

Reprint  
as at 3 April 1985



**Reserves and other Lands Disposal  
Act 1943**

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**Contents**

		Page
	Title	2
1	Short Title	2
2	Section 26 of Reserves and other Lands Disposal Act 1941 (as to revaluations of Crown and settlement land), amended [ <i>Repealed</i> ]	2
3	Amending and extending the operation of section 25 of the Reserves and other Lands Disposal Act 1941 (extending term of certain leases, etc)	3
4	Vesting certain Auckland Grammar School land in the Corporation of the County of Manukau	3
5	Cancelling the reservation over certain education endowment land in North Auckland Land District, and setting it apart as permanent State forest	4
6	Section 27 of Reserves and other Lands Disposal Act 1937 (as to Mount Smart Domain), amended [ <i>Repealed</i> ]	4

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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.**

7	Special provisions with respect to the leasing of portion of Lake Okataina Scenic Reserves <i>[Repealed]</i>	4
8	Authorising the Lower Hutt City Council to grant a lease of a recreation reserve to the Plunket Society	5
9	Revoking the reservation over an education endowment in the Town of Picton, and setting it apart for railway purposes	6
10	Revoking the reservation over an education endowment in Marlborough Land District, and setting it apart for scenic purposes	6
11	Revoking the reservation over a recreation reserve in the Town of Riccarton Extension No 25, and vesting the land in Canterbury University College as an addition to the Christchurch Boys' High School site	7
12	Validating an agreement between the Auckland City Council and the Auckland Gas Company, Limited, in respect of a public reserve	8
13	Authorising the Timaru Borough Council to sell Reserve 740, Canterbury Land District, and provisions incidental thereto	9

**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 1943.

**2 Section 26 of Reserves and other Lands Disposal Act 1941 (as to revaluations of Crown and settlement land), amended**

*[Repealed]*

Section 2: repealed, on 1 April 1949, by section 185(1) of the Land Act 1948 (1948 No 64).

**3 Amending and extending the operation of section 25 of the Reserves and other Lands Disposal Act 1941 (extending term of certain leases, etc)**

- (1) *Amendment(s) incorporated in the Act(s).*
- (2) The term of each lease to which the said section 25 applies and which, but for the passing of that section and this section, would expire by effluxion of time after 1 January 1947, and on or before 1 January 1949, is hereby extended for a period of 4 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.
- (3) The provisions of subsections (4) to (9) of the said section 25 shall, so far as applicable and with the necessary modifications, apply in the case of any lease the term whereof is extended by the last preceding subsection:

provided that in the application of subsection (4) of the said section 25 (as amended by this section) to any lease the term whereof is extended by the last preceding subsection, the said subsection (4) shall be read and construed as if the words “7 years later” were omitted therefrom, and the words “4 years later” were substituted.

Section 3(2): amended, on 25 November 1947, by section 15(2)(a) of the Reserves and other Lands Disposal Act 1947 (1947 No 54).

Section 3(3) proviso: amended, on 25 November 1947, by section 15(2)(b) of the Reserves and other Lands Disposal Act 1947 (1947 No 54).

**4 Vesting certain Auckland Grammar School land in the Corporation of the County of Manukau**

Notwithstanding anything to the contrary in the Auckland Grammar School Act 1899, or in any other Act, Lot 1 on plan numbered 27595, deposited in the office of the District Land Registrar at Auckland, being part of Allotment 59, Pakuranga Parish, containing 1 rood 24 perches and four-tenths of a perch, more or less, and being part of the land comprised in certificate of title, Volume 746, folio 25, Auckland Registry, is hereby set apart for recreation purposes and is hereby vested

in the Corporation of the County of Manukau in trust for such purposes.

**5 Cancelling the reservation over certain education endowment land in North Auckland Land District, and setting it apart as permanent State forest**

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

And whereas the said land is not suitable for farming purposes, and it is desirable that it should be brought under the provisions of the Forests Act 1921–22 so that it may be administered and dealt with in all respects as permanent State forest:

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 set apart as permanent State forest under and subject to the provisions of the Forests Act 1921–22.
- (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, containing by admeasurement 567 acres, more or less, being Section 4, Block XV, Russell Survey District, and being all the land comprised in certificate of title, Volume 193, folio 157, Auckland Registry: as the same is more particularly delineated on the plan marked L and S X/91/43, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

**6 Section 27 of Reserves and other Lands Disposal Act 1937 (as to Mount Smart Domain), amended**

*[Repealed]*

Section 6: repealed, on 3 April 1985, by section 5(b) of the Auckland Regional Authority (Mount Smart) Expenditure Act 1985 (1985 No 1 (L)).

**7 Special provisions with respect to the leasing of portion of Lake Okataina Scenic Reserves**

*[Repealed]*

Section 7: repealed, on 23 October 1952, by section 33(7) of the Reserves and Other Lands Disposal Act 1952 (1952 No 69).

**8 Authorising the Lower Hutt City Council to grant a lease of a recreation reserve to the Plunket Society**

Whereas by an Order in Council dated 23 June 1931, and published in the *Gazette* of 25 June, the land hereinafter described was vested in the Mayor, Councillors, and Burgesses of the Borough of Lower Hutt in trust for recreation purposes:

And whereas the said land is now held by the Corporation of the City of Lower Hutt in trust as aforesaid:

And whereas it is desired that the said land should be leased to the Royal NZ Society for the Health of Women and Children Lower Hutt Branch (Incorporated) (in this section called the **Society**) for the purposes of the Society:

And whereas it is expedient to authorise the Lower Hutt City Council to grant a lease as aforesaid:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Public Reserves, Domains, and National Parks Act 1928, or in any other Act, the Lower Hutt City Council is hereby authorised to lease the land hereinafter described to the Society at such rental, nominal or otherwise, and for such term and upon and subject to such conditions as the said Council in its absolute discretion shall think fit.

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

All that area in the City of Lower Hutt, Wellington Land District, containing by admeasurement 1 rood 5 perches and thirty-two hundredths of a perch, more or less, being Section 1, Block XXXII, Hutt Valley Settlement, and being part of the land contained in certificate of title, Volume 442, folio 57, Wellington Registry: as the same is more particularly delineated on the plan marked 169/29, deposited in the office of the Chief Surveyor at Wellington, and thereon bordered red.

**9 Revoking the reservation over an education endowment in the Town of Picton, and setting it apart for railway purposes**

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

And whereas the said land is required for railway purposes, and it is desirable that it should be set apart accordingly:

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 set apart for railway purposes.
- (2) The land to which this section relates is particularly described as follows:

All that area in the Marlborough Land District containing by admeasurement 1 rood 17 perches and seven-tenths of a perch, more or less, being Section 1144, Town of Picton, and being all the land comprised in certificate of title, Volume 26, folio 201, Marlborough Registry: as the same is delineated on the plan marked L and S 20/170, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

**10 Revoking the reservation over an education endowment in Marlborough Land District, and setting it apart for scenic purposes**

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

And whereas the said land is unsuitable for farming, but is suitable for scenic purposes as an addition to the Pelorus Bridge Scenic Reserves which it adjoins, and it is therefore desirable that the land should be set apart as a scenic reserve under and subject to the provisions of the Scenery Preservation Act 1908:

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 a scenic reserve under and 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 Marlborough Land District, containing by admeasurement 49 acres, more or less, being Section 64, Block IX, Wakamarina Survey District, and being all the land comprised in certificate of title, Volume 17, folio 293, Marlborough Registry: as the same is delineated on the plan marked L and S 9/906, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

**11 Revoking the reservation over a recreation reserve in the Town of Riccarton Extension No 25, and vesting the land in Canterbury University College as an addition to the Christchurch Boys' High School site**

Whereas on 28 November 1929 the land hereinafter described became vested in the Crown, free from encumbrances, as a recreation reserve upon the depositing in the office of the District Land Registrar at Christchurch of a survey plan of the Town of Riccarton Extension Number 25, numbered 9461:

And whereas the said land is not required for recreation purposes:

And whereas the said land adjoins the site of the Christchurch Boys' High School, to which it is desirable that it should be added:

And whereas all owners of lots on the said Plan 9461 have consented to the said land being dealt with in the manner aforesaid:

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 revoked, and the said land is hereby vested in the Canterbury University College established under the Canterbury University College Act 1933 in trust for educational purposes as an addition to the site of the Christchurch Boys' High School.

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

All that area in the Canterbury Land District, containing by admeasurement 1 rood 13 perches and four-tenths of a perch, more or less, situated in Block XI of the Christchurch Survey District, being part of Rural Section 163 and being Lot 11 on plan deposited in the Land Registry Office at Christchurch as Number 9461, and now known as Reserve 4255: as the same is more particularly delineated on the plan marked L and S 25/218, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

**12 Validating an agreement between the Auckland City Council and the Auckland Gas Company, Limited, in respect of a public reserve**

Whereas portion of Allotment 184, Titirangi Parish, in the City of Auckland, North Auckland Land District, containing an area of 1 rood 3 perches and sixteen-hundredths of a perch, more or less, is vested in the Mayor, Councillors, and Citizens of the City of Auckland (in this section called the **Corporation**) in trust as a site for public buildings of the local governing body, and is a public reserve subject to the provisions of Part 1 of the Public Reserves, Domains, and National Parks Act 1928:

And whereas by an agreement dated 28 May 1942, made between the Corporation and the Auckland Gas Company, Limited (a copy of which is deposited in the Head Office, Department of Lands and Survey, at Wellington, under Number L and S 6/1/128), it was agreed that the said company should permanently enjoy certain rights of way over the said reserve for the purpose of gaining access to an area of adjacent land owned by the said company, and should also so enjoy other rights as therein set out in respect of certain gas mains laid across the said reserve:

And whereas doubts have arisen as to the validity of the said agreement, and it is desirable that they should be resolved:

Be it therefore enacted as follows:



The agreement hereinbefore referred to is hereby declared to be valid and binding in all respects, and to have full effect according to the tenor thereof; and the Corporation shall be deemed to have had full power and authority to enter into and execute the same, and to be at all times empowered to do all things necessary to give full force and effect thereto.

**13 Authorising the Timaru Borough Council to sell Reserve 740, Canterbury Land District, and provisions incidental thereto**

Whereas the whole of the land hereinafter described forms part of the land until recently used by the Mayor, Councillors, and Burgesses of the Borough of Timaru (in this section called the **Corporation**) for the purposes of a water race to carry a supply of water from the Pareora River to a reservoir owned by the Corporation:

And whereas parts of the said land form portion of Reserve 740 vested in the Corporation under the Timaru Water-race Reserve Act 1881 for the purposes of waterworks:

And whereas other portions of the said land were acquired by the Corporation otherwise than under the provisions of the said Act for the purposes of the said water race:

And whereas certain easements created by Memoranda of Transfer Registered Numbers 38591 and 39900 in the Canterbury Registry were granted to the Corporation for the better management of the said water race:

And whereas the Timaru Borough Council (in this section called the **Borough Council**) has constructed a pipeline (in this section called the **said pipeline**) to convey a supply of water from the Pareora River to the said reservoir:

And whereas portions of the said pipeline are constructed on or over parts of the land hereinafter described, and the Borough Council desires to reserve easements over the said land in respect of the said pipeline where necessary:

And whereas the said land and the easements created by the said Memoranda of Transfer Registered Numbers 38591 and 39900 are not now required for the purposes of the said water race:

And whereas the Borough Council desires to sell, transfer, surrender, or otherwise dispose of the said land and the easements Numbers 38591 and 39900, and to pay the proceeds of the sale thereof in reduction of loan moneys owing in respect of its waterworks:

And whereas it is expedient that the Borough Council should be authorised so to do:

And whereas on the sale or transfer of the land in certificate of title, Volume 109, folio 297, hereinafter referred to, the easement created by Memorandum of Transfer, Registered Number 24172, would remain as an unnecessary encumbrance on the title, and it is desirable that that easement should be cancelled and extinguished:

And whereas on Lot 2, on Deposited Plan Number 531, being part of the land in certificate of title, Volume 73, folio 7, hereinafter referred to, is situated a reservoir and pipeline used by the Levels County Council (in this section called the **County Council**) in connection with the Fairview water supply scheme:

And whereas should the said Lot 2 on Deposited Plan Number 531 be sold it is expedient that the rights of the County Council should be safeguarded:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act, the Borough Council may cause the land hereinafter described to be valued in such lots or subdivisions as it shall think fit by 1 or more competent valuers, and may offer any such land at the price fixed by the valuation to the owner of the adjacent lands, or if there is more than 1 such owner then to each of such owners in such order as it thinks fit. If no owner accepts any such offer as aforesaid the Borough Council may cause the said land or any part or parts thereof to be sold at such time or times as it shall think fit by public auction, public tender, or private contract, and in such lots or subdivisions as it may in its discretion decide, and may exchange any part or parts of the said land for other lands, easements, or rights required and to be used for the purposes of the waterworks owned by the Corporation with or without equality of exchange, and may also

surrender, transfer, or otherwise dispose of the easements created by the said Memoranda of Transfer Registered Numbers 38591 and 39900 upon such terms and conditions as it shall decide. The Borough Council may do all things necessary to carry into effect and complete any sale, exchange, surrender, transfer, or other disposition authorised by this subsection. On completion of any such sale or exchange as aforesaid the land so sold or exchanged by the Borough Council shall be freed and discharged from the trusts, reservations, and restrictions affecting the same.

- (2) Any sale or sales of the said land or of any lot or subdivision thereof authorised by the last preceding subsection may be made subject to such easements or reservations in respect of the said pipeline as the Borough Council may deem necessary and may be made for cash or upon such terms or conditions as it may in its discretion decide. The proceeds of every sale authorised by the last preceding subsection shall be applied by the Borough Council in reduction of the Timaru Borough Waterworks Loan, 1938.
- (3) The easement created by Memorandum of Transfer Registered Number 24172 is hereby cancelled, and the District Land Registrar at Christchurch shall, without further authority than this section, remove the said easement from the said certificate of title, Volume 109, folio 297.
- (4) Notwithstanding anything contained in subsection (1), prior to the land comprising Lot 2 on Deposited Plan Number 531, being part of the land in the said certificate of title, Volume 73, folio 7, being offered for sale to an adjoining owner or being submitted for sale by public auction, public tender, or private contract as hereinbefore provided, the Borough Council shall offer for sale and shall have power to sell to the County Council such part of the said Lot 2 as may be deemed necessary to ensure the continuity of the supply of water to the County Council for the Fairview water supply scheme, or any extension thereof, upon such terms and conditions as may be agreed upon between the Borough Council and the County Council, or, in lieu of a sale of part of the said land, the Borough Council shall offer for sale and shall have power to grant such easements in favour of the County Council over the said Lot 2 upon

such terms and conditions as may be agreed upon between the Borough Council and the County Council for such purpose as aforesaid.

- (5) The land which the Borough Council is authorised to sell or exchange as aforesaid is particularly described as follows, the land being situated in the Canterbury Land District and the undermentioned certificates of title being in the Canterbury Registry:

Firstly, all that area in Block XIV, Pareora Survey District, containing 2 roods 38 perches, more or less, being part of Rural Section 26232, delineated on the public map of the said district deposited in the office of the Chief Surveyor, and being the whole of the land comprised and described in certificate of title, Volume 96, folio 167.

Secondly, all those areas in Blocks II and III, Otaio Survey District, and Blocks XIV and XV, Pareora Survey District, containing together 79 acres 2 roods 10 perches, more or less, being parts of Reserve 740, delineated on the public map of the said districts deposited in the office of the Chief Surveyor, and being the whole of the land comprised and described in certificate of title, Volume 93, folio 196.

Thirdly, all those areas in the District of Timaru containing together 3 acres 20 perches, more or less, being parts of Rural Section 11231, delineated on the public map of the said district deposited in the office of the Chief Surveyor, and being the whole of the land comprised and described in certificate of title, Volume 64, folio 170.

Fourthly, all that area in the District of Timaru containing 3 roods 1 perch, more or less, being part of Rural Section marked 8864, delineated on the public map of the said district deposited in the office of the Chief Surveyor, and being the whole of the land comprised and described in certificate of title, Volume 68, folio 188.

Fifthly, all that area in Block III, Otaio Survey District, containing 3 acres 1 rood 28 perches, more or less, being part of the said Reserve 740, and being the whole of the land comprised and described in certificate of title, Volume 93, folio 201.

Sixthly, all that area in Blocks III and IV, Otaio Survey District, containing 54 acres 2 roods 10 perches, more or less, being part of the said Reserve 740, and being the whole of the land comprised and described in certificate of title, Volume 93, folio 197.

Seventhly, all that area in Block IV, Otaio Survey District, containing 3 acres, more or less, and being part of Rural Section marked 16569, delineated on the public map of the said district deposited in the office of the Chief Surveyor, being part of the said Reserve 740, and being the whole of the land comprised and described in certificate of title, Volume 105, folio 91.

Eighthly, all that area in Block IV, Otaio Survey District, containing 29 acres 1 rood 5 perches, more or less, being part of the said Reserve 740, and being the whole of the land comprised and described in certificate of title, Volume 93, folio 199.

Ninthly, all that area in Block IV, Otaio Survey District, containing 18 acres, more or less, being part Rural Section 15796, delineated on the public map of the said district deposited in the office of the Chief Surveyor, being part of the said Reserve 740, and being the whole of the land comprised and described in certificate of title, Volume 109, folio 297.

Tenthly, all those areas in Block IV, Otaio Survey District, containing together 17 acres 1 rood 6 perches, more or less, being parts of the said Reserve 740, and being the whole of the land comprised and described in certificate of title, Volume 93, folio 202.

Eleventhly, all that area in the District of Timaru, containing 3 acres 13 perches, more or less, being Lot 1 on plan deposited in the Land Registry Office at Christchurch as Number 531, being part of Rural Section 10852, delineated on the public map of the said district deposited in the office of the Chief Surveyor, and being the whole of the land comprised and described in certificate of title, Volume 73, folio 284.

Twelfthly, all those areas in the District of Timaru containing together 8 acres 1 rood 25 perches, more or less, being, firstly, all that piece of land situated as aforesaid containing 7 acres 3 perches, more or less, being Lot 2 on plan deposited

in the Land Registry Office at Christchurch as Number 531, and being part of Rural Section 10478, and, secondly, all those areas situated as aforesaid containing together 1 acre 1 rood 22 perches, more or less, being Lots 1 and 2 on plan deposited in the Land Registry Office at Christchurch as Number 589, and being parts of Rural Section marked 12229, which said rural sections are delineated on the public map of the said district deposited in the office of the Chief Surveyor, and all of which areas together comprise the whole of the land comprised and described in certificate of title, Volume 73, folio 7.

Thirteenthly, all that area situated in the District of Timaru, containing 2 acres and 8 perches, more or less, being part of Rural Section 10702, delineated on the public map of the said district deposited in the office of the Chief Surveyor, and being the whole of the land comprised and described in certificate of title, Volume 66, folio 130.

Fourteenthly, all those areas in Block XVI, Pareora Survey District, Block X, Arowhenua Survey District, Block IV, Otaio Survey District, and Block I, Patiti Survey District, containing together 16 acres 1 rood 35 perches, more or less, being Lots 2 and 3 on plan deposited in the Land Registry Office at Christchurch as Number 586, being part of Reserves 699 and 700, and being the whole of the land comprised and described in certificate of title, Volume 433, folio 160.

Fifteenthly, all that area in Block III, Otaio Survey District, containing 2 acres 1 rood, more or less, being part of Reserve 740, and bounded as follows:

Towards the north and east by public roads and towards the south by Rural Section 16575 and by Rural Section 23544, 585 links, 540 links, and 207 links: as the same is more particularly delineated on the plan marked L and S 6/1/227, deposited in the Head Office, Department of Lands and Survey at Wellington, and thereon bordered red.

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## **Contents**

- 1 General
  - 2 Status of reprints
  - 3 How reprints are prepared
  - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
  - 5 List of amendments incorporated in this reprint (most recent first)
- 

## **Notes**

### **1 *General***

This is a reprint of the Reserves and other Lands Disposal Act 1943. The reprint incorporates all the amendments to the Act as at 3 April 1985, 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 Regional Authority (Mount Smart) Expenditure Act 1985 (1985 No 1 (L)): section 5(b)

Reserves and Other Lands Disposal Act 1952 (1952 No 69): section 33(7)

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

Reserves and other Lands Disposal Act 1947 (1947 No 54): section 15(2)