

**Reprint
as at 1 July 1997**



Reserves and Other Lands Disposal Act 1950

Public Act 1950 No 89
Date of assent 1 December 1950
Commencement 1 December 1950

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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 1950.

2 Closing portions of a road along a bank of a river in Block VIII, Whangape Survey District

Whereas the lands described in subsection (2) are portions of a road along a bank of the Rotokakahi River:

And whereas the said lands are not required for road purposes:

And whereas section 147 of the Public Works Act 1928 provides that no road along the bank of a river shall be stopped with or without the consent of the owners of lands in the vicinity of the road:

And whereas it is desirable and expedient that the said portions of road should be closed:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Public Works Act 1928, or in any other Act, the portions of road more particularly described in subsection (2) of this section are hereby closed and declared to be Crown land subject to the provisions of the Land Act 1948.

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

All that area in the North Auckland Land District, containing by admeasurement 7 acres 3 roods and 35 perches, more or less, adjoining or passing through Section 26 of Block VIII, Whangape Survey District; and also all that area in the North Auckland Land District, containing by admeasurement 2 acres and 14 perches, more or less, adjoining or passing through parts of Section 9 of Block VIII, Whangape Survey District: as the same are more particularly delineated on the plan lodged in the office of the Chief Surveyor, at Auckland, under Number 35341, and thereon coloured green.

3 Closing portions of a riverbank road and other road areas situated in Block I, Rankleburn Survey District

Whereas the lands described in subsection (2) are parts of a legal road:

And whereas certain of the said lands are portions of a road along a bank of the Clutha River:

And whereas section 147 of the Public Works Act 1928 provides that no road along the bank of a river shall be stopped with or without the consent of the owners of lands in the vicinity of the road:

And whereas it is desirable that all the said portions of road should be closed and declared Crown land subject to the Land Act 1948:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Public Works Act 1928, or in any other Act, the portions of road described in subsection (2) are hereby closed and declared to be Crown land subject to the provisions of the Land Act 1948.
- (2) The lands to which this section relates are particularly described as follows:
- All those areas in the Otago Land District, situated in Block I, Rankleburn Survey District, containing together 9 acres 4 perches and 33 one-hundredths of a perch, more or less, adjoining or passing through Crown land and Lots 21, 77, and 49 on a plan deposited in the Land Registry Office at Dunedin under Number 1961, being parts of Sections 3, 5, 24, 25, 26, 54, 56, and 59, Block I, Rankleburn Survey District: as the same are more particularly delineated on the plan numbered 9724, lodged in the office of the Chief Surveyor at Dunedin, and thereon coloured green.

4 Vesting certain land in the Napier City Council in trust as a reserve for municipal purposes

Whereas the land described in subsection (2) is part of an area which, in the year 1862, was granted to the Superintendent of the Province of Hawke's Bay in trust for purposes of public utility:

And whereas it is desirable and expedient that the said land should be vested in the Corporation of the City of Napier in trust as a reserve for municipal purposes:

Be it therefore enacted as follows:

- (1) All reservations, trusts, and restrictions, if any, heretofore affecting the land described in subsection (2) are hereby cancelled, and the said land is hereby vested in the Corporation of the City of Napier in trust as a reserve for municipal purposes under and subject to the provisions of the Reserves Act 1977.
- (2) The land to which this section relates is particularly described as follows:

All that area in the City of Napier, Hawke's Bay Land District, containing by admeasurement 4 perches and 74 one-hundredths of a perch, more or less, being portion of a block of land originally granted to the Superintendent of the Province of Hawke's Bay in trust for purposes of public utility and included in Grant Number 959, dated 14 April 1862, and being also the whole of the land shown as Lot 5 on a plan deposited in the Land Registry Office, at Napier, under Number 6307: as the same is more particularly delineated on the plan marked L and S 6/1/755, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered blue.

Section 4(1): amended, on 1 April 1978, pursuant to section 125(1) of the Reserves Act 1977 (1977 No 66).

5 Cancelling a certificate of title issued to the Wyndham Domain Board

Whereas the land described in subsection (3), being a reserve for recreation purposes, was brought under the operation of and declared to be subject to the provisions of the Public Domains Act 1881 by an Order in Council dated 17 January 1885 and published in the *Gazette* of 23 January:

And whereas certain powers in respect of the said land were delegated to the Wyndham Town Board which, when exercising those powers, was to be known as the Wyndham Domain Board:

And whereas a certificate of title in respect of the said land was issued in the name of the Wyndham Domain Board:

And whereas domain boards have no power to hold land, and it is desirable and expedient that the said certificate of title should be cancelled:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Land Transfer Act 1915, or in any other Act or rule of law, the certificate of title issued in respect of the land described in subsection (3) is hereby declared to be revoked and of no effect.
- (2) The District Land Registrar of the Land Registration District of Southland is hereby authorised and directed to cancel the said certificate of title and to make such entries in the register books and to do all such other things as may be necessary to give effect to the provisions of this section.
- (3) The land to which this section relates is particularly described as follows:
All that area situated in the Southland Land District, containing by admeasurement 13 acres, more or less, being Section 66 of Block VI, Town of Wyndham.

6 Validating certain charges levied for admission to Karapiro Lake Domain

Whereas the Karapiro Lake Domain was used in connection with the British Empire Games Rowing Regatta held on Karapiro Lake in February 1950:

And whereas, to meet the cost of facilities necessary for the accommodation of competitors and spectators, charges exceeding those permissible under the Public Reserves, Domains, and National Parks Act 1928 were levied for admission to the domain:

And whereas it is desirable and expedient to validate the said charges:

Be it therefore enacted as follows:

Notwithstanding anything to the contrary in the Public Reserves, Domains, and National Parks Act 1928, or in any other Act, the charges levied for admission to the Karapiro Lake Domain during the running of the British Empire Games Rowing Regatta held on Karapiro Lake in February 1950 are hereby validated and declared to have been lawfully made.

7 Authorising Taumarunui County Council to transfer certain funds to the Ongarue Domain Board

Whereas by Order in Council dated 27 September 1926, and published in the *Gazette* of 30 September, Section 1, Block I, Tuhua Survey District, South Auckland Land District, containing an area of 10 acres, was vested in the Chairman, Councillors, and Inhabitants of the County of Taumarunui in trust as a site for a public cemetery:

And whereas the said land has not been used for cemetery purposes, but has from time to time been leased for grazing purposes:

And whereas certain moneys derived from the leasing of the land are now held by the Taumarunui County Council:

And whereas by Orders in Council dated 8 March 1950, and published in the *Gazette* of 16 March, the vesting of the said land in the Chairman, Councillors, and Inhabitants of the County of Taumarunui was cancelled and the reservation for the purposes of a public cemetery over the said land was revoked:

And whereas the residents of the locality wish to have the moneys derived from the leasing of the said land made available to the Ongarue Domain Board for the purpose of effecting improvements to the Ongarue Domain:

And whereas the Council has no authority to transfer the said money to the Ongarue Domain Board and it is desirable and expedient to empower it to do so:

Be it therefore enacted as follows:

Notwithstanding anything to the contrary in any Act, the Taumarunui County Council is hereby authorised and empowered to transfer to the Ongarue Domain Board all moneys, together with interest accrued thereon, that are held by it in consequence of the leasing of Section 1, Block I, Tuhua Survey District, and the receipt of the Domain Board for the said moneys shall be a good and sufficient discharge to the Council.

8 Empowering the Auckland City Council to lease parts of the Auckland Domain to the Auckland Lawn Tennis Association (Incorporated)

[Repealed]

Section 8: repealed, on 16 December 1987, by section 15 of the Auckland Domain Act 1987 (1987 No 7 (L)).

9 Authorising the Ngaruawahia Borough Council to use certain land for cemetery purposes

Whereas the Corporation of the Borough of Ngaruawahia is possessed of an estate in fee simple in the land, situated in the Borough of Ngaruawahia, described in subsection (2):

And whereas the Ngaruawahia Borough Council is desirous of using the said land as an addition to the Ngaruawahia cemetery:

Be it therefore enacted as follows:

(1) Notwithstanding the provisions of section 50 or section 60 of the Cemeteries Act 1908, the Ngaruawahia Borough Council is hereby authorised to use the land described in subsection (2) for cemetery purposes.

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

All that area in the South Auckland Land District, containing by admeasurement 1 acre 8 perches and 13 one-hundredths of a perch, more or less, being Section 557, Suburbs of Newcastle South.

10 Setting apart portion of Reefton Domain for the purposes of Part 3 of the Coal Mines Act 1925

Whereas the land described in subsection (2) is portion of the Reefton Domain:

And whereas the said land is required for purposes incidental to State coal mining, and it is desirable that the said land be set apart for the purposes of Part 3 of the Coal Mines Act 1925:

Be it therefore enacted as follows:

- (1) All trusts, reservations, and restrictions heretofore affecting the land described in subsection (2) are hereby cancelled, and the said land is hereby set apart under and subject to the provisions of 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, containing by admeasurement 13 acres 3 roods and 17 perches, more or less, being part of Section 189 of Square 131, situated in Block IX, Reefton Survey District, the said land being more particularly delineated on the plan lodged in the office of the Chief Surveyor, at Nelson, under Number 9667, and thereon bordered red.

11 Authorising Corporation of Borough of Greytown to expend certain moneys on Greytown Memorial Park

Whereas the land firstly described in subsection (2) is vested in the Corporation of the Borough of Greytown (in this section referred to as the **Corporation**) for the purposes of a public park and recreation reserve pursuant to section 2 of the Greytown Reserves Vesting and Disposal Enabling Act 1901:

And whereas the land secondly described in subsection (2), known as the Greytown Memorial Park, is vested in the Corporation in trust for the perpetual use by the public as a park for the purposes of exercise and recreation:

And whereas the said Act empowered the Corporation to lease the said land firstly described and expend any rents or revenue received on certain lands, but the Corporation has no power to expend any such rents or revenue on the said lands secondly described:

And whereas it is expedient to authorise that expenditure:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act or rule of law, the Corporation is hereby authorised and empowered to expend from time to time as it thinks fit any moneys received from the leasing of the lands firstly described in subsection (2) on the maintenance, upkeep, and improvement of the lands secondly described in the said subsection (2).
- (2) The lands to which this section relates are particularly described as follows:
Firstly, all that area in the Wellington Land District, containing 64 acres and 2 roods, more or less, situated in Block XIV, Tiffin Survey District, being part of Hupenui Number 1 Block, and being the whole of the land comprised and described in certificate of title, Volume 554, folio 69 (limited as to parcels), Wellington Registry.
Secondly, all that area in the Wellington Land District, situated in Block XIII, Tiffin Survey District, containing 20 acres 16 perches and four-tenths of a perch, more or less, being part of Section 4, Small Farm Settlement of Greytown, and being the whole of the land comprised and described in certificate of title, Volume 336, folio 86, Wellington Registry.

12 Land in Marakura Township, Te Anau, declared Crown land

Whereas by section 7 of the Reserves and other Lands Disposal Act 1941, the control of certain primary education endowment land in the Township of Marakura, Southland Land District, was vested in the Minister charged with the administration of the Tourist and Health Resorts Control Act 1908:

And whereas portion of the said land is no longer required for any purpose connected with the administration of that Act, and it is desirable that the said portion should be made available for subdivision and disposal under the Land Act 1948:

Be it therefore enacted as follows:

- (1) The vesting of the control of the land described in subsection (2) in the Minister charged with the administration of the Tourist and Health Resorts Control Act 1908, is hereby cancelled, and the said land is hereby declared to be Crown land subject to the Land Act 1948.
- (2) The land to which this section relates is particularly described as follows:
All that area in the Southland Land District, containing by admeasurement 50 acres, more or less, being Lots 1 to 5 and Lots 24 to 28, Block II, Deposited Plan 280, and being part of Run 301B, Block I, Manapouri Survey District (Township of Marakura): as the same is more particularly delineated on the plan marked L and S 20/857A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

13 Vesting certain land in His Majesty the King as portion of the Riverton Domain

Whereas the Riverton Domain Board is the registered proprietor of an estate in fee simple in the land described in subsection (3):

And whereas the said Board has no legal capacity to hold land, and it is desirable and expedient that the said land be vested in His Majesty as an addition to the Riverton Domain:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Land Transfer Act 1915, or in any other Act or rule of law, the land more particularly described in subsection (3) is hereby declared to be vested in His Majesty as a recreation reserve, to be subject to the provisions of Part 2 of the Public Reserves, Domains, and National Parks Act 1928, and to form part of the Riverton Domain under the control of the Riverton Borough Council acting as the Riverton Domain Board.
- (2) The District Land Registrar of the Land Registration District of Southland is hereby authorised and directed to make such entries in the register books and to do all such other things as may be necessary to give effect to the provisions of this section.

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

All that area in the Southland Land District, containing by admeasurement 1 rood and 20 perches, more or less, being Section 16A of Block XXV, Jacobs River Hundred, and being the whole of the land comprised and described in certificate of title, Volume 41, folio 105, Southland Registry.

14 Lands subject to the Tourist and Health Resorts Control Act 1908 declared to be post office site and Crown land

Whereas by an Order in Council dated 13 February 1911, and published in the *Gazette* of 23 February, the control of certain reserves at Hanmer was vested in the Minister charged with the administration of the Tourist and Health Resorts Control Act 1908, and it was declared that the said reserves should be administered under that Act:

And whereas by section 130 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1921–22, the control of the said reserves was vested in the Minister of Health:

And whereas 2 portions of one of the said reserves no longer require to be administered under the Tourist and Health Resorts Control Act 1908, and it is desirable that one of those portions should be reserved as an addition to a site for a post office, and that the other should be made Crown land available for subdivision and disposal under the Land Act 1948:

Be it therefore enacted as follows:

- (1) The vesting in the Minister of Health of the control of the lands described in subsection (4) is hereby cancelled and the said lands are hereby declared to be no longer subject to the provisions of the Tourist and Health Resorts Control Act 1908.
- (2) The land firstly described in subsection (4) is hereby declared to be a reserve for an addition to a site for a post office under and subject to the provisions of Part 1 of the Public Reserves, Domains, and National Parks Act 1928.
- (3) The land secondly described in subsection (4) is hereby declared to be Crown land subject to the Land Act 1948.
- (4) The lands to which this section relates are particularly described as follows:

Firstly, all that area in the Canterbury Land District, situated in Block II, Lyndon Survey District, containing by admeasurement 2 perches and five-tenths of a perch, more or less, being part of Reserve 3783: as the same is more particularly delineated on the plan marked L and S 6/7/244, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

Secondly, all that area in the Canterbury Land District, situated in Block II, Lyndon Survey District, containing by admeasurement 1 rood and 4 perches, more or less, being part of Reserve 3783: as the same is more particularly de-

lineated on the plan marked L and S 6/7/244A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

15 Authorising the Timaru City Council to sell certain land

Whereas the land described in subsection (4) is vested in the Corporation of the City of Timaru for the purposes of Part 27 of the Municipal Corporations Act 1933:

And whereas it is desirable that provision be made to enable the Timaru City Council to dispose of the said land as and for a site for a Presbyterian Church:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Municipal Corporations Act 1933, or in any other Act, the Timaru City Council is hereby authorised and empowered to sell the land described in subsection (4) to the Presbyterian Church Property Trustees, a body corporate constituted under the Presbyterian Church Property Act 1885 as and for a site for a Presbyterian Church and freed and discharged from the provisions of Part 27 of the Municipal Corporations Act 1933.
- (2) Any sale authorised by subsection (1) may be for cash, or upon such terms or conditions as the Timaru City Council thinks fit, and the net proceeds from any such sale shall be applied towards repayment of the Housing Loan out of which funds were provided for the purchase of the said land.
- (3) The District Land Registrar of the Canterbury Land Registration District is hereby authorised and directed to deposit such plans, to accept such documents for registration, and to do all such other things as may be necessary to give effect to the provisions of this section.
- (4) The land to which this section relates is particularly described as follows:
All that area in the Canterbury Land District situated in the City of Timaru containing by admeasurement 1 rood 24 perches and two-tenths of a perch, more or less, being Lots 1, 2, and 3 on a plan lodged for deposit in the Land Registry Office at Christchurch under Number 14008, and being part of Rural Section 1730, and being part of the land comprised and described in certificates of title, Volume 477, folio 234, and Volume 480, folio 14, Canterbury Registry: as the same is more particularly delineated on the plan marked L and S 6/6/926A, deposited in the Head Office of the Department of Lands and Survey, at Wellington, and thereon bordered green.

16 Adding certain land to Weedon Domain and authorising payment of certain moneys to the Domain Board

Whereas the land described in subsection (3) is reserved as a site for a cemetery and is known as the Weedons Cemetery:

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

And whereas it is the general desire of the inhabitants of the locality that the said land should be added to the Weedon Domain, which it adjoins, and that all moneys derived from the said land and now held by the Trustees appointed under the Cemeteries Act 1908 should be available for expenditure on the Weedon Domain:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act, the reservation for cemetery purposes over the land described in subsection (3) is hereby cancelled, and the said land is hereby declared to be vested in His Majesty as a recreation reserve, to be subject to Part 2 of the Public Reserves, Domains, and National Parks Act 1928, and to form part of the Weedon Domain under the control of the Weedon Domain Board, but otherwise freed and discharged from all trusts, reservations, and restrictions heretofore affecting the said land.
- (2) The Trustees appointed under the Cemeteries Act 1908 to have the maintenance and care of the said land as a cemetery shall, without further authority than this section, pay to the Weedon Domain Board all moneys held by them and derived from the said land, and any such moneys shall be applied by the Board in accordance with the provisions of Part 2 of the Public Reserves, Domains, and National Parks Act 1928.
- (3) The cemetery reserve land to which this section relates is particularly described as follows:

All that area in the Canterbury Land District containing by admeasurement 10 acres, more or less, being Reserve 2357, Block XV, Rolleston Survey District: as the same is more particularly delineated on the plan marked L and S 2/349, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red (SO plan 3632).

17 Cancellling the setting apart of certain land as an endowment for an agricultural course at Gore High School and declaring the land to be Crown land subject to the provisions of the Land Act 1948

Whereas pursuant to section 89 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1919 the land described in subsection (7) of this section was set apart as an endowment for the establishment and maintenance of a course of agricultural instruction at the Gore High School:

And whereas it is no longer necessary to retain the reservation as an endowment for the aforesaid purpose over the said land:

Be it therefore enacted as follows:

- (1) The setting apart of the land described in subsection (7) as an endowment for the establishment and maintenance of a course of agricultural instruction at the Gore High School is hereby cancelled, and the said land shall be deemed to be Crown land under and subject to the provisions of the Land Act 1948, subject to all leases, encumbrances, liens, and easements affecting the same.

- (2) All revenues accrued from the leasing of the whole or any part of the said land, and held by the Receiver of Land Revenue at Invercargill shall be paid by him to the Board of Governors of the Gore High School, who shall expend the same, together with any other sum which may have been paid to them by the said Receiver of Land Revenue, in the manner provided by subsection (2) of section 89 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1919, or for any other purpose in connection with the school which in their discretion they may think fit.
- (3) All leases over the whole or any part of the said land subsisting on the coming into force of this section shall be deemed to be made between His Majesty and the lessee named in the instrument of lease.
- (4) Notwithstanding anything contained in section 58 of the Land Act 1948, the provisions of subsections (1) and (2) of section 125 and section 126 of the Land Act 1948, shall, as far as they are applicable and with the necessary modifications, apply in the case of every lease which is in existence on the coming into force of this section over any part of the land hereinafter described, and under which the lessee has a perpetual right of renewal.
- (5) The District Land Registrar for the Land Registration District of Southland is hereby authorised and directed to make all necessary endorsements on the certificate of title in respect of the said land, and the certificate shall enure in the name of His Majesty until the expiration or sooner determination of any lease registered against the same, and shall then be cancelled by the District Land Registrar.
- (6) No cancellation of the certificate of title under the provisions of subsection (5) shall in any way affect the rights of any person entitled to any lease, encumbrance, lien, or easement in existence at the time of the cancellation, over the land comprised in the certificate of title.
- (7) The land to which this section relates is particularly described as follows:
All that area in the Southland Land District containing by admeasurement 2 acres 3 roods 29 perches and 92 hundredths of a perch, more or less, being Lots 1, 2, and 3 of Section 26, Block XIII, Town of Maitua, and being the whole of the land comprised and described in certificate of title, Volume 156, folio 49, Southland Registry.
- (8) This section shall come into force on 1 January 1951.

18 Amending section 171 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1924 (as to power of Selwyn Plantation Board to sell land)

[Repealed]

Section 18: repealed, on 1 April 1954, by section 30(1) of the Selwyn Plantation Board Act 1953 (1953 No 96).

19 Extending the application of section 171 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1924 (as to powers of Selwyn Plantation Board to sell or exchange land)

[Repealed]

Section 19: repealed, on 1 April 1954, by section 30(1) of the Selwyn Plantation Board Act 1953 (1953 No 96).

20 Declaring certain land to have been granted to the Corporation of the Borough of Wanganui as an endowment

Whereas by Crown Grant numbered 6160, registered in the Deeds Registry Office at Wellington as Deed Number 38551 (Deeds Record Book, Volume 61, folios 824 and 825), and dated 15 July 1880 (in this section referred to as the **said grant**), the lands described in subsection (3) were granted to the Corporation of the Borough of Wanganui (in this section referred to as the **Corporation**) in trust for municipal purposes:

And whereas the lands have been subdivided and portions have been leased by the Corporation:

And whereas doubts have arisen as to the validity of the said leases:

And whereas it is desirable that the doubts be resolved and that the said lands should be declared to have been granted to the Corporation as an endowment:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act or rule of law, the lands described in subsection (3) shall be deemed for all purposes to have been granted to the said Corporation by the said grant in trust as an endowment in aid of the funds of the Borough of Wanganui:

provided that nothing in this section shall affect the validity of any dealing before the passing of this Act with any part of the said land if in any such case the land was dealt with as if it were a public reserve.

- (2) The District Land Registrar for the Land Registration District of Wellington is hereby authorised to make such entries in the Register Books, to register such instruments, and to do all such other things as may be necessary to give effect to the provisions of this section.

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

All that area of land containing by admeasurement 302 acres and 2 roods, more or less, being the reserve marked L on the plan of the Town of Wanganui; bounded towards the north by Asylum Road (now Purnell Street) 7960 links, by Churton Street 1093 links, and by Churton Creek 1650 links; towards the east by London Street 13725 links, and by a public road on the bank of the Wanganui River (now Taupo Quay) 4731 links; towards the south by a public road (now Carlton Avenue) 10600 links; and towards the west by a public road (now Parsons Street and Peat Street) 14367 links: be all the aforesaid linkages a little more or less: excepting and always reserving the racecourse marked (a)

and coloured green; the English cemetery marked (b) and coloured blue; the general cemetery marked (c) and coloured red; the Gaol Reserve marked (d) and coloured green; the Jewish cemetery marked (e) and coloured yellow; and the Roman Catholic cemetery marked (f) and coloured blue; and also reserving all the public roads within the area granted. As the same is delineated on the plan drawn in the margin of the said grant.

21 Amending section 27 of the Reserves and Other Lands Disposal Act 1937 (as to Mount Smart Domain)

[Repealed]

Section 21: repealed, on 3 April 1985, by section 5(c) of the Auckland Regional Authority (Mount Smart) Expenditure Act 1985 (1985 No 1 (L)).

22 Validating certain payments made by the Pounaweia Domain Board and empowering that Board to apply moneys towards the maintenance and improvement of certain lands

Whereas the lands described in subsection (3) are scenic reserves controlled by the Pounaweia Scenic Reserves Board:

And whereas the Pounaweia Domain Board has expended moneys on the maintenance and improvement of the said lands without lawful authority:

And whereas it is desired to validate the expenditure and to empower the Pounaweia Domain Board to expend moneys on the maintenance and improvement of the said lands in the future:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Reserves Act 1977, all payments heretofore made by the Pounaweia Domain Board towards the maintenance or improvement of the lands described in subsection (3) are hereby validated and declared to have been lawfully made.
- (2) The Pounaweia Domain Board is hereby empowered to apply such of its funds as it from time to time thinks fit towards the maintenance or improvement of the lands described in subsection (3).
- (3) The lands to which this section relates are particularly described as follows:
All those areas in the Otago Land District containing together 55 acres 3 roods and 17 perches, more or less, being Sections 82 and 94 of Block VI, Glenomaru Survey District.

Section 22(1): amended, on 1 April 1978, pursuant to section 125(1) of the Reserves Act 1977 (1977 No 66).

23 Making provision for the use of portion of Hagley Park as an amusement park area in connection with the Canterbury Centennial celebrations

Whereas, with the prior consent of the Minister of Lands given under paragraph (b) of subsection (1) of section 52 of the Public Reserves, Domains, and National Parks Act 1928, the Christchurch City and Suburban Domain Board

(in this section referred to as the **Domain Board**) has set apart for use as an amusement park area in connection with the centennial celebrations of the Province of Canterbury that portion of the land known as Hagley Park described in subsection (5), which area forms part of the Christchurch City and Suburban Domain:

And whereas it is desirable that authority should be given for the making of charges for admission to the said amusement park area throughout the period of the said centennial celebrations and for the issue of permits for the erection and operation of side shows and for other purposes:

And whereas it is also desirable to make provision enabling the Domain Board to enter into an agreement with The Canterbury (N.Z.) Centennial Association, Incorporated (in this section referred to as the **Association**), for the control and management of the said amusement park area:

Be it therefore enacted as follows:

- (1) The Domain Board is hereby authorised and empowered to charge the sum of 5 cents each in respect of children under 14 years of age, and the sum of 10 cents each in respect of all other persons, for admission to the amusement park area described in subsection (5) on any day except Sundays, Christmas Day, and Good Friday during the period commencing on 1 November 1950 and ending on 31 March 1951.
- (2) It shall be lawful for the Domain Board to grant permits to reputable persons, on such terms as it thinks fit, granting any such persons the right to erect and operate, within the said amusement park area, side shows, amusements, games, refreshment stalls, or any other facility not inconsistent with the use of the said land as an amusement park and also granting to any such persons the right to charge fees for admission to, or for the use of, facilities provided on the days on which the Board, pursuant to subsection (1), is authorised to charge for admission to the amusement park area.
- (3) It shall be lawful for the Domain Board to enter into an agreement with the Association, on such terms as it thinks fit, for the purpose of authorising the Association to undertake the control and management of the said amusement park area during the period commencing on 1 November 1950 and ending on 31 March 1951, and for the purpose of authorising the Association to exercise, in its own right, such rights and powers of the Domain Board, under this section or otherwise, as the Domain Board may think fit.
- (4) The powers conferred by this section are in addition to and not in substitution for any existing powers possessed by the Christchurch City and Suburban Domain Board in respect of the Christchurch City and Suburban Domain.
- (5) The amusement park area within Hagley Park to which this section relates is more particularly described as follows:

All that area in the Canterbury Land District containing 6 acres 1 rood and 10 perches, more or less, being part Reserve 24, City of Christchurch: as the same

is more particularly delineated on the plan marked L and S 1/562D, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

24 Authorising the Oamaru Borough Council to sell certain land

Whereas all that area of land being Section 15, Block XXIII, Town of Oamaru, is vested in the Corporation of the Borough of Oamaru in trust for the purposes of public utility:

And whereas a lease over the said land is held by certain persons who are the registered proprietors of an adjoining area described as Section 16, Block XXIII, Town of Oamaru (in this section referred to as the **said adjoining owners**):

And whereas the Oamaru Borough Council has agreed to accept a surrender of the said lease in respect of that portion of the said Section 15 described in subsection (4) and has also agreed to sell the said portion to the said adjoining owners:

And whereas it is desired to authorise the said sale subject to certain restrictions in respect of the application of the proceeds of the sale:

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 Oamaru Borough Council is hereby authorised and empowered to sell the land described in subsection (4) to the said adjoining owners, or to their successors in title, freed and discharged from all trusts, reservations, and restrictions affecting the same.
- (2) The net proceeds from any such sale shall be held and applied by the Oamaru Borough Council in or towards the purchase of other land to be held by the Corporation of the Borough of Oamaru for recreation purposes subject to Part 1 of the Public Reserves, Domains, and National Parks Act 1928.
- (3) The District Land Registrar for the Otago Land Registration District is hereby authorised and directed to accept such documents for registration and to do all such other things as may be necessary to give effect to the provisions of this section.
- (4) The land to which this section relates is particularly described as follows:
All that area in the Otago Land District, Borough of Oamaru, containing by admeasurement 11 perches and eight-tenths of a perch, more or less, being Lot 4 on a plan deposited in the Land Registry Office at Dunedin under Number 6927, and being part of Section 15, Block XXIII, Town of Oamaru.

25 Amending provisions authorising leasing of certain public domains

(1)–(7) *Amendment(s) incorporated in the Act(s).*

- (8) Any lease, deed, surrender, or other instrument that is required to be executed for the purpose of giving effect to any provision contained in any of the enact-

ments amended by this section authorising the leasing of any land comprised in a public domain may be executed by the Commissioner of Crown Lands for the district in which the domain to which the instrument relates is situated, and any such instrument that is so executed shall not require to be executed by or on behalf of the Governor-General or the Minister of Lands, as the case may be, and shall be deemed to be validly executed for all purposes.

26 Authorising the Hampden Borough Council to sell certain lands and making provision for the application of the proceeds thereof

Whereas the lands described in subsection (5) are vested in the Corporation of the Borough of Hampden as a site for a commonage for the use of the inhabitants of the Borough of Hampden:

And whereas the said land is not used extensively for the purpose for which it is set apart:

And whereas it is expedient that provision be made to enable the Hampden Borough Council to sell the said land on condition that the net proceeds thereof shall be applied by the said Hampden Borough Council towards the cost of erecting a community centre building:

Be it therefore enacted as follows:

- (1) The lands described in subsection (5) are hereby declared to be vested in the Corporation of the Borough of Hampden freed and discharged from all trusts, reservations, and restrictions heretofore affecting the same.
- (2) The Hampden Borough Council may, without further authority than this section, from time to time sell the said lands by private treaty or otherwise. Any such sale may be for cash or upon such terms as the Council thinks fit.
- (3) The net proceeds from the sale of the said lands shall be paid by the Council into a separate account and shall be applied by the Council in or towards the cost of erecting a community centre building in the Hampden Borough.
- (4) The District Land Registrar for the Land Registration District of Otago is hereby authorised and directed to accept such documents for registration and to do all such other things as may be necessary to give effect to the provisions of this section.
- (5) The lands to which this section relates are particularly described as follows:
All that area in the Otago Land District containing by admeasurement 152 acres 3 roods and 20 perches, more or less, being Sections 88 to 132, both inclusive, 589R, 590R, and 612R, Block I, Otepopo Survey District, and being the whole of the land comprised and described in certificates of title, Volume 76, folio 84, Volume 80, folio 184, and Volume 82, folio 235, Otago Registry (SO Plan 1352).

27 Declaring lands subject to the Forests Act 1949 to be Crown land subject to the Land Act 1948

Whereas the lands described in subsection (2) are set apart as permanent State forest land and are subject to the Forests Act 1949:

And whereas the said lands are not required as State forest land, and it is desirable that they should be declared Crown land subject to the Land Act 1948:

Be it therefore enacted as follows:

- (1) The setting apart of the lands described in subsection (2) as permanent State forest land is hereby revoked and the said lands are hereby declared to be Crown land subject to the Land Act 1948.

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

Firstly, all those areas in the Taumarunui County, South Auckland Land District, containing by admeasurement 28 acres 3 roods and 20 perches, more or less, being parts Sections 3 and 5 of Block IX, Hurakia Survey District: as the same are more particularly delineated on the plan lodged in the office of the Chief Surveyor, at Auckland, under Number 34262, and thereon bordered red.

Secondly, all those areas in the Thames County, South Auckland Land District, containing by admeasurement 144 acres 3 roods and 23 perches, more or less, being Sections 1 and 4 of Block VI, Tairua Survey District: as the same are more particularly delineated on the plan marked L and S 6/1/415, deposited in the Head Office of the Department of Lands and Survey, at Wellington, and thereon bordered red (Auckland SO Plans 19754 and 34334).

Thirdly, all that area in the Tauranga County, South Auckland Land District, containing by admeasurement 4 acres, more or less, being Lot 1 of Section 4 of Block I, Rotoma Survey District: as the same is more particularly delineated on the plan lodged in the office of the Chief Surveyor, at Auckland, under Number 21186, and thereon bordered red.

Fourthly, all that area in the Tauranga County, South Auckland Land District, containing by admeasurement 89 acres 1 rood and 38 perches, more or less, being portion of Section 10 of Block IX, Waihi South Survey District: as the same is more particularly delineated on the plan lodged in the office of the Chief Surveyor, at Auckland, under Number 34904, and thereon bordered red.

Fifthly, all that area in the Mangonui County, North Auckland Land District, containing by admeasurement 17 acres 1 rood and 25 perches, more or less, being Section 11 of Block VII, Mangonui Survey District: as the same is more particularly delineated on the plan lodged in the office of the Chief Surveyor, at Auckland, under Number 35909, and thereon bordered red.

Sixthly, all that area in the Ashburton County, Canterbury Land District, containing 20 acres, more or less, being part of Reserve 3119, situated in Block VII, Alford Survey District, and bounded generally as follows: towards the south-east by Rural Section 37398; towards the west by Bushy Gully Creek;

and towards the north-east by part of Reserve 3119 aforesaid: as the same is more particularly delineated on the plan deposited in the Head Office of the Department of Lands and Survey, at Wellington, under Number 8/8/63A, and thereon bordered red.

Seventhly, all that area in the South Auckland Land District, Borough of Rotorua, containing 9 acres 3 roods and 15 perches, more or less, being part Section 5A, Block I, Tarawera Survey District: bounded towards the north by Part Section 5 of the aforesaid Block I; towards the east and south by the area surveyed for road and shown on the plan lodged in the Office of the Chief Surveyor, at Auckland, under Number 32744; and towards the west by a public road.

Eighthly, all that area in the South Auckland Land District, Borough of Rotorua, containing 32 perches and six-tenths of a perch, more or less, being part Section 5, Block I, Tarawera Survey District: bounded towards the north by Section 17 of the aforesaid Block I; towards the east by the area surveyed for road and shown on the plan lodged in the Office of the Chief Surveyor, at Auckland, under Number 32744; towards the south by Section 5A of the aforesaid Block I; and towards the west by a public road.

28 Cancellling the reservation over a recreation reserve in the City of Invercargill and authorising the Invercargill City Council to sell the land

Whereas by an Order in Council dated 29 January 1929 and published in the *Gazette* of 7 February 1929 the land described in subsection (5) was vested in the Mayor, Councillors, and Burgesses of the Borough of Invercargill in trust as a reserve for recreation purposes:

And whereas the said land is totally unsuitable for recreation purposes, and it is expedient that the Invercargill City Council (in this section referred to as the **Council**) should be authorised to sell the land on condition that the net proceeds of any such sale shall be applied by the Council in the purchase of other land for recreation purposes:

Be it therefore enacted as follows:

- (1) The reservation for recreation purposes over the land described in subsection (5) is hereby cancelled, and the said land is hereby declared to be vested in the Corporation of the City of Invercargill freed and discharged from the trusts, reservations, and restrictions heretofore affecting the same.
- (2) The Council may from time to time, without further authority than this section, sell the said land by private treaty or otherwise. Any such sale may be for cash or upon such terms as the Council may decide.
- (3) The net proceeds of the sale of the said land shall be paid by the Council into a separate account, and shall be applied by the Council in or towards the purchase of other land to be held in trust for recreation purposes.
- (4) The District Land Registrar for the Land Registration District of Southland is hereby empowered and directed to deposit such plans, make such entries in the

register books, and generally to do all such other 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:

All that area in the Southland Land District, containing by admeasurement 2 acres and 1 rood, more or less, being Sections 1 to 4 and 18 to 22, Block LXXIV, Town of Invercargill: bounded on the north by Ettrick Street, 500 links; on the east by Annan Street, 500 links; on the south by a street line, 300 links; on the south-west by Waihopai Estuary, 291.8 links; and on the west by Ayr Street, 300 links; as the same is more particularly delineated on the plan marked L and S 1/891, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered pink.

29 Vesting a closed cemetery in the Corporation of the Borough of Queenstown freed from existing trusts

Whereas by an Order in Council dated 8 June 1922 and published in the *Gazette* of 15 June the land described in subsection (4) was vested in the Mayor, Councillors, and Burgesses of the Borough of Queenstown (in this section referred to as the **Corporation**) in trust as a reserve for a public cemetery:

And whereas by an Order in Council dated 13 January 1928 and published in the *Gazette* of 26 January it was ordered and directed that the cemetery should be closed from and after 1 August 1928, and that the said cemetery should, on the taking effect of the said closing, be vested in the Corporation under the provisions and for the purposes of section 78 of the Cemeteries Act 1908:

And whereas the said closed cemetery is not required as a public reserve, and has no bodies buried in it:

And whereas there is a shortage of building land in Queenstown, and the closed cemetery is suitable for subdivision into building allotments:

And whereas the Queenstown Borough Council desires to use the closed cemetery area for housing purposes, but any such use is contrary to the trusts on which the land is held:

And whereas, in order to enable the land to be so used, it is desirable that the land should be vested in the Corporation freed and discharged from the trusts, reservations, and restrictions affecting the same:

Be it therefore enacted as follows:

- (1) The reservation for the purposes of a public cemetery over the land described in subsection (4) and the vesting of that land in the Corporation as a closed cemetery under the provisions and for the purposes of section 78 of the Cemeteries Act 1908 are hereby cancelled, and the said land is hereby declared to be vested in the Corporation of the Borough of Queenstown for an estate in fee simple freed and discharged from the trusts, reservations, and restrictions heretofore affecting the same.

- (2) The Queenstown Borough Council may, without further authority than this section, subdivide the land described in subsection (4) into building lots and may sell or lease any such lots by public auction or tender or by public application and ballot at a fixed price or rental, or by private contract, as the Council, in its discretion, decides. Any such sale may be for cash or upon such terms as the Council, in its discretion, decides.
- (3) 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 generally to do all such other things as may be necessary to give effect to the provisions of this section.
- (4) The land to which this section relates is particularly described as follows:
All that area in the Otago Land District, situated in the Borough of Queenstown, containing by admeasurement 1 acre 1 rood and 20 perches, more or less, and bounded as follows: towards the north-east by Sections 1 and 2, Block XLVIII, Town of Queenstown, 448 links; towards the south-east by Malaghan Street, 307 links; towards the south-west by a public street, 448 links; and towards the north-west by Turner Street, 307 links; be all the aforesaid linkages a little more or less; as the same is more particularly delineated on the plan marked L and S 2/59A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

30 Adding part of Dunedin Ocean Beach Domain and certain Crown land to Ocean Grove Domain

[Repealed]

Section 30: repealed, on 18 December 1992, by section 5 of the Ocean Beach Public Domain (Repeal and Vesting) Act 1992 (1992 No 7 (L)).

31 Provisions as to partition of land formerly part of Ahuriri Lagoon between Crown and Napier Harbour Board

Whereas the lands described in subsections (14) and (15), being portions of the Ahuriri Lagoon, are vested in the Napier Harbour Board (in this section referred to as the **Board**):

And whereas by a deed of lease dated 3 May 1934 (in this section referred to as the **said lease**) the said lands were, with other land, leased to the Crown for a term of 21 years from 31 March 1934 with a right of renewal for a further term of 21 years:

And whereas, pursuant to an agreement made under section 2 of the Small Farms Amendment Act 1933 (which agreement enures for the purposes of the Land Act 1948), the Crown undertook certain development work in connection with the said lands:

And whereas the said section 2 provided that in any such case the local authority should, at the termination of any such agreement, reimburse the Crown in respect of moneys spent for the purpose of improving the land concerned:

And whereas in settlement of all claims which the Crown may have against the Board in respect of moneys expended by the Crown in improving the lands now included in the said lease, it has been agreed between the Crown and the Board that the said lease should be surrendered, that the land described in subsection (14) (being part of the lands included in the said lease) should vest in the Crown as Crown land subject to the Land Act 1948 and that the Board should pay to the Crown the sum of \$120,000:

And whereas it is desirable that the Board should be given certain powers in respect of the development of the land referred to in subsection (15) (being the remainder of the land vested in the Board, and leased to the Crown as aforesaid), and that provision should be made for certain other matters arising from the transactions herein referred to:

And whereas it is desirable that provision should be made accordingly:

Be it therefore enacted as follows:

- (1) The lease dated 3 May 1934 of the land referred to in subsections (14) and (15) and made between the Board and the Crown is hereby declared to be surrendered by the Crown and the agreement made under the Small Farms Amendment Act 1933, on 3 May 1934, between the Board and the Crown is hereby determined.
- (2) The land referred to in subsection (14) is hereby vested in the Crown as Crown land subject to the Land Act 1948, freed and discharged from all reservations, restrictions, and encumbrances heretofore affecting the same.
- (3) The District Land Registrar of the Land Registration District of Hawke's Bay is hereby authorised and directed, on the deposit of such plan or plans as he may require, to accept such documents for registration, to amend such certificates of title, to make such entries in the register books, and to do all such other things as may be necessary to give effect to the provisions of this section.
- (4) The Board is hereby directed and empowered to pay to the Minister of Lands the sum of \$120,000 to be paid over a period of 20 years from 1 April 1951 on such terms as to the payment of interest on any balance remaining unpaid and subject to such conditions respecting payment as may be decided by agreement between the Minister of Finance and the Board.
- (5) On payment to the Crown of the said sum of \$120,000, the Board shall be freed and discharged of all obligations in respect of payments to the Crown as reimbursements of moneys expended by the Crown for the purpose of improving the land included in the said lease and of all obligations in respect of the payment to the Crown of any charge for interest on any such moneys.
- (6) Notwithstanding the provisions of the Harbours Act 1950 or of any other enactment, the Board is hereby authorised and empowered to carry out such work in respect of the development and farming of the land referred to in subsection (15) as it thinks fit and for those purposes may employ, at such remuneration as it thinks fit, managers, supervisors, and such other persons as it finds necessary

and may also delegate to any committee, whether consisting of members of the Board or otherwise, such of its powers under this subsection as it thinks fit.

- (7) In addition to its other leasing powers, the Board is hereby authorised to lease, by private treaty or otherwise, any part of the land referred to in subsection (15) to such person or persons and on such terms and conditions as it thinks fit: provided that no such lease shall remain in force after 31 December 1965.
- (8) Notwithstanding the provisions of this section, the land occupied by the Disabled Ex-servicemen's Re-establishment League situated in the area described in subsection (15) shall remain in the occupation of the League, and the provisions of any agreement made between the Crown and the League in respect of the tenancy, use, or occupation of the land shall hereafter be binding on the Board and the League in all respects as if the agreement had been made between the Board and the League.
- (9) Subject to the provisions of this section, any improvements or works made or constructed by the Crown on the land referred to in subsection (15) during the term of the said lease shall, on the passing of this Act, vest in the Board: provided that, for such period and subject to such terms and conditions as may be agreed upon between the Board and the Minister of Lands, the Board shall permit the Crown the use of the existing shearing shed and facilities connected therewith, and shall also allow the Crown to draw water from the said land for use on the land vested in the Crown under the provisions of this section and for that purpose to use, instal, and maintain pumps, pump houses, pipe lines, and other apparatus on the said land.
- (10) The Board may from time to time under the authority of this subsection, on terms to be arranged between the Board and the Minister of Lands, transfer to the Crown any part of the land described in subsection (15), and may from time to time on the like terms grant to the Crown easements for water supply or other purposes over any part of the said land. On the transfer to the Crown of any such land as aforesaid the land so transferred shall become Crown land subject to the Land Act 1948.
- (11) The Board is hereby authorised from time to time (on terms to be arranged between the Board and the Minister of Lands) to enter into agreements with the Crown in respect of the maintenance and dredging of the main outfall channel, the centre line of which forms the boundary between the lands described in subsections (14) and (15), and in respect of any other matters whatsoever that may arise in connection with the partition between the Board and the Crown of the lands so described as aforesaid, and in connection with the use and disposal of pumps and other apparatus now or that may hereafter be installed on those lands.
- (12) If the Board and the Minister of Finance or the Minister of Lands, as the case may be, fail to reach an agreement under this section in respect of any matter,

the dispute shall be referred to arbitration in the manner provided by the Arbitration Act 1996.

- (13) The areas of Crown land described in subsection (16) are hereby declared to be vested in the Board for an estate in fee simple.

- (14) The land (being portion of the lands included in the lease to the Crown hereinbefore referred to) vested by this section in the Crown as Crown land subject to the Land Act 1948 is described as follows:

All that area in the Hawke's Bay Land District, situated in Blocks, XI, XII, XV, and XVI, Puketapu Survey District, and Blocks III and IV, Heretaunga Survey District, containing approximately 4 790 acres, being the area marked "A" on the plans deposited in the office of the Chief Surveyor, at Napier, under Numbers 2252 and 2253, and being also partly contained in certificates of title, Volume 95, folios 62, 105, and 106, and Volume 104, folio 55, Hawke's Bay Registry.

- (15) The land (being the balance of the lands now included in the lease to the Crown hereinbefore referred to) remaining vested in the Board after the land referred to in subsection (14) has become vested in the Crown is described as follows:

All that area in the Hawke's Bay Land District, situated in Blocks III, IV, and VIII, Heretaunga Survey District, containing approximately 2 200 acres, being the area marked "B" on the plan deposited in the office of the Chief Surveyor, at Napier, under Number 2252, and being also partly contained in certificates of title, Volume 95, folio 62, Volume 99, folio 260, Volume 112, folio 250, and Volume 18, folio 259, Hawke's Bay Registry.

- (16) The Crown lands vested in the Board by subsection (13) are particularly described as follows:

All that area in the Hawke's Bay Land District, situated in Block VIII, Heretaunga Survey District, containing by admeasurement 6 acres and 36 perches, more or less, and being Lots 4 and 5 on the plan deposited in the Land Registry Office, at Napier, under Number 6625.

Also all that area in the Hawke's Bay Land District, situated in Blocks IV and VIII, Heretaunga Survey District, containing by admeasurement 5 acres 1 rood and 28 perches, more or less, and being Lot 1 on the plan deposited in the Land Registry Office, at Napier, under Number 6625.

Section 31(12): amended, on 1 July 1997, pursuant to section 18 of the Arbitration Act 1996 (1996 No 99).

32 Removing certain land from the control of the Peninsula County Libraries Trustees and vesting it in the University of Otago

Whereas by the Peninsula County Libraries Act 1877 the control and management of certain land on the Otago Peninsula was vested in the Peninsula County Libraries Trustees (in this section referred to as the **trustees**):

And whereas the said Act gave the trustees power to lease the land provided that the rents therefrom were used for public library purposes within the Peninsula County:

And whereas the land described in subsection (3), being portion of the land under the control and management of the trustees, has for many years been leased to His Majesty the King, and has been used and occupied principally for the purposes of a fish hatchery:

And whereas it is desired that the said land should be vested in the University of Otago in trust as a site for a marine biology research station:

And whereas the trustees have agreed to relinquish the control and management of the said land subject to the payment to them of the sum of \$120 by way of compensation for loss of revenue:

Be it therefore enacted as follows:

- (1) The vesting in the trustees of the management and control of the land described in subsection (3) and all trusts, reservations, and restrictions heretofore affecting that land are hereby cancelled, and the said land is hereby declared to be vested in the University of Otago in trust for a site for a marine biology research station under and subject to Part 1 of the Public Reserves, Domains, and National Parks Act 1928.
- (2) The Council of the University of Otago shall without further authority than this section pay to the trustees the sum of \$120 as compensation for loss of revenue from the said land, and the said sum shall be applied by the trustees in the manner prescribed by section 7 of the Peninsula County Libraries Act 1877.
- (3) The land to which this section relates is particularly described as follows:

All that area in the County of Peninsula, in the Otago Land District, containing by admeasurement 34 perches, more or less, being part Section 23, Block VI, Portobello Bay Survey District: as the same is more particularly delineated on the plan lodged in the office of the Chief Surveyor, at Dunedin, under Number 7232, and thereon bordered red.

33 Vesting certain lands in the Nelson Harbour Board and in the Corporation of the City of Nelson

Whereas the land firstly described in subsection (4) is vested in the Nelson Harbour Board (in this section referred to as the **Board**) as an endowment:

And whereas the Board does not require the said land and it is desired to vest the same in the Corporation of the City of Nelson (in this section referred to as the **Corporation**):

And whereas the land secondly described in subsection (4) is vested in the Corporation as an endowment subject to a condition that it shall be reclaimed by and at the expense of the Corporation:

And whereas the land thirdly described in subsection (4) is vested in the Corporation for an estate in fee simple:

And whereas the Nelson City Council does not desire to retain the said lands secondly and thirdly described and it is desired to vest the same in the Board as an endowment:

Be it therefore enacted as follows:

- (1) The land firstly described in subsection (4) is hereby vested in the Corporation for an estate in fee simple freed and discharged from all former trusts, reservations, and restrictions affecting the same.
- (2) The lands secondly and thirdly described in subsection (4) are hereby vested in the Board as an endowment in aid of the funds of the Board but otherwise freed and discharged from all former trusts, reservations, and restrictions affecting the same.
- (3) The District Land Registrar for the Nelson Land Registration District is hereby empowered and directed, on the deposit of such plan or plans as he may require, to issue certificates of title for the lands dealt with by this section in the name of the Board or of the Corporation as the case may require.
- (4) The lands to which this section relates are particularly described as follows:

Firstly, all that area of land containing by admeasurement 131 acres and 2 roods, more or less, being part of the area described in Schedule 1 of the Nelson Harbour Act 1905, the said land being more particularly delineated on the plan marked MD 9079, deposited in the office of the Marine Department, at Wellington, and thereon coloured yellow.

Secondly, all that area of land containing by admeasurement 22 acres and 5 perches, more or less, being part of Section 1167, City of Nelson, the said land being more particularly delineated on the plan marked MD 9098, deposited in the office of the Marine Department, at Wellington, and thereon coloured red.

Thirdly, all that area of land containing by admeasurement 21 perches and four-tenths of a perch, more or less, being part of Section 1178, City of Nelson, and being part of the land comprised and described in certificate of title, Volume 58, folio 220, Nelson Registry: as the same is more particularly delineated on

the plan marked MD 9098, deposited in the office of the Marine Department, at Wellington, and thereon coloured yellow.

34 Vesting certain land in the Corporation of the Borough of Rotorua for water supply purposes

Whereas by Warrant dated 18 February 1908 and published in the *Gazette* of 20 February, an area of land described as Section 10, Block I, Tarawera Survey of District, was reserved for recreation purposes:

And whereas the said land was subsequently brought under the provisions of the Tourist and Health Resorts Control Act 1908, and the control thereof was vested in the Minister charged with the administration of that Act:

And whereas portion of the said land, being the land described in subsection (2), is used as a site for a reservoir and incidental purposes in connection with the Rotorua Borough water supply:

And whereas it is desirable that the said portion be vested in the Corporation of the Borough of Rotorua for water supply purposes and that suitable provision should be made in that behalf:

Be it therefore enacted as follows:

- (1) The vesting of the control of the land described in subsection (2) in the Minister charged with the administration of the Tourist and Health Resorts Control Act 1908, and the subjection of that land to the provisions of that Act are hereby cancelled, and the said land is hereby declared to be vested in the Corporation of the Borough of Rotorua in trust as a reserve for water supply purposes subject to the provisions of Part 1 of the Public Reserves, Domains, and National Parks Act 1928, but otherwise freed and discharged from all former trusts, reservations, and restrictions affecting the same.

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

All that area in the Rotorua County, South Auckland Land District, containing by admeasurement 4 acres 3 roods and 33 perches, more or less, being part of Lot 2 on a plan deposited in the Land Registry Office, at Auckland, under Number 23567, being part of Section 10, Block I, Tarawera Survey District, and being part of the land comprised and described in certificate of title, Volume 621, folio 156, Auckland Registry: as the same is more particularly delineated on the plan lodged in the office of the Chief Surveyor, at Auckland, under Number 35108, and thereon bordered red.

35 Bringing certain lands in the Borough of Rotorua under the provisions of the Tourist and Health Resorts Control Act 1908

Whereas the land described in subsection (4) is reserved for recreation purposes and is subject to the provisions of Part 2 of the Public Reserves, Domains, and National Parks Act 1928 as portion of the Rotorua Domain:

And whereas the Rotorua Domain Board has agreed to relinquish control of the said land:

And whereas by section 27 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1918 the land described in subsection (5) was reserved as a site for a Maori school, but is no longer used or required for that purpose:

And whereas it is desirable that the said lands should be brought under the provisions of the Tourist and Health Resorts Control Act 1908 in order that they may be leased to the Rotorua Golf Club (Incorporated), the lessee under that Act of certain neighbouring land:

Be it therefore enacted as follows:

- (1) The land described in subsection (4) is hereby declared to be no longer portion of the Rotorua Domain under the control of the Rotorua Domain Board, and to be no longer subject to the provisions of Part 2 of the Public Reserves, Domains, and National Parks Act 1928.
- (2) The reservation as a site for a Maori school of the land described in subsection (5) is hereby cancelled.
- (3) The lands referred to in subsections (1) and (2) are hereby declared to be reserves for recreation purposes and the control of those lands is hereby declared to be vested in the Minister charged with the administration of the Tourist and Health Resorts Control Act 1908 and the said lands shall hereafter be administered under the provisions of that Act.
- (4) The portion of the Rotorua Domain to which subsections (1) and (3) relate is particularly described as follows:

All that area in the South Auckland Land District, Rotorua Borough, containing by admeasurement 5 acres 1 rood and 5 perches, more or less, being part of Lot 2 on a plan deposited in the Land Registry Office, at Auckland, under Number 23567, being part of Section 10, Block I, Tarawera Survey District, and being part of the land comprised and described in certificate of title, Volume 621, folio 156, Auckland Registry: as the same is more particularly delineated on the plan lodged in the office of the Chief Surveyor, at Auckland, under Number 35108, and thereon bordered red.

- (5) The reserve for a site for a Maori school to which subsections (2) and (3) relate is particularly described as follows:

All that area in the South Auckland Land District, Rotorua Borough, situated in Block I, Tarawera Survey District, containing by admeasurement 3 acres, more

or less, being Section 81, Suburbs of Rotorua: as the same is more particularly delineated on the plan lodged in the office of the Chief Surveyor, at Auckland, under Number 35108, and thereon bordered red.

36 Extending term of occupancy on the part of the Auckland Hospital Board of part of Cornwall Park

[Repealed]

Section 36: repealed (with effect on 16 December 1968), on 24 October 1969, by section 10(2) of the Reserves and Other Lands Disposal Act 1969 (1969 No 131).

37 Authorising cancellation of scenic reservation over land at Lake Rotoroa, Nelson District, and its declaration as a recreation reserve

Whereas the land described in subsection (2) is a scenic reserve situated at Lake Rotoroa in the Nelson Land District, and is subject to the provisions of the Reserves Act 1977:

And whereas it is desired that facilities for recreation should be provided at Lake Rotoroa, and the said land is considered to be the most suitable in the locality for development for recreation purposes:

And whereas it is desirable that suitable provision be made in that behalf:

Be it therefore enacted as follows:

- (1) The Governor-General may, by Proclamation, declare the reservation for scenic purposes over the land described in subsection (2), or over such portion of that land as he thinks fit, to be cancelled, and thereupon the land described in the Proclamation shall, for all purposes, be deemed to be a recreation reserve under and subject to the provisions of the Reserves Act 1977.
- (2) The land to which this section relates is described as follows:

All that area in the Nelson Land District, containing by admeasurement 31 acres, more or less, being Section 2, Block II, Rotoroa Survey District: as the same is delineated on the plan marked L and S 4/283A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered blue.

Section 37 preamble: amended, on 1 April 1978, pursuant to section 125(1) of the Reserves Act 1977 (1977 No 66).

Section 37(1): amended, on 1 April 1978, pursuant to section 125(1) of the Reserves Act 1977 (1977 No 66).

Contents

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Notes

1 General

This is a reprint of the Reserves and Other Lands Disposal Act 1950. The reprint incorporates all the amendments to the Act as at 1 July 1997, 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)***

Arbitration Act 1996 (1996 No 99): section 18

Ocean Beach Public Domain (Repeal and Vesting) Act 1992 (1992 No 7 (L)): section 5

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

Auckland Regional Authority (Mount Smart) Expenditure Act 1985 (1985 No 1 (L)): section 5(c)

Reserves Act 1977 (1977 No 66): section 125(1)

Reserves and Other Lands Disposal Act 1969 (1969 No 131): section 10(2)

Selwyn Plantation Board Act 1953 (1953 No 96): section 30(1)