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Reserves and other Lands Disposal Act 1946

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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 1946.

2 Cancelling the reservation as a site for an old-men's home over certain land in the Borough of New Plymouth and vesting the said land in the Taranaki Hospital Board

Whereas the Hospital and Charitable Aid Board for the District of Taranaki is registered as the proprietor of an estate in fee simple in all that piece of land situated in the Borough of New Plymouth containing by admeasurement 1 acre 2 roods 5 perches, more or less, being the Sections Numbered 404, 405, 406, 407, 408, and 409 in the town of New Plymouth, and being the land comprised in certificate of title, Volume 53, folio 6, Taranaki Registry, to be held in trust as a site for an old-men's home pursuant to the provisions of the New Plymouth Borough and Taranaki Hospital Exchange Act 1903:

And whereas the Taranaki Hospital Board (in this section referred to as the **Board**) is the successor of the Hospital and Charitable Aid Board of the District of Taranaki:

And whereas the Board has established an old people's home on other land vested in the Board and the land herein described has for many years been used and is still required for the general purposes of the Board:

And whereas it is desirable to free the said land above described from the said trust:

Be it therefore enacted as follows:

- (1) Notwithstanding anything contained in sections 2 and 3 of the New Plymouth Borough and Taranaki Hospital Exchange Act 1903, the reservation of the land above described as a site for an old-men's home is hereby cancelled and the said land is hereby declared to be vested in the Board, freed and discharged from the trust heretofore affecting the land.
- (2) The District Land Registrar of the Land Registration District of Taranaki is hereby authorised and directed to make such entries in the register and generally to do all such things as may be necessary to give effect to the provisions of this section.

3 Cancelling the reservation over an area of primary education endowment and declaring it to be subject to Part 1 of the Housing Act 1919

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

And whereas it is desirable that the reservation over the said land should be cancelled and the land 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 primary education over the land described in subsection (2) is hereby cancelled and the said land is hereby set apart for housing purposes subject to the provisions of Part 1 of the Housing Act 1919.
- (2) The land to which this section relates is particularly described as follows:
All that area in the Southland Land District containing by admeasurement 1 rood, more or less, being Section 15, Block XVII, Town of Winton, and being part of the land comprised and described in certificate of title, Volume 122, folio 294, Southland Registry: as the same is more particularly delineated on the plan marked L and S 30/228/82, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

4 Cancelling the reservation over certain education endowment lands in the North Auckland and Otago Land Districts and setting them apart as permanent State forests

Whereas the lands firstly and secondly described in subsection (2) are reserved as endowments for primary education and the lands thirdly and fourthly so described are reserved as endowments for secondary education:

And whereas the said lands are unsuitable for farming purposes and it is desirable that they should be brought under the provisions of the Forests Act 1921–22 so that they may be administered and dealt with in all respects as permanent State forests:

Be it therefore enacted as follows:

- (1) The reservation as endowments for primary and secondary education over the lands described in subsection (2) is hereby cancelled and the said lands are hereby set apart as permanent State forests under and subject to the provisions of the Forests Act 1921–22.

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

Firstly, all that area in the North Auckland Land District containing by admeasurement 66 acres 3 roods 16 perches, more or less, being the north-western portion of Allotment 58, Hikurangi Parish, and being the whole of the land comprised and described in certificate of title, Volume 275, folio 83, Auckland Registry.

Secondly, all that area in the Otago Land District containing by admeasurement 281 acres 3 roods 33 perches, more or less, being Section 1, Block IX, and Section 12, Block X, Clarendon Survey District, as the same is more particularly delineated on the plan marked L and S 21/149/2544, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

Thirdly, all that area in the North Auckland Land District containing by admeasurement 74 acres 2 roods 16 perches, more or less, being the south-western portion of Allotment 65, Hikurangi Parish, and being the whole of the land comprised and described in certificate of title, Volume 613, folio 65, Auckland Registry.

Fourthly, all that area in the Otago Land District containing by admeasurement 145 acres 2 roods and 4 perches, more or less, and being Section 1, Block VIII, Akatore Survey District, and being the whole of the land comprised in deeds register, Volume 27, folio 276, Otago Registry: as the same is more particularly delineated on the plan marked L and S X/100/35, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

5 Vesting a public recreation ground and racecourse at Martinborough in the Corporation of the County of Featherston and vesting public recreation reserves in the Corporation of the Borough of Martinborough

Whereas the land firstly described in subsection (5) is vested in trustees in trust for a public recreation ground and racecourse for the people of Martinborough and the surrounding districts (save as is otherwise provided in the instrument creating the trust):

And whereas the lands secondly and thirdly described in the said subsection are vested in the same trustees in trust for a public recreation reserve for the people of Martinborough and district:

And whereas the said trustees hold certain funds being accumulations of revenue from the said lands:

And whereas the said trustees are no longer desirous of acting in that capacity and it is desirable that the said lands and funds should be vested in local author-

ities in the district subject to the provisions of Part 1 of the Public Reserves, Domains, and National Parks Act 1928:

Be it therefore enacted as follows:

- (1) The land firstly described in subsection (5) is hereby vested in the Corporation of the County of Featherston as and for the purposes of a public recreation ground and racecourse subject to the provisions of Part 1 of the Public Reserves, Domains, and National Parks Act 1928.
- (2) The lands secondly and thirdly described in subsection (5) are hereby vested in the Corporation of the Borough of Martinborough as and for a public recreation reserve subject to the provisions of Part 1 of the Public Reserves, Domains, and National Parks Act 1928.
- (3) The District Land Registrar of the Land Registration District of Wellington is hereby empowered and directed to make such entries in the register books and in the outstanding certificates of title for the said lands as may be necessary to give effect to the provisions of this section.
- (4) The said trustees are hereby empowered and directed to dispose of the said funds in the manner following:

Firstly, in payment of the sum of 100 pounds to the Corporation of the Borough of Martinborough to be held by it for the purposes of the said public recreation reserve, and secondly, in payment of the balance of the said funds to the Corporation of the County of Featherston to be held by it for the purposes of the said recreation ground and racecourse.

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

Firstly, all that area in the Wellington Land District containing 101 acres and 26 perches, more or less, being Lot 75 on a plan deposited in the Land Registry Office at Wellington under Number 579, being part of Section 1, Wharekaka Block, situated in Block IX, Huangarua Survey District, and being the whole of the land comprised and described in certificate of title, Volume 103, folio 58, Wellington Registry.

Secondly, all that area in the Borough of Martinborough containing 13 acres, more or less, being Lots 721 and 722, on a plan deposited in the Land Registry Office at Wellington under Number 250, being part of Section 1, Wharekaka Block, and being the whole of the land comprised and described in certificate of title, Volume 374, folio 211, Wellington Registry.

Thirdly, all that area in the Borough of Martinborough containing 7 acres 2 roods, more or less, being Lots 612 to 619, inclusive, on a plan deposited in the Land Registry Office at Wellington under Number 248, being part of Section 1, Wharekaka Block, and being the whole of the land comprised and described in certificate of title, Volume 459, folio 122, Wellington Registry.

6 Cancellling the reservation over certain education endowment land in the Hawke's Bay and Wellington Land Districts and declaring it to be Crown Land set apart under the Small Farms Act 1932–33

Whereas the lands described in subsection (2) are reserved as endowments for primary education:

And whereas the said lands, together with certain areas of adjoining Crown land, have been subdivided into holdings for the settlement of servicemen:

And whereas for the better disposal of those holdings it is desirable that the reservation for education endowment purposes should be cancelled and that the said lands should be declared subject to the Small Farms Act 1932–33:

And whereas it is expedient that the said lands be disposed of together with adjoining areas of Crown land subject to the provisions of the Small Farms Act 1932–33:

Be it therefore enacted as follows:

- (1) The reservation as endowments for primary education purposes over the lands described in subsection (2) is hereby cancelled and the said lands are hereby declared to be Crown land set apart under and subject to the provisions of the Small Farms Act 1932–33.

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

Firstly, all that area in the Hawke's Bay Land District containing by admeasurement 985 acres, more or less, situated in Block IV, Patoka Survey District, being Pakiaka Rural Sections 23, 29, 30, 31, 33, 34, 35, 36, 37, 38, 39, and 40, and being the whole of the land comprised and described in certificate of title, Volume 57, folio 295, Hawke's Bay Registry: as the same is more particularly delineated on the plan marked L and S 36/1531, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered green.

Secondly, all those areas in the Wellington Land District, Rangitikei County, containing respectively by admeasurement 98 acres 1 rood, and 7 acres 1 rood, more or less, being parts of Section 6, Block VIII, Hautapu Survey District and being part of the land comprised and described in certificate of title, Volume 94, folio 134, Wellington Registry, as the same are more particularly delineated on the plan marked L and S 36/1496, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red (SO Plan 21395).

7 Revoking the reservation over a recreation reserve in the Borough of Oamaru and authorising the Oamaru Borough Council to subdivide and sell the said land

Whereas the land described in subsection (6) is a reserve for recreation purposes vested in His Majesty the King:

And whereas the said land is not required for the purpose for which it is reserved and the Oamaru Borough Council (in this section referred to as the

Council) desires to subdivide it and erect dwellings on the lots of the subdivision for purposes of sale:

And whereas it is expedient that the Council should be authorised so to do on condition that a sum equivalent to the present value of the said land is credited to a special account and applied in the purchase of other lands for recreation purposes and for the improvement of existing recreation reserves in the Borough:

Be it therefore enacted as follows:

- (1) The reservation for recreation purposes over the land described in subsection (6) is hereby revoked and the said land is hereby vested in the Corporation of the Borough of Oamaru subject to the provisions of this section and freed from the trusts, reservations, and restrictions heretofore affecting the same.
- (2) The Council shall pay to a special reserve account a sum equivalent to the value of the said land as determined by the Valuer-General by special valuation and the moneys so paid shall be applied by the Council in the purchase of other land for recreation purposes or for the improvement of existing recreation reserves or for any of such purposes as the Council may decide.
- (3) Notwithstanding anything to the contrary in any Act, the Council may without further authority than this section subdivide the land hereinafter described into building lots and may sell such lots to servicemen within the meaning of the Rehabilitation Act 1941 by public auction or tender or public application and ballot at a fixed price or by private contract as the Council may in its discretion decide.
- (4) Any sale authorised by this section may be for cash or upon such terms as the Council may in its discretion decide.
- (5) The District Land Registrar for the Land Registration District of Otago is hereby empowered and directed to deposit such plans, make such entries in the register books, and to do all such things as may be necessary to give effect to the provisions of this section.
- (6) The land to which this section relates is particularly described as follows:

All that area in the Otago Land District, situated in the Borough of Oamaru, containing by admeasurement 3 acres and 22 perches, more or less, being Block 96, Town of Oamaru, and being the whole of the land comprised and described in certificate of title, Volume 45, folio 39, Otago Registry.

8 Authorising the Hastings Borough Council to sell a library site and to use the proceeds of such sale towards erection of a new library building

Whereas the land described in subsection (3) is vested in the Corporation of the Borough of Hastings for an estate in fee simple upon trust for library purposes:

And whereas there was at one time a building used as a public library erected on the said land but the said building was totally destroyed following the earthquake on 3 February 1931:

And whereas it is desirable that the Hastings Borough Council be empowered to sell the said land as it is no longer required for the purpose for which it is reserved and that the proceeds of any such sale should be applied towards the cost of erection of a new library building:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act, the Hastings Borough Council is hereby empowered to sell the land described in subsection (3) freed and discharged from the trusts, reservations, and restrictions affecting the said land.
- (2) Any sale authorised by the last preceding subsection may be by public auction or tender or public application and ballot at a fixed price or private contract and 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 applied by the Council towards the cost of erecting a new library building.
- (3) The land to which this section relates is particularly described as follows:
All that piece or parcel of land, in the Hawke's Bay Land District, situated in the Borough of Hastings, containing by admeasurement 1 rood, more or less, being Lot 259 on a plan lodged in the Deeds Registry Office at Napier as Number 67, being part of Subdivision E of the Heretaunga Block, and being the whole of the land comprised and described in certificate of title, Volume 68, folio 131, Hawke's Bay Registry, the said certificate of title being limited as to parcels and title.

9 Authorising the Waihi Borough Council to transfer certain land by way of gift to the Waihi Agricultural and Pastoral Association, Incorporated

Whereas the lands described in subsection (3) are vested in the Corporation of the Borough of Waihi:

And whereas the land secondly so described is held in trust as a site for a municipal abattoir:

And whereas the Waihi Borough Council (in this section referred to as the **Council**) is desirous of transferring the said lands to the Waihi Agricultural and Pastoral Association, Incorporated, by way of gift as a site for a permanent showground and there is no statutory or other power enabling the Council to make such transfer and it is desirable to authorise the Council to make such gift:

Be it therefore enacted as follows:

- (1) The Council is hereby authorised and empowered to transfer the lands firstly and secondly described in subsection (3) to the Waihi Agricultural and Pastoral Association, Incorporated, without consideration as a site for a permanent

showground freed and discharged from the trusts and reservations heretofore affecting the land secondly described in that subsection:

provided that notwithstanding the provisions of section 7 of the Agricultural and Pastoral Societies Act 1908, the Association shall not have power to sell or exchange the land vested in it pursuant to this section.

- (2) The District Land Registrar of the Land Registration District of Auckland is hereby empowered and directed to accept and register a memorandum of transfer of the said lands by the Corporation to the Waihi Agricultural and Pastoral Association, Incorporated, and to make such entries in the register books and to do all things necessary to give effect to the provisions of this section.
- (3) The lands to which this section relates are particularly described as follows:

Firstly, all that area of land in the Auckland Land District, situated in the Borough of Waihi, containing by admeasurement 8 acres 2 roods 5 perches and five-tenths of a perch, more or less, being part of Section 157, Block XV, Ohinemuri Survey District, but excluding therefrom any minerals on or under the said land and being the whole of the land comprised and described in certificate of title, Volume 678, folio 2, Auckland Registry, subject however to the restrictions imposed by Part 13 of the Land Act 1924 and by section 315 of the said Act.

Secondly, all that area situated in the aforesaid Land District and Borough and containing 5 acres 2 roods 12 perches and four-tenths of a perch, more or less, being Lot 1 on a plan deposited in the Land Registry Office at Auckland under Number 32786, which said parcel of land is portion of Section 84, Block XV, Ohinemuri Survey District, and portion of the land comprised and described in certificate of title, Volume 649, folio 187, Auckland Registry, subject however to the said land being available for mining at a depth of 50 feet from the surface.

10 Cancelling the reservation for the purpose of a recreation reserve and motor camp site in the Borough of Otaki and authorising the sale thereof

Whereas the land secondly described in subsection (5) is vested in the Mayor, Councillors, and Burgesses of the Borough of Otaki (in this section referred to as the **Corporation**) for an estate in fee simple for the purposes of a recreation reserve and motor camp site:

And whereas the whole of the said land is not required for that purpose and it is desirable that a portion of it should be sold (such portion being firstly described in subsection (5)) and that the proceeds of such sale should be applied in developing the balance of the area:

Be it therefore enacted as follows:

- (1) The reservation for the purposes of a public recreation reserve and motor camp site over the land firstly described in subsection (5) is hereby cancelled and the

said land is hereby declared to be vested in the Corporation freed and discharged from the trusts, reservations, and restrictions affecting the same.

- (2) The Otaki Borough Council (in this section referred to as the **Council**) may sell the land firstly described in subsection (5) either by public application and ballot at fixed prices or by public auction or tender, or private contract.
- (3) Any sale of the said land 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 held by the Council and applied by it in the development of the balance of the area secondly described in subsection (5) exclusive of the land authorised to be sold pursuant to this section.
- (4) The District Land Registrar of the Land Registration District of Wellington is hereby authorised and directed to make such entries in the register books and generally to do all such things as may be necessary to give effect to the provisions of this section.
- (5) The land to which this section relates is particularly described as follows:

Firstly, all that area in the Wellington Land District, situated in the Borough of Otaki, containing by admeasurement 4 acres and 2 perches, more or less, being Lots 1 to 19, inclusive, on a plan numbered 21466 lodged in the office of the Chief Surveyor at Wellington, and thereon bordered green, the said area being portion of the land comprised and described in certificate of title, Volume 453, folio 192, Wellington Registry, and described therein as part Taumanuka No 1 Block.

Secondly, all that area in the Wellington Land District, situated in the Borough of Otaki, containing 15 acres 2 roods and six-tenths of a perch, more or less, being part of Taumanuka No 1 Block, part of the said parcel of land being also Lots 38 to 46, inclusive, on a plan deposited in the Land Registry Office at Wellington under Number 4384, and being the whole of the land comprised and described in certificate of title, Volume 453, folio 192, Wellington Registry.

11 Cancelling the vesting of an area of land at Johnsonville in the Johnsonville Town Board, and vesting the said land in the Education Board of the District of Wellington for a site for a kindergarten

[Repealed]

Section 11: repealed, on 18 November 1992, by section 4(3)(d) of the Local Legislation Act 1992 (1992 No 103).

12 Authorising the Rotorua Borough Council to receive a certain sum as compensation for portion of a reserve taken for a fire station, and to expend such sum on acquisition of other land for recreation purposes

- (1) Notwithstanding anything to the contrary in any Act, the Rotorua Borough Council is hereby authorised to receive from the Rotorua Fire Board, and the said Fire Board is hereby authorised to pay to the said Council, the sum of 500

pounds as compensation for portion of a reserve for a site for municipal buildings, being part of the Rotorua Town Belt, which is vested in the Corporation of the said Borough in trust by an Order in Council dated 21 December 1927 and published in the *Gazette* of 12 January 1928, and which is being acquired by the said Fire Board under the provisions of the Public Works Act 1928, for a fire station.

- (2) The said Council is hereby authorised to expend the said moneys on the acquisition and development of other land for recreation purposes.

13 Cancelling the reservation over certain education endowment land in the Nelson Land District, and setting it apart under Part 3 of the Coal Mines Act 1925

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

And whereas it is desirable that it should be set apart for the purposes of Part 3 of the Coal Mines Act 1925 so that it may be used as sites for houses for persons engaged in the coal-mining industry in the locality:

Be it therefore enacted as follows:

- (1) The reservation as an endowment for primary education over the land described in subsection (2) is hereby cancelled, and the said land is hereby set apart under Part 3 of the Coal Mines Act 1925.

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

All that area in the Nelson Land District, situated in the Inangahua County, containing a total area of 1 acre and 10 perches, more or less, being Sections 602, 603, 604, 605, 655, 656, 657, 694, 695, 696, 744, 745, 746, and 747, Town of Reefton.

14 Validating a certain deed affecting land in the Borough of New Plymouth

- (1) The deed dated 15 March 1946, made between the Minister of Works on behalf of His Majesty the King and the Mayor, Councillors, and Burgesses of the Borough of New Plymouth affecting all that piece of land comprising 22 perches and forty-six hundredths of a perch, more or less, situate in the Borough of New Plymouth, being Lots 1, 2, and 3, on Deposited Plan 1282, being part Section 2335, Town of New Plymouth, is hereby declared to be valid and binding in all respects according to its tenor.
- (2) The Minister of Works on behalf of His Majesty the King, and the New Plymouth Borough Council, shall be deemed to have had full power and authority to enter into and execute the said deed and to be at all times empowered to do all things necessary to give full force and effect to the provisions thereof.

15 Adding land to the M J Savage Memorial Park and Orakei Domain

Whereas certain land in the North Auckland Land District and situated in the City of Auckland was constituted as the M J Savage Memorial Park by section 11 of the Reserves and other Lands Disposal Act 1941:

And whereas portion of that land forms part of the Orakei Domain:

And whereas it is desirable to add certain areas of Crown land to the said Orakei Domain and to the said M J Savage Memorial Park and to make provision for the addition of further areas in the future:

Be it therefore enacted as follows:

- (1) The area firstly described in subsection (5) 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 part of the Orakei Domain.
- (2) On the completion of the vesting in His Majesty the King of the land secondly described in subsection (5) the said land shall be deemed to be a recreation reserve subject to the provisions of Part 2 of the Public Reserves, Domains, and National Parks Act 1928, and to form part of the Orakei Domain.
- (3) The lands referred to in subsections (1) and (2) shall be deemed to be an addition to the M J Savage Memorial Park.
- (4) The Governor-General may from time to time, by Order in Council, declare such other lands as in his opinion are suitable for addition to the said park to be added to it and to be added to and deemed to form part of the Orakei Domain.
- (5) The lands to which this section relates are particularly described as follows:

Firstly, all that area in the North Auckland Land District situated in Block IX, Rangitoto Survey District, in the City of Auckland, containing by admeasurement a total area of 20 acres 3 roods 29 perches and five-tenths of a perch, more or less, shown in plan numbered 34195, deposited in the office of the Chief Surveyor at Auckland as part Orakei Block, containing 2 acres 2 roods 37 perches and seven-tenths of a perch, coloured sepia on the said plan; part Orakei 4C Block, containing 6 acres 11 perches and two-tenths of a perch, edged yellow on the said plan; part Orakei 4B and 4C Blocks, containing 12 acres and 20 perches and six-tenths of a perch, edged yellow on the said plan.

Secondly, all that area situated as aforesaid containing by admeasurement 1 acre, more or less, being Section 2, Block IX, Rangitoto Survey District, and being the whole of the land comprised and described in certificate of title, Volume 310, folio 232, Auckland Registry, the said land being edged blue on the said plan numbered 34195, deposited in the office of the Chief Surveyor at Auckland.

16 Cancellling the reservation over a recreation reserve in the Karangahape Parish and reserving it for water conservation purposes and vesting the said land in the Corporation of the City of Auckland

Whereas the land described in subsection (2) is a reserve for recreation purposes vested in His Majesty the King, but is not used for the purposes for which it is reserved:

And whereas the said land lies into a larger area used for water conservation purposes and is also the source of several streams, the water from which forms part of the Auckland City water supply:

And whereas it is desirable that the reservation over the said land should be changed from a reserve for recreation purposes to a reserve for water conservation purposes and that it should be vested in the Corporation of the City of Auckland (in this section referred to as the **Corporation**) for such latter purposes:

Be it therefore enacted as follows:

- (1) The reservation for recreation purposes over the land hereinafter described is hereby cancelled and the said land is hereby declared to be a reserve for water conservation purposes and is hereby vested in trust for those purposes in the Corporation:

provided that in the event of the said land not being required at any time for those purposes it shall revert to the Crown and shall be held for the purposes of a recreation reserve.

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

All that area in the North Auckland Land District situated in the County of Waitemata, containing by admeasurement 248 acres 2 roods 25 perches and eight-tenths of a perch, more or less, being Allotments 129 and 130 and part of Allotment 72, Parish of Karangahape, bounded generally towards the north by a public road and Allotments 134 and 73, Karangahape Parish, towards the east by Allotments S 75 and 112 of the said parish, towards the south by Allotment N 71 of the said parish, and towards the west by a public road: as the same is more particularly delineated on the plan marked L and S 1/552/C, deposited in the Head Office, Department of Lands and Survey at Wellington, and thereon bordered red.

17 Authorising the Christchurch City Council to sell and lease portions of a municipal reserve

Whereas Reserve 212 in the Canterbury Land District (in this section referred to as the **reserve**) is held by the Corporation of the City of Christchurch in trust for municipal purposes without power of sale:

And whereas by section 156 of the Municipal Corporations Act 1933 no part of the reserve may be leased save pursuant to special order in that behalf or, so far

as portion thereof is concerned, save as provided by section 13 of the Reserves and other Lands Disposal Act 1933:

And whereas the Christchurch City Council (in this section referred to as the **Council**) was authorised by the said section 13 to grant to the Christchurch Returned Soldiers' Association, Incorporated, for the purpose of establishing a soldiers' and sailors' settlement, a lease of part of the reserve, being the land described in subsection (3) of that section, upon the terms and subject to the conditions in the said section 13:

And whereas no formal lease has ever been granted to the Christchurch Returned Soldiers' Association, Incorporated, now called the Christchurch Returned Services' Association, Incorporated (in this section referred to as the **Association**), but the Association has built upon part of the property to which the said section 13 relates dwellinghouses which are now occupied by returned soldiers and sailors, which part so built upon is particularly described in subsection (9) of this section:

And whereas the Association does not propose to erect any further dwellinghouses upon the land to which the said section 13 relates, and has released the Council from any obligation or liability to grant the Association a lease of so much of that land as does not comprise the area upon which the Association has already built dwellinghouses:

And whereas the Council has subdivided land to which the said section 13 relates, excluding the area built upon by the Association (the land so subdivided being referred to in this section as the **Sandilands Settlement**), and has built upon portions of it a number of double-unit and single-unit houses:

And whereas the Council desires to have power to sell the single-unit houses and to let or lease the double-unit houses or the 2 separate parts of each double-unit house at such rent, on such conditions, and for such term as the Council shall from time to time think fit:

Be it therefore enacted as follows:

- (1) The Council is hereby authorised to subdivide the Sandilands Settlement or any part thereof into lots, to dedicate the part or parts thereof described in subsection (8) for road, reserve, or other purposes, to form and lay out any reserve areas for playgrounds, to lay out and form roads, to build, make, and lay down in or under the same any sewers, drains, gas pipes, cables, and wires for electric lighting and electric power purposes, water pipes and other conveniences, and generally, so far as the Sandilands Settlement is concerned, to act with all the powers of absolute owners without being obliged to comply with the provisions of section 156 of the Municipal Corporations Act 1933.
- (2) The power of the Council to grant to the Association a lease of the land described in subsection (3) of section 13 of the Reserves and other Lands Disposal Act 1933 is hereby cancelled except so far as that power relates to the lands mentioned in the next succeeding subsection.

- (3) The Council may at any time grant to the Association a lease of that part of the reserve described in subsection (9), already built upon by the Association as provided for by subsection (2) of the said section 13, and subject to the terms and conditions set out therein, except as modified by this section.
- (4) The Council may at any time, and from time to time and without the authority of a special order, enter into tenancies or grant leases of any double-unit houses or of each separate unit of any such double-unit houses of the Sandilands Settlement, being the land described in subsection (10) for a term not exceeding 21 years at such rents and upon such conditions as the Council may deem expedient, and so that there shall be contained in any such lease such provisions as may be considered necessary by the Council for the right of re-entry over the said land and for the preservation of the amenities of the district.
- (5) The Council may at any time, and from time to time without the necessity of a special order, sell any of the lots of the Sandilands Settlement on which single-unit houses have been or shall be built by it (being the land described in subsection (11)) for cash, or upon the security of the purchased lot, or upon such other terms and conditions in all respects as the Council shall in its absolute discretion think fit.
- (6) The Council shall upon receipt of the purchase money, or upon the purchaser giving to the Council a mortgage to secure the purchase money or any part thereof, have power to transfer any single-unit lot to the purchaser.
- (7) On deposit by him of a plan showing the subdivisions of the lands referred to in this section the District Land Registrar of the Land Registration District of Canterbury shall accept such documents for registration, make such entries in the register books, and generally do all such things as shall be necessary to give effect to the provisions of this section.
- (8) The portions of the Sandilands Settlement, which are authorised by this section to be dedicated for roads and set aside as reserves, are the areas particularly described as follows:

All those areas of land in the Canterbury Land District situated in the City of Christchurch, containing by admeasurement a total area of 4 acres 8 perches and five-tenths of a perch, more or less, being parts of Reserve 212, and being Lots 47, 48, and 49 on a plan recorded in the office of the Chief Surveyor at Christchurch as Number SO 7789, and thereon coloured red.

- (9) The land referred to in this section as being built on by the Association is particularly described as follows:

All those areas in the Canterbury Land District, containing by admeasurement a total area of 1 acre 2 roods 30 perches and three-tenths of a perch, more or less, and being part of Reserve 212, situated in the City of Christchurch, being Lots 45 and 46 on a plan recorded in the office of the Chief Surveyor at Christchurch as Number SO 7789, and thereon bordered sepia.

- (10) The land referred to in this section as the land on which are erected double-unit houses is particularly described as follows:

All those areas in the Canterbury Land District, containing by admeasurement a total area of 2 acres 2 roods 22 perches and two-tenths of a perch, more or less, being part of Reserve 212, situated in the City of Christchurch, being Lots 9, 10, 16, 17, 24, 25, 27, 29, 32, 33, 37, and 38, on a plan recorded in the office of the Chief Surveyor at Christchurch as Number SO 7789, and thereon bordered blue.

- (11) The land referred to in this section as the land on which single-unit houses are erected is particularly described as follows:

All those areas in the Canterbury Land District, containing by admeasurement a total area of 6 acres 2 roods 17 perches and one-tenth of a perch, more or less, and being part of Reserve 212, situated in the City of Christchurch, being Lots 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 23, 26, 28, 30, 31, 34, 35, 36, 39, 40, 41, 42, 43, and 44, on a plan recorded in the office of the Chief Surveyor at Christchurch as Number SO 7789, and thereon bordered orange.

18 Authorising the Hurunui Rabbit Board to sell certain lands, and directing the application of the proceeds of sale thereof

Whereas by an Order in Council issued pursuant to section 9 of the Public Reserves, Domains, and National Parks Act 1928, dated 19 August 1929, and published in the *Gazette* of 22 August, the land described in subsection (3) was declared to be vested in the Hurunui Rabbit Board in trust for sites for buildings of the said Board:

And whereas the land is no longer required for that purpose, and it is expedient that the Hurunui Rabbit Board should be empowered to sell and transfer the said land and to apply the proceeds received therefrom towards the cost of purchasing other land and buildings for the purpose of the said Board:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act, the Hurunui Rabbit Board is hereby empowered to sell the said land freed and discharged from the trusts, reservations, and restrictions affecting the same and to execute a transfer to the purchaser thereof, and the District Land Registrar for the Land Registration District of Canterbury is hereby authorised to register such transfer accordingly.
- (2) The net proceeds from the sale of the said land shall be applied in and towards the costs of purchasing other land and buildings and such land shall be held in trust as a site for buildings of the said Board, subject to the provisions of the Public Reserves, Domains, and National Parks Act 1928.

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

All that area in the Canterbury Land District, containing by admeasurement 9 acres 3 roods and 28 perches, more or less, and being part Reserve Number 286, situated in Block III, Waitohi Survey District, bounded as follows: towards the northwest and northeast by other part of Reserve Number 286, 1607 and 614 links respectively; towards the southeast by Reserve Number 2005, 1607.2 links; and again towards the southwest by a public road, 621 links: as the same is more particularly delineated on the plan marked L and S 6/1/453, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

19 Amending the boundaries of certain land reserved for a school site in Block XI, Ongo Survey District

Whereas all that area in the Wellington Land District, containing by admeasurement 10 acres and 32 perches, more or less, being Section 67, Block XI, Ongo Survey District, was permanently reserved for a school site by Warrant dated 25 December 1890 and published in the *Gazette* of 2 January 1891:

And whereas in the year 1895 the Rewa Village and Village Settlement was laid off and an alteration to the boundaries of the said Section 67 was made without the necessary formalities having been completed to amend the said boundaries:

And whereas the lands known as Section 6, Rewa Village Settlement, and Sections 8 and 9, Rewa Village, include portions of Section 67 as originally laid off and reserved as a school site:

And whereas Section 67 as laid off in the year 1895 includes Crown land not reserved as a school site:

And whereas it is now expedient to validate the alteration of the boundaries of Section 67, Block XI, Ongo Survey District, and consequently to validate the titles to Section 6, Rewa Village Settlement, and Sections 8 and 9, Rewa Village:

Be it therefore enacted as follows:

- (1) The reservation as a school site over Section 67, Block XI, Ongo Survey District, containing 10 acres and 32 perches, more or less, as shown on a plan numbered 13142 lodged in the office of the Chief Surveyor at Wellington, is hereby cancelled, and Section 67, Block XI, Ongo Survey District, containing 10 acres and 32 perches, more or less, as shown on a plan numbered 13841, lodged as aforesaid, is hereby reserved as a school site in lieu thereof.
- (2) The District Land Registrar for the Land Registration District of Wellington is hereby empowered and directed to make such entries in the register books and to do all such things as may be necessary to give effect to the provisions of this section.

20 Effecting the exchange of certain areas of land between the Corporation of the City of Wellington and certain private trustees

Whereas the lands firstly, secondly, and thirdly described in subsection (4) are held by Alexander Henderson Wallace, retired, Charles Roderick Edmond, company director, and Allan McDougall, company manager, all of the City of Wellington (in this section referred to as the **trustees**) upon trust for the purposes of the Young Men's Christian Associations of New Zealand in accordance with the terms of certain deeds of trust bearing date 1 October 1925, and 7 February 1928, respectively, and made between Esther Bell George, therein described of the one part, William Henry Harrison George, Charles Manley Luke, and Henry Walter Kersley, therein described of the other part:

And whereas by the said deeds the said Esther Bell George authorised the trustees at any time to sell the said lands upon such terms and conditions as they should think fit and to expend the proceeds of any such sale upon the purchase of other land within the Land District of Wellington, and the said Esther Bell George further directed that any land at any time so purchased should be held by the trustees subject to the said trusts declared by the said deeds:

And whereas the said Esther Bell George further directed by the said deeds that the said lands should not be sold by the trustees to any person or Corporation other than the Mayor, Councillors, and Citizens of the City of Wellington (in this section referred to as the **Corporation**):

And whereas the trustees and the Wellington City Council mutually desire that, in lieu of the trustees selling the said lands to the Corporation, the said lands should be exchanged without any monetary consideration for the land fourthly described in subsection (4), at present held by the Corporation subject to the provisions of the Wellington City and Suburban Water-supply Act 1927, and it is expedient that effect be given to such agreement:

Be it therefore enacted as follows:

- (1) The vesting in the said trustees of the lands firstly, secondly, and thirdly described in subsection (4) is hereby cancelled, and the said lands are hereby vested in the Corporation freed and discharged from the trusts contained in the aforesaid deeds.
- (2) The vesting in the Corporation of the land fourthly described in subsection (4) is hereby cancelled, and the said land is hereby vested in the said trustees upon the same trusts as are set out in the said deeds bearing date 1 October 1925, and 7 February 1928, freed and discharged from all the provisions of the Wellington City and Suburban Water-supply Act 1927.
- (3) The District Land Registrar for the Land Registration District of Wellington is hereby empowered and directed to make such entries in the register books and in the outstanding certificates of title for the said lands, and to do all such things as may be necessary to give effect to the provisions of this section.

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

Firstly, all that piece or parcel of land situated in the Wellington Land District, containing by admeasurement 4 acres 1 rood 21 perches and three-tenths of a perch, more or less, situate in Block IV, Belmont Survey District, being part of Section 196, Hutt District, and being also part of Lot 3 on a plan deposited in the office of the District Land Registrar at Wellington under Number 7415, and being the balance of the land comprised in certificate of title, Volume 328, folio 172, Wellington Registry, together with the right of way appurtenant thereto over part of Lot 2 on the said deposited plan Number 7415, coloured blue on the diagram endorsed on the said certificate of title and created by Transfer 172021.

Secondly, all that piece of land situated as aforesaid, containing by admeasurement 3 perches, more or less, situate in Block IV, Belmont Survey District, being part of Section 196, Hutt District, and being also portion of Lot 2 on a plan deposited in the office of the District Land Registrar at Wellington under Number 8202, as more particularly shown on plan numbered 20148, lodged in the office of the Chief Surveyor at Wellington, and being part of the land in certificate of title, Volume 383, folio 149, Wellington Registry.

Thirdly, all that piece of land situated as aforesaid and containing 14 perches and eight-tenths of a perch, more or less, situate in Block IV, Belmont Survey District, being part of Section 196, Hutt District, and being also a portion of Lot 2 on a plan deposited in the office of the District Land Registrar at Wellington under Number 8202, as more particularly shown on Plan 20148, lodged in the office of the Chief Surveyor at Wellington, and being part of the land in certificate of title, Volume 383, folio 149, Wellington Registry.

Fourthly, all that piece of land situated as aforesaid, containing 25 acres, more or less, being part of Section 32, Block XVI, of the Akatarawa Survey District, and being also Lot 3 on the plan lodged for deposit in the office of the District Land Registrar at Wellington under Number 12827, the said area being portion of the land described in clause 9 of Schedule 1 of the Wellington City and Suburban Water-supply Act 1927.

21 Closing certain roads in the Waipawa Survey District, Wellington Land District, and declaring certain lands to be legal roads, and validating the issue of certain leases and a certificate of title

Whereas the area hatched green on Plan 21376, lodged in the office of the Chief Surveyor at Wellington, being formerly part of Section 156, Awhea District, situated in Block X, Waipawa Survey District, was by Proclamation dated 26 October 1886, published in the *Gazette* of 28 October and registered in the Land Registry Office at Wellington as Number 75, taken for a road:

And whereas the areas coloured green and burnt sienna on the aforesaid Plan 21376, being formerly parts of Sections 57, 101, 104, 156, and 157, Awhea District, situated in Blocks X and XIV, Waipawa Survey District, were by Plan

C 67, deposited in the Land Registry Office at Wellington, shown to be a road in pursuance of subsection (4) of section 100 of the Public Works Act 1894:

And whereas the aforesaid roads hatched green and coloured green were included in the sections of the Tukurumuri Settlement as shown on Plans 17430, 17431, and 17432, approved by the Chief Surveyor on 13 April 1920, and lodged as aforesaid without first having been closed and declared subject to the provisions of the Land for Settlements Act 1908:

And whereas the areas coloured red on the aforesaid Plan 21376 were shown as roads on the aforesaid Plans 17430, 17431, and 17432, and have not been proclaimed as such:

And whereas it is expedient that the said roads hatched green and coloured green should be closed and declared subject to the provisions of the Land for Settlements Act 1908, as from 13 April 1920, and the said areas coloured red should be proclaimed road as from the same date:

Be it therefore enacted as follows:

- (1) The roads hatched green and coloured green on Plan 21376, lodged in the office of the Chief Surveyor at Wellington, are hereby deemed to be and to have been closed and declared subject to the provisions of the Land for Settlements Act 1908, and to have formed part of the Tukurumuri Settlement as from 13 April 1920.
- (2) The areas coloured red on the said Plan 21376 are hereby deemed to have been proclaimed road as from 13 April 1920.
- (3) All leases heretofore registered under the Land Transfer Act 1915 of the said Tukurumuri Settlement, and all registered dealings therewith, all Proclamations affecting the said Tukurumuri Settlement registered since the said 13 April 1920, and certificate of title, Volume 503, folio 118, Wellington Registry, for Sections 12S and 13S of the said settlement in favour of the Chairman, Councillors, and Inhabitants of the County of Featherston, are hereby validated and declared to be and to have been of full force and effect.
- (4) The District Land Registrar of the Land Registration District of Wellington is hereby empowered and directed to make such entries in the register books, in the outstanding duplicate leases, and in the outstanding certificate of title as may be necessary to give effect to the provisions of this section.

22 Authorising the sale of the Ngatimoti Public Hall Reserve and directing the application of the proceeds thereof

Whereas the land known as the Ngatimoti Public Hall Reserve (in this section referred to as the **said reserve**), situated at Ngatimoti in the Land District of Nelson, is vested in certain trustees upon the trusts declared under a certain

declaration of trust dated 1 October 1927 and known as the Ngatimoti Hall Trust Deed:

And whereas by the said declaration of trust it is declared that the said reserve shall be held by the trustees upon trust as and for a public reserve and recreation ground for the pleasure and benefit of the inhabitants of the district of Ngatimoti and its surroundings:

And whereas the said declaration of trust further declares that the said reserve shall not be sold, mortgaged, or exchanged, or be used or dealt with otherwise than as a recreation ground as aforesaid:

And whereas the trustees and the inhabitants of the district of Ngatimoti and its surroundings have acquired another more central and convenient site which they desire to be used for the same purposes as are set forth in the said declaration of trust, and further desire to remove the public hall erected on the said reserve to the said new site and to sell the said reserve and apply the proceeds of the sale towards the cost of removing, repairing, and improving the said public hall:

And whereas there is no authority enabling the trustees so to do:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the said declaration of trust, the trustees of the said reserve are hereby empowered to remove the said public hall and to sell the land hereinafter described freed and discharged from the trusts, reservations, and restrictions affecting the same.
- (2) The net proceeds from the sale shall be applied towards the cost of removing the said public hall to its new site and repairing and improving the said hall.
- (3) The land to which this section relates is particularly described as follows:

All that area in the Nelson Land District, containing by admeasurement 37 perches, more or less, being a portion of Section 64, Square 3, situated in Block X, Motueka Survey District, and being the whole of the land comprised and described in certificate of title, Volume 63, folio 148, Nelson Registry, the said certificate of title being limited as to parcels.

23 Cancellling the reservation for State forest and scenic purposes over Parts Sections 48 and 62, Block VII, Pohangina Survey District, and constituting them and an area of stopped Government road as the Pohangina Valley Domain

Whereas the land firstly described in subsection (2) is permanent State forest under and subject to the provisions of the Forests Act 1921–22:

And whereas the land secondly described in the said subsection is a scenic reserve subject to the provisions of the Scenery Preservation Act 1908:

And whereas the land thirdly described in the said subsection is a strip of stopped Government road and runs through the said land firstly described:

And whereas it is desirable that the lands firstly and secondly described in the said subsection should cease to be permanent State forest and scenic reserve respectively and that the said lands, together with the land thirdly described in the said subsection, should be reserved for recreation purposes and constituted as the Pohangina Valley Domain, subject to the provisions of Part 2 of the Public Reserves, Domains, and National Parks Act 1928, and be placed under the control of the Palmerston North City Council acting as a Domain Board:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act, the reservation for State forest purposes over the land firstly described in subsection (2) and the reservation for scenic purposes over the land secondly so described is hereby cancelled, and the said lands are, together with the land thirdly so described, hereby declared to be recreation reserves and to be set apart under Part 2 of the Public Reserves, Domains, and National Parks Act 1928, as the Pohangina Valley Domain, and the control thereof is hereby vested in the Palmerston North City Council acting as the Pohangina Valley Domain Board.

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

Firstly, all that area in the Wellington Land District situated in the Pohangina County, containing by admeasurement 644 acres, more or less, and being part of Section 48, Block VII, Pohangina Survey District, bounded as follows: commencing at a point on the northern side of the Pohangina Valley Road, being the southernmost corner of Section 62, Block VII; thence towards the east by the crossing of that road and by Section 64 to Opawe Road; thence in a north-westerly direction by the northern side of that road to the Pohangina Valley Road aforesaid; thence in a southerly and easterly direction generally by the crossing of Opawe Road and the western and southern boundaries of Sections 7 and 8, Block VII, to the western boundary of Section 64 aforesaid; thence in a southerly direction along the western boundaries of Section 64, Block VII, and Section 12, Block XI; thence in a westerly direction along the northern boundary of Section 12 aforesaid, the crossing of the Pohangina Valley Road and along the northern boundary of Section 11, Block XI, to the Pohangina River; thence in a northerly direction generally by that river to the south-western boundary of Section 62 aforesaid; thence along that boundary to a point on the Pohangina Valley Road, the place of commencement, excepting therefrom the Pohangina Valley Road; also excepting a stopped road as shown on plan numbered SO 14255: as the same is more particularly delineated on a plan deposited in the District Office, Department of Lands and Survey, at Wellington, numbered SO 15532, and thereon coloured red.

Secondly, all that area in the Wellington Land District situate in the Pohangina County, containing by admeasurement 90 acres 2 roods, more or less, being part Section 62, Block VII, Pohangina Survey District, bounded toward the west and north generally by the Pohangina River, toward the east and south by the abutment of a riverbank reserve, Section 64, the Pohangina Valley Road

aforesaid, Section 4A, again by the Pohangina Valley Road and by Section 48, Block VII, Pohangina Survey District, excepting therefrom a public road 100 links wide: as the same is more particularly delineated on a plan deposited in the district office, Department of Lands and Survey, at Wellington, numbered SO 12884, and thereon coloured red.

Thirdly, all that area in the Wellington Land District situate in the Pohangina County, containing by admeasurement 16 acres, more or less, and being Section 65, Block VII, Pohangina Survey District: as the same is more particularly delineated on a plan deposited in the district office, Department of Lands and Survey, at Wellington, numbered SO 14255, and thereon coloured green.

24 Conferring on certain lessees and licensees of land in Te Kuiti, Taumarunui, and Otorohanga a right to convert to renewable lease

- (1) This section applies—
 - (a) to all deferred payment licenses of any land situated within the Borough of Te Kuiti, the Borough of Taumarunui, or the Town District of Otorohanga that has been acquired by the Crown, if the licenses were granted under the Native Townships Act 1910, or under section 60 of the Reserves and other Lands Disposal and Public Bodies' Empowering Act 1924, or were granted in substitution (whether mediately or immediately) for any such license so granted:
 - (b) to all leases of any land situated as aforesaid that has been acquired by the Crown, if the leases were granted by or on behalf of the Native owners or by a Maori Land Board or were granted in renewal (whether mediately or immediately) of any such lease so granted.
- (2) The lessee or licensee under any lease or license to which this section applies shall, subject to the provisions of this section and with the consent in writing of the encumbrancers (if any), have a right at any time before 31 December 1948, to surrender his lease or license and obtain in exchange a renewable lease under the provisions of paragraph (b) of subsection (2) of section 131 of the Land Act 1924.
- (3) The capital value and annual rental reserved in such renewable lease as aforesaid shall be determined by the Auckland Land Board on the basis of the present value of the land (excluding the value of improvements effected or purchased by the lessee or licensee) at the time at which application is made for a renewable lease.
- (4) Any renewable lease issued under this section shall be deemed to be subject to all existing encumbrances, liens, and interests (if any) affecting the surrendered lease or license; and the District Land Registrar shall record on the lease all such encumbrances, liens, and interests accordingly in the order of their registered priority.

25 Amending certain dealings with respect to lands in Block V, Waitemata Survey District

Whereas in the year 1881 a road was surveyed from the Kumeu River to the Kumeu railway station, and at the same time railway boundaries were redefined as shown on the plan numbered 2773, deposited in the office of the Chief Surveyor at Auckland:

And whereas in the year 1883 a second survey was made for road and railway purposes as shown on the plan numbered 3343, deposited in the office of the said Chief Surveyor, and the boundaries of the road and railway shown thereon did not as they should have done coincide with those shown on the plan numbered 2773:

And whereas the portion intended under the second survey for a road was taken for railway purposes by Proclamation published in the *Gazette* of 27 December 1883, and registered in the Land Registry Office at Auckland under Number 706:

And whereas in the year 1905 a plan numbered 13363 was deposited in the office of the said Chief Surveyor for the purpose of defining certain portions of stopped road, but the position of such portions was not located by survey:

And whereas such portions were not in fact road, but were portions of the land taken for railway purposes as aforesaid, together with a portion of Taupaki Block comprised in Deeds Index 14A, page 70, Auckland Deeds Registry, in the name of Thomas Weare:

And whereas the portions thought to be road were stopped by the Waitemata County Council in the year 1891, as evidenced by Document R 158 registered in the Land Registry Office at Auckland on 2 September in that year:

And whereas, following on such stopping, certificate of title in lieu of Crown Grant, Volume 62, folio 18, Auckland Registry, was issued pursuant to a Governor's Warrant in favour of Thomas Weare for Sections 1, 2, and 3, Block V, Waitemata Survey District, the said Sections 1 and 2 being portions of the land taken for railway purposes by Proclamation numbered 706 aforesaid and the said Section 3, being portion of Taupaki Block comprised in Deeds Index 14A, page 70 aforesaid:

And whereas in the year 1938 a third survey was made for road purposes of portions of Taupaki Block, portion of Section 1, Block V, Waitemata Survey District, and portion of the land taken for railway purposes by Proclamation numbered 706 aforesaid, such portions being shown on the plan numbered 30129, deposited in the office of the said Chief Surveyor:

And whereas the said portions were taken for road purposes by Proclamations published in the *Gazettes* of 16 February 1939 and 18 April 1940, respectively, and registered in the Land Registry Office at Auckland under Numbers 9840 and 10218:

And whereas the erroneous location of boundaries shown in the second survey hereinbefore referred to was adopted for the third survey, and Proclamations Numbers 9840 and 10218 were in consequence also erroneous:

And whereas in the year 1945 a fourth survey, as shown on the plan numbered 33799, deposited in the office of the said Chief Surveyor, was made to clarify the position:

And whereas it is desirable that provision as hereinafter appearing should be made to validate existing titles and to ensure that those titles and all surveys made as aforesaid shall be deemed to conform to the boundaries of the road and railway as located in accordance with the first survey made as aforesaid in the year 1881:

Be it therefore enacted as follows:

- (1) The portions of Taupaki Block taken for railway by the aforesaid Proclamation Number 706, and shown in the schedule of areas on the plan numbered 3343, deposited as aforesaid, as being required for road, and comprising areas of 3 roods 34 perches and 33 perches respectively, shall be deemed to have been taken for road as from the date of the aforesaid Proclamation.
- (2) The definition of the areas referred to in subsection (1) shall be deemed to be as shown on the said plan numbered 2773 and as redefined on the said plan numbered 33799 as, firstly, portions of Taupaki Block, comprising areas of 3 roods and of 16 perches respectively, edged yellow; secondly, portions of Section 1, Block V, Waitemata Survey District, comprising areas of 19 perches and five-tenths of a perch and of 13 perches and four-tenths of a perch respectively, edged red; and, thirdly, Section 2, Block V, Waitemata Survey District, comprising 24 perches and one-tenth of a perch, edged red.
- (3) The issue of the said certificate of title in lieu of Crown Grant, Volume 62, folio 18, is hereby validated as to the said Sections 1 and 2, Block V, Waitemata Survey District.
- (4) Section 3 of the aforesaid block and survey district, being part of the land comprised in certificate of title, Volume 137, folio 189, Auckland Registry, shall be deemed to have been stopped road at the time of the issue of certificate of title in lieu of Crown Grant, Volume 62, folio 18, and its definition shall be deemed to be as shown in Plan 33799 aforesaid, and the issue of the said certificate of title in lieu of Crown Grant, Volume 62, folio 18, is hereby validated as to the said Section 3.
- (5) The said Proclamation 9840 is hereby cancelled, and the said Proclamation 10218 is hereby cancelled so far as it concerns that part of Taupaki Block containing four-tenths of a perch, and in lieu of the areas taken for road by the said Proclamation 9840 and the area of four-tenths of a perch taken for road by the said Proclamation 10218 that portion of Section 1, Block V, Waitemata Survey District, containing 13 perches and four-tenths of a perch, and that portion of Taupaki Block containing 9 perches and two-tenths of a perch, shown in the

said Plan 33799 by red edging and blue wash respectively, are hereby declared to be road.

- (6) The District Land Registrar for the Land Registration District of Auckland and the Registrar of Deeds for the said district are hereby authorised and directed to make all such entries in the register books and to do all such things as may be necessary to give effect to the provisions of this section.

26 Validating an agreement between His Majesty the King and the Wellington Harbour Board

Whereas the Minister of Works on behalf of His Majesty the King and the Wellington Harbour Board (in this section referred to as the **Board**) have entered into and executed a certain agreement dated 25 September 1946, relating to the acquisition and exchange of certain lands in the City of Wellington, a copy of which agreement is deposited in the office of the Minister of Works at Wellington under No A 365 (P W 24/2799):

And whereas it is expedient that the said agreement should be authorised and validated:

Be it therefore enacted as follows:

Notwithstanding anything to the contrary in any Act, the Minister of Works acting on behalf of His Majesty the King and the Board shall be deemed to have had all powers and authority necessary to enter into and execute the said agreement, and the same is hereby confirmed and validated and declared binding in law in all respects and shall have full force and effect according to its tenor.

27 Authorising Auckland Hospital Board to sell certain endowment land

Whereas the Auckland Hospital Board (in this section referred to as the **Board**) is seized of an estate in fee simple in all that piece of land described in subsection (4):

And whereas the Board holds the said land upon trust as a site for a hospital and for or towards the maintenance and support of a hospital:

And whereas the said piece of land is not required as a site for a hospital:

And whereas the Board has no power of sale in respect of the said land and it is expedient that the Board be empowered to sell the said land for the purposes, in the manner, and subject to the conditions set out in this section:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act the Board may sell the said land or any part or parts thereof either together or in lots by public auction, public tender, or private contract or partly by one or partly by another or others of such modes and subject to such conditions as to title, time, or mode of payment of purchase money or otherwise as the Board thinks fit and with or without grants or reservations of rights of way or other rights and privileges of any

description in relation to the land sold or any land remaining unsold. Provided that before any land is disposed of under this section the Board shall set aside and reserve for public purposes a strip of land of such width as may be agreed upon between the Minister of Lands and the Board along the mean high-water mark along so much of the land described in subsection (4) as adjoins the One-poto Stream.

- (2) All moneys received by the Board by way of purchase money shall be held by the Board upon and subject to the same trusts, conditions, and purposes as the said land is held by the Board, or expended by the Board in the purchase or towards the purchase of other freehold land to be held upon the like trusts and conditions.
- (3) The powers conferred by this section are in addition to all other powers and authorities vested in the Board by any other Act.
- (4) The land to which this section relates is particularly described as follows:

All those areas in the North Auckland Land District, Block XII, Waitemata Survey District, being—

Firstly, 9 acres 2 roods 17 perches and three-tenths of a perch, more or less, being Lots 1 to 24, Lots 26 to 31, and right of way on a plan deposited in the Land Registry Office at Auckland under Number 20403, and being portions of Allotments 14 and 15, Parish of Takapuna, and being the balance of the land comprised and described in certificate of title, Volume 531, folio 12, Auckland Registry.

Secondly, 17 perches and seven-tenths of a perch, more or less, being Lot 25 on a plan deposited in the Land Registry Office at Auckland under Number 20403, being portion of Allotment 14, Parish of Takapuna, and being the whole of the land comprised and described in certificate of title, Volume 698, folio 134, Auckland Registry.

Section 27(4): replaced, on 21 October 1949, by section 33 of the Reserves and Other Lands Disposal Act 1949 (1949 No 34).

Contents

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- 2 Status of reprints
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Notes

1 General

This is a reprint of the Reserves and other Lands Disposal Act 1946. The reprint incorporates all the amendments to the Act as at 18 November 1992, 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)*

Local Legislation Act 1992 (1992 No 103): section 4(3)(d)

Reserves and Other Lands Disposal Act 1949 (1949 No 34): section 33