

**Reprint  
as at 19 July 1990**



**Reserves and Other Lands Disposal  
Act 1972**

Public Act    1972 No 124  
Date of assent    20 October 1972  
Commencement    20 October 1972

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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.**

**An Act to vest certain land in the Crown as a reserve and to provide for other matters relating to land held by the Crown and other public authorities**

**1 Short Title**

This Act may be cited as the Reserves and Other Lands Disposal Act 1972.

**2 Authorising the gift of Simmonds Islands to the Crown for a flora and fauna reserve**

Whereas on 2 March 1967, pursuant to section 438 of the Maori Affairs Act 1953, the Maori Land Court of New Zealand made an order vesting the land described in subsection (4) in the Aupouri Trust Board (in this section called the **Board**) as trustees to be managed and controlled by the Board for the benefit of the Aupouri Tribe in particular and for the enjoyment of the peoples of New Zealand generally:

And whereas the Board desires to transfer the land to Her Majesty the Queen by way of gift for a flora and fauna reserve subject to the conditions specified in subsection (1):

And whereas on 19 October 1971, pursuant to the said section 438, the court made a further order that the Board as trustees transfer the land by way of gift to Her Majesty on the conditions referred to:

And whereas Her Majesty is willing to accept the gift on those conditions:

And whereas it is desired to vest the land in Her Majesty on those conditions:

Be it therefore enacted as follows:

- (1) The conditions referred to in this section are that Her Majesty the Queen undertakes—
  - (a) to protect the land described in subsection (4) by declaring it to be and administering it as a reserve:
  - (b) to obtain the consent of the Board before changing the purpose of the reserve:
  - (c) to return the land without delay to the Board should it be no longer required as a reserve.

- (2) Notwithstanding Part 21 of the Maori Affairs Act 1953, or any other enactment, the land described in subsection (4) is hereby vested in Her Majesty the Queen for the purposes of a reserve for the preservation of flora and fauna on the land, subject to the Reserves and Domains Act 1953 and to the conditions specified in subsection (1).
- (3) To the extent that any condition specified in subsection (1) is inconsistent with the Reserves and Domains Act 1953, that condition shall prevail.
- (4) The land to which this section relates is particularly described as follows:

All that group of islands and rocks known as Simmonds Islands, situated in Block VII, Houhora East Survey District, containing 15 acres, 2 roods, and 30 perches, more or less; as shown on the plan numbered ML 14561 lodged in the office of the Chief Surveyor at Auckland.

### **3 Specifying further objects for proceeds of sale of parts of the Tauranga Cemetery**

Whereas, by section 15 of the Reserves and Other Lands Disposal Act 1959, the Corporation of the City of Tauranga (in this section called the **Corporation**) was empowered to sell specified parts of the Tauranga Cemetery:

And whereas subsection (3) of that section directs that the proceeds of sale of any such land shall be applied towards the objects specified in that subsection:

And whereas it is desired to specify further objects towards which the proceeds of any such sale shall be applied:

Be it therefore enacted as follows:

Section 15 of the Reserves and Other Lands Disposal Act 1959 is hereby amended by repealing subsection (3), and substituting the following subsection:

- “(3) The net proceeds from the sale of the land referred to in subsection (8), or any part of that land, and the income from those proceeds, shall be applied towards all or any of the following objects:
  - “(a) the purchase or other acquisition of land situated in the County of Tauranga to be held for cemetery purposes:

- “(b) the development, improvement, or maintenance of any land that—
  - “(i) is vested, or may become vested, in the Corporation for cemetery purposes; or
  - “(ii) has been part of the Tauranga Cemetery, but is now vested in the Corporation in trust for plantation purposes:
- “(c) the erection and maintenance, as and when required and to the extent of the funds from time to time available, of a crematorium and other buildings for cemetery purposes:
- “(d) the acquisition and maintenance of plant, machinery, and other equipment required for cemetery purposes or plantation purposes on land specified in paragraph (b).”

#### 4 Authorising the use of Wiri public hall site for commercial and industrial purposes

Whereas, by a vesting order made by the Supreme Court at Auckland on 10 April 1941, the land described in subsection (3) was ordered to be transferred to the Chairman, Councillors, and Inhabitants of the County of Manukau (in this section called the **Manukau County Council**) to be held upon trust for the purposes of a public hall for the enjoyment, recreation, instruction, or convenience of the public:

And whereas the Mayor, Councillors, and Citizens of the City of Manukau (in this section called the **Corporation**) is registered as the proprietor of an estate in fee simple in the land as the successor of the Manukau County Council:

And whereas the land forms part of a site owned by the Corporation that it wishes to develop as the regional centre of the City of Manukau:

And whereas the Corporation intends to make other provision for the enjoyment, recreation, instruction, or convenience of the public in the regional centre, but not necessarily on the land described in subsection (3):

And whereas it is desired to extinguish the trust in respect of the land and authorise the Corporation to use the land described in subsection (3) for commercial and industrial purposes as part of the proposed development:

Be it therefore enacted as follows:

- (1) The land described in subsection (3) shall from the commencement of this section be held by the Corporation for an estate in fee simple in accordance with subsection (2), but otherwise freed and discharged from all trusts, reservations, and restrictions affecting the land immediately before the commencement of this section.
- (2) The land shall be deemed to have been purchased by the Corporation under subsection (2) of section 365A of the Municipal Corporations Act 1954 (as inserted by section 31 of the Municipal Corporations Amendment Act 1964 and amended by section 35 of the Municipal Corporations Amendment Act 1968) and the provisions of that section shall apply accordingly.
- (3) The land to which this section relates is particularly described as follows:

All that parcel of land containing 1 rood, more or less, situated in Block XI, Otahuhu Survey District, being part Clendon's Grant, and being part of the land shown on Deposited Plan No 4748, and being all the land comprised and described in certificate of title, Volume 351, folio 85, North Auckland Registry.

## **5 Increasing the membership of the Queen Elizabeth Park Domain Board**

*[Repealed]*

Section 5: repealed, on 19 July 1990, by section 41(d) of the Conservation Law Reform Act 1990 (1990 No 31).

## **6 Declaring land subject to the Forests Act 1949 to be Crown land subject to the Land Act 1948**

Whereas the land described in subsection (2) is set apart as permanent State forest land under the Forests Act 1949:

And whereas it is desired that it should be declared Crown land subject to the Land Act 1948:

Be it therefore enacted as follows:

- (1) The setting apart of the land described in subsection (2) as permanent State forest land is hereby revoked and the 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:

First, all that area of land in the South Auckland Land District, containing 43 acres, 1 rood, and 35 perches, more or less, being part Section 4, Block III, Ranginui Survey District; as more particularly shown on SO Plan 46463 lodged in the office of the Chief Surveyor at Hamilton and thereon edged red.

Secondly, all that area of land in the South Auckland Land District, containing 13 acres and 2 perches, more or less, being Section 11, Block XIV, Ranginui Survey District, and part Rangitoto A31A and A31B Blocks, situated in Block XIV, Ranginui Survey District (SO Plan 45805).

Thirdly, all that area of land in the South Auckland Land District, containing 82 acres, 2 roods, and 30 perches, more or less, being part Section 21, Block XI, Ohinemuri Survey District (SO Plan 45585).

Fourthly, all that area of land in the South Auckland Land District, containing 6 acres, 2 roods, and 14 perches, more or less, being part Section 7, Block XII, Tairua Survey District; and being all the land shown on SO Plan 46691 lodged in the office of the Chief Surveyor at Hamilton.

Fifthly, all that area of land in the Wellington Land District, containing 200 acres, 2 roods, and 20 perches, more or less, being Section 1013, Whareama District, situated in Blocks IX, XIII, and XIV, Rewa Survey District (SO Plan 28401).

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## **Notes**

### **1 *General***

This is a reprint of the Reserves and Other Lands Disposal Act 1972. The reprint incorporates all the amendments to the Act as at 19 July 1990, 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)*

Conservation Law Reform Act 1990 (1990 No 31): section 41(d)

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