal of the lease or the granting of a new lease in substitution therefor to be taken before a specified date, those provisions shall be read and interpreted as if a date 9 years later than the specified date were substituted therefor.

- (5) Where in the case of any lease the term whereof is extended by subsection (3) the lessee has, before the date of the passing of this Act, agreed to accept a renewal of the lease or a new lease in substitution therefor, the lessee shall have the option, to be exercised within 3 months after that date, of either accepting an extension of the existing lease as provided in this section or accepting the renewal or new lease as already agreed upon as if this section had not been passed.
- (6) In any case where a lease of land administered by a Land Board has expired between 1 June 1941 and the passing of this Act, and the lessee has a right to have a renewal of the lease or a new lease in substitution therefor but the terms of the renewal or new lease have not been agreed upon before the passing of this Act, the term of the expired lease shall be extended, and be deemed to have been extended, for a period of 5 years from the date of the expiry thereof subject to the same covenants, conditions, and restrictions as were contained and implied in the lease, and the estate of the lessee thereunder shall continue, and be deemed to have continued, to be subject to all encumbrances, liens, and interests to which it was subject on the date of the expiry of the lease.
- (7) Where on the expiration of any lease, the term whereof is extended by subsection (3) or subsection (6), a renewal of the lease or a new lease of the same land is granted to the lessee at a rental less than the rental payable under the expired lease, the amount by which the rent paid under the expired lease for the period of the extension exceeds rent for the same period at the rate payable under the renewal or new lease, as the case may be, shall be credited towards the rent accruing due under the renewal or new lease.
- (8) Notwithstanding anything to the contrary in this section, any lessee under a lease the term whereof is extended by this section may, with the consent of the Minister given on the rec-

ommendation of the Land Board and upon and subject to such terms and conditions as may be imposed, surrender the lease.

- (9) On receipt of a certificate signed by the Commissioner of Crown Lands setting forth particulars of the extension of the term of any lease under this section, the District Land Registrar shall, without fee, endorse a memorial thereof on the registered instrument of lease.
- (10) Nothing in this section shall apply in respect of any lease if the lessee thereunder has, before the passing of this Act, given notice pursuant to section 200 of the Land Act 1924 that he does not require a renewed lease, unless the lessee notifies the Land Board in writing not later than 3 months after the passing of this Act or 3 months before the expiry of his lease (whichever is the later) that he desires this section to apply to the lease.

Section 25(3): amended, on 25 November 1947, by section 15(1)(a) of the Reserves and other Lands Disposal Act 1947 (1947 No 54).

Section 25(4): amended, on 25 November 1947, by section 15(1)(b) of the Reserves and other Lands Disposal Act 1947 (1947 No 54).

Section 25(9): amended, on 25 August 1943, by section 3(1)(c) of the Reserves and other Lands Disposal Act 1943 (1943 No 14).

**26 Suspending operation of section 216 of Land Act 1924
(relating to revaluations of Crown and settlement land)**

[Repealed]

Section 26: repealed, on 1 April 1949, by section 185(1) of the Land Act 1948 (1948 No 64).

**27 Authorising the Timaru Borough Council to sell portion
of a reserve and provisions incidental thereto**

Whereas the land described in subsection (3) forms portion of a reserve vested in the Mayor, Councillors, and Burgesses of the Borough of Timaru in trust for municipal and other buildings by Order in Council published in the *Gazette* of 2 November 1905:

And whereas the said land is not required and is not suitable for municipal buildings:

And whereas the Timaru Borough Council (hereinafter called the **Council**) has acquired the freehold of a more suitable area,

being the land described in subsection (4), and has entered into an agreement for the purchase of certain other lands for municipal purposes:

And whereas the Council desires to sell that portion of the reserve hereinbefore referred to, and to retain the proceeds of such sale in partial repayment of its expenditure in the purchase of the freehold area:

And whereas it is expedient that the Council should be authorised so to do, provided that the said freehold area is declared to be a public reserve for municipal purposes subject to the provisions of the Public Reserves, Domains, and National Parks Act 1928:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act, at any time after the gazetting of a resolution passed by the Council pursuant to section 5 of the Public Reserves, Domains, and National Parks Act 1928, declaring the land described in subsection (4) to be a public reserve for municipal purposes, the Council may sell the land described in subsection (3) by public auction, public tender, or private contract, and either in 1 lot or in subdivisions as the Council may in its discretion decide, freed and discharged from the trusts, reservations, and restrictions affecting the same.
- (2) Any sale of the land or of any subdivision thereof authorised by the last preceding subsection may be for cash or upon such terms as the Council may in its discretion decide, and the net proceeds from such sale shall be retained by the Council as a partial repayment of its expenditure in the purchase of the land described in subsection (4):
- (3) The land which the Council is authorised to sell as aforesaid is particularly described as follows:

All that area in the Canterbury Land District, containing by admeasurement 1 rood 30 perches and seven-tenths of a perch, more or less, being part Reserve 147, situated in the Borough of Timaru, and bounded as follows: Towards the north by Section 22, Town of Timaru, 250 links; towards the east by Sections 16 and 17, Town of Timaru, 105.30 links; towards the south and again towards the east by other part of Reserve

147, 61.1 links and 94.7 links respectively; again towards the south by Mill Street, 188.9 links; and towards the west by High Street, 200 links: as the same is more particularly delineated on the plan marked L and S 53727A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

- (4) The freehold land acquired by the Council is particularly described as follows:

All that area in the Canterbury Land District, containing by admeasurement 24 perches, more or less, being Reserve 4445 (formerly part Lot 4, DP 1490) situated in the Borough of Timaru, and bounded as follows: Towards the north-west by Lots 1, 2, and 3, DP 1490, 251.6 links; towards the north-east by Lot 1, DP 3147, and Lot 165, DP 1, 60 links; towards the south-east by other part of Lot 4, DP 1490, 251.6 links; and towards the south-west by Latter Street, 60 links: as the same is more particularly delineated on the plan marked L and S 53727B, deposited in the Head Office, Department of Lands and Survey at Wellington, and thereon bordered red.

28 Cancellling the reservations over certain education endowment lands and declaring them to be subject to Part 1 of the Housing Act 1919

Whereas the land firstly described in subsection (2) is reserved as an endowment for secondary education:

And whereas the lands secondly and thirdly described in the said subsection are reserved as endowments for primary education:

And whereas it is desirable that the reservations over the said lands should be cancelled and the lands set apart for housing purposes subject to the provisions of Part 1 of the Housing Act 1919:

Be it therefore enacted as follows:

- (1) The reservation as an endowment for secondary education over the land firstly described in subsection (2), and the reservations as endowments for primary education over the lands secondly and thirdly described in the said subsection are hereby cancelled, and the said lands are hereby set apart

for housing purposes subject to the provisions of Part 1 of the Housing Act 1919.

- (2) The lands to which this section relates are particularly described as follows:

Firstly, all that area in the Borough of One Tree Hill, North Auckland Land District, containing by admeasurement 6 acres 33 perches and eighty-five one-hundredths of a perch, more or less, being Lots 1 and 3 on Deposited Plan Number 30623, Lots 14 and 16 to 20 on Deposited Plan Number 21888, and Lots 1 to 6 and 9 to 11 on Deposited Plan Number 21889, and Lots 18, 24, 26, 27, and 28 on Deposited Plan Number 18933, being parts of Allotment 13 of Section 12, Suburbs of Auckland, and being portions or the whole of the lands comprised in certificates of title, Volume 600, folios 44, 45, 48, and 53, and Volume 428, folios 277, 283, 285, 286, and 287, Auckland Registry: as the same is more particularly delineated on the plan marked L and S 20/185A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

Secondly, all that area in the Wellington Land District containing by admeasurement 5 acres 3 roods and 18 perches, more or less, being Suburban Section 46, Township of Levin, and being portion of the land comprised in certificate of title, Volume 29A, folio 82, Wellington Registry: as the same is more particularly delineated on a plan numbered 12913, lodged in the Office of the Chief Surveyor at Wellington, and thereon coloured purple.

Thirdly, all that area in the Otago Land District, containing by admeasurement 1 rood, more or less, being Section 362, Town of Port Chalmers.

29 Vesting certain land in the Corporation of the Borough of Ohakune for saleyards purposes and provisions incidental thereto

Whereas the land hereinafter described is Crown land which in the year 1930 was to have been sold to a company, to be known as the Ohakune Saleyards Company, Limited:

And whereas the purchase money was duly paid, but no title has been issued as the company did not complete registration:

And whereas saleyards were erected on the land by prospective shareholders of the company:

And whereas certain moneys are owing to various prospective shareholders and to various persons who supplied labour and materials for the erection of the saleyards:

And whereas the Ohakune Borough Council is desirous of taking over the property and of paying out of moneys to be derived from the operation or leasing of the saleyards the sum of 80 pounds to the prospective shareholders and creditors hereinbefore mentioned in full settlement of their claims and interests, if any:

And whereas the said shareholders and creditors have agreed to the proposals:

And whereas there is no authority for the said Council to pay the sum of 80 pounds as aforesaid and it is desirable that special provision should be made in that behalf:

Be it therefore enacted as follows:

- (1) The land hereinafter described is hereby vested in the Corporation of the Borough of Ohakune, and the said land shall be held by the Corporation as a site for a saleyards under and subject to the provisions of the Municipal Corporations Act 1933.
- (2) Notwithstanding anything to the contrary in any Act or rule of law, it shall be lawful for the Ohakune Borough Council, out of moneys to be derived from the operation of the saleyards on the land vested as aforesaid or from the leasing of that land and the saleyards thereon, to pay the sum of 80 pounds to the creditors of and shareholders in the proposed company as hereinbefore mentioned in full satisfaction of their claims and interests, if any. The proportionate amount of the said 80 pounds to be paid to each person under the authority of this subsection shall be as agreed upon between the Council and those interested and as indicated in a document dated 23 November 1940, signed by the creditors and shareholders aforesaid, the said document being deposited in the Head Office, Department of Lands and Survey, at Wellington, under Number L and S 4/340.

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

All that area in the Borough of Ohakune, Wellington Land District, containing by admeasurement an area of 2 roods and four-tenths of a perch, more or less, being Section 32, Block VIII, Makotuku Survey District: As the same is more particularly delineated on the plan deposited in the Office of the Chief Surveyor at Wellington under Number 18886, and thereon bordered red.

30 Extending application of provisions of section 26 of Reserves and other Lands Disposal Act 1938

[Repealed]

Section 30: repealed, on 1 April 1953, by section 65(1) of the National Parks Act 1952 (1952 No 54).

31 Authorising the setting apart of certain land in the North Auckland Land District as a site for a public school

Whereas the land hereinafter referred to is Crown land reserved from sale or other disposition pursuant to section 129 of the Land Act 1924:

And whereas a public school has been erected on the said land:

And whereas it is desirable and expedient that the said land should be reserved as a site for a public school:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Land Act 1924, the Governor-General may by notice in the *Gazette* declare such land to be set apart as a site for a public school and to be vested in the Education Board of the Education District of Auckland.
- (2) On the publication of such notice the said land shall be deemed to be vested in the Education Board of the Education District of Auckland as a site for a public school.
- (3) The land to which this section relates is described as follows:
All that area in the Whangarei County, North Auckland Land District, containing by admeasurement approximately 2.5 acres, being Section 44, Block VI, Opuawhanga Survey District: as the same is shown in Survey Office Plan 32379

(blue) deposited in the North Auckland Survey Office, and thereon edged red.

32 Validating an agreement between the Whangarei Harbour Board and the Crown, and provisions incidental thereto

Whereas pursuant to the powers contained in Part 1 of the Unemployment Amendment Act 1932 certain lands vested in the Whangarei Harbour Board (hereinafter referred to as the **Board**) were made available to the Minister charged with the administration of the said Act for the settlement of unemployed workers:

And whereas in the administration of the said Act the Minister has expended certain public moneys for the purpose of improving the said lands and in establishing tenants thereon:

And whereas it has been found that an unformed public road intersecting the said lands has been used as portion of such lands, and it is desirable that such road should be closed and vested in the Board:

And whereas the Board and the Whangarei County Council have consented to such closing:

And whereas by an agreement dated 16 September 1941, and made between the Board of the one part and His Majesty the King of the other part (a copy of which is deposited in the Head Office, Department of Lands and Survey, Wellington, under Number 5149), it was agreed that the Board should pay to the Crown the value of the improvements effected by the Minister on the said lands, and that the Board should take over and administer the said lands as from 1 January 1940:

And whereas the said agreement is conditional on the passing of validating legislation:

And whereas the parties to the agreement have agreed to the provisions hereinafter contained:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Land Act 1924, or in any other Act, the road described in subsection (6) is hereby declared to be closed and vested in the Board.
- (2) Subject to the provisions of this section, the said agreement is hereby validated and declared to have been lawfully made,

and the Board is hereby authorised to perform and carry out all and every the terms and conditions contained and implied therein.

- (3) The Board is hereby authorised to borrow, without a poll of the ratepayers of the Harbour District, the sum of 3,500 pounds, and to pay the said sum, together with interest thereon as provided in the said agreement, to the Crown. For all purposes connected with the raising and the securing of repayment of the said sum and interest thereon the Board and the Whangarei Harbour District shall be deemed to be a local authority and a district respectively within the meaning of the Local Bodies' Loans Act 1926.
- (4) The Board is hereby authorised to enter into leases with the tenants named in the second schedule of the said agreement and to enter into covenants with the said tenants for the payment of compensation for improvements as provided in the said agreement and in the schedules thereto.
- (5) This section shall be deemed to be a special Act within the meaning of the Harbours Act 1923.
- (6) The road closed and vested in the Board under the provisions of subsection (1) is described as follows:

All that area of road in the Whangarei County, North Auckland Land District, containing approximately 4 acres 1 rood and 22 perches, the easternmost corner of which is located on the south-western boundary of Section 9, Block IX, Whangarei Survey District, 142 links south-east of the westernmost corner of that section, and proceeding generally in a westerly direction for a distance of approximately 43.9 chains: as the same is more particularly delineated on a plan marked L and S 36/75, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon coloured green.

Section 32(3): amended (with effect on 13 October 1941), on 26 October 1942, by section 3 of the Reserves and other Lands Disposal Act 1942 (1942 No 13).

Schedule

s 18

Lands to which section 18 relates

North Auckland Land District

All those areas in the Rawene Town District, containing together by admeasurement 2 acres 3 roods 35 perches, more or less, being Allotments 52, 57, and 61, Suburbs of Hokianga, and being part of the land comprised in certificate of title, Volume 5, folio 61, Auckland Registry: as the same are more particularly delineated on the plan marked L and S 4/944, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red (North Auckland plan SO 877).

Also all that area in the Manukau County containing by admeasurement 10 acres 2 roods 4 perches, more or less, being Allotment 52, Wairoa Parish, and being part of the land comprised in certificate of title, Volume 263, folio 178, Auckland Registry: as the same is more particularly delineated on the plan marked L and S 4/199G, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red (North Auckland plan SO 19054).

Taranaki Land District

All that area in Clifton County, containing by admeasurement 621 acres 3 roods 10 perches, more or less, being Parts Section 5, Block X, Waro Survey District, and being part of the land comprised in certificate of title, Volume 59, folio 99, Taranaki Registry: as the same is more particularly delineated on the plan marked L and S 4/942, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

Wellington Land District

All that area in Horowhenua County, containing by admeasurement 447 acres, more or less, being Section 60, Block X, Kaitawa Survey District, and being all the land comprised in certificate of title, Volume 84, folio 171, Wellington Registry: as the same is more particularly delineated on the plan marked L and S 4/106, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

Contents

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Notes**1 General**

This is a reprint of the Reserves and other Lands Disposal Act 1941. The reprint incorporates all the amendments to the Act as at 1 April 1953, 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)*

National Parks Act 1952 (1952 No 54): section 65(1)

Reserves and Other Lands Disposal Act 1951 (1951 No 76): section 24

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

Reserves and other Lands Disposal Act 1947 (1947 No 54): section 15(1)

Reserves and other Lands Disposal Act 1943 (1943 No 14): section 3(1)(c)

Reserves and other Lands Disposal Act 1942 (1942 No 13): section 3
