

**Reprint
as at 24 June 2008**



**Reserves and Other Lands Disposal
Act 1974**

Public Act 1974 No 139
Date of assent 8 November 1974
Commencement 8 November 1974

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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 various matters relating to Crown land, reserves, and other land held for public purposes

1 Short Title

This Act may be cited as the Reserves and Other Lands Disposal Act 1974.

2 Vesting of certain land in Crown subject to enjoyment of certain rights by New Zealand Broadcasting Corporation
[Repealed]

Section 2: repealed, on 1 July 2000, by section 40(1) of the Parliamentary Service Act 2000 (2000 No 17).

3 Vesting certain land in the Crown as a reserve for cemetery purposes

Whereas by Proclamation dated 18 December 1872 and published in the *Canterbury Provincial Gazette* on 13 January 1873 at page 11 the Superintendent of the Province of Canterbury proclaimed certain lands (in this section together referred to as the **cemetery lands**) to be set aside as a reserve for cemetery purposes:

And whereas by notice dated 7 November 1950 and published in the *Gazette* of that year at page 1981 made pursuant to section 55 of the Cemeteries Act 1908 the Ellesmere County Council (in this section referred to as **the Council**) was appointed the trustee of the cemetery established on the cemetery lands:

And whereas by notice dated 8 February 1957 and published in the *Gazette* of that year at page 218 the Minister of Lands, acting pursuant to the Reserves and Domains Act 1953, changed the purpose for which part of the cemetery lands was reserved from a reserve for cemetery purposes to a reserve for gravel purposes:

And whereas by the Ellesmere Cemetery Order 1957 made pursuant to the Cemeteries Act 1908 the cemetery was declared to consist of the land described in the Schedule of that order, and it was further declared that the Council shall continue to be the trustee of the cemetery:

And whereas by deed of conveyance dated 12 December 1882 the land to which this section relates was vested in certain persons as the trustees of the said cemetery:

And whereas all those persons are deceased:

And whereas for many years the Council has administered and used the land in connection with the cemetery:

And whereas the Council is desirous that the land be formally incorporated into the cemetery:

And whereas to this end it is expedient to vest the land in Her Majesty the Queen as a reserve for cemetery purposes:

And whereas Her Majesty is willing to accept the land for these purposes:

Be it therefore enacted as follows:

- (1) The land to which this section relates is hereby vested in Her Majesty the Queen as a reserve for cemetery purposes, subject to the Reserves and Domains Act 1953, but free from all other trusts, reservations, and restrictions.
- (2) This section relates to the following land:
All that parcel of land situated in the Canterbury Land District, containing 617 square metres, more or less, being situated in Block I, Southbridge Survey District, and being part of Rural Section 7966 and being the whole of the land comprised and described in certificate of title, Volume 406, folio 99 (Canterbury Registry).

4 Changing the purpose for which part of the Cromwell Racecourse Reserve is held from the purposes of a racecourse to the purposes of an aerodrome

Whereas pursuant to the Public Reserves Act 1854 a certain piece of land (in this section referred to as the **racecourse land**) was vested in the Superintendent of the Province of Otago for the purposes of a racecourse:

And whereas by section 2 of the Cromwell Racecourse Reserve Act 1876 the racecourse land was vested in a Board of Trustees constituted under that Act to be held for the purposes of a racecourse:

And whereas by Order in Council dated 27 August 1941 and published in the *Gazette* of that year at page 2690 the racecourse land was vested in the Mayor, Councillors, and Burgesses of the Borough of Cromwell (in this section together referred to as the **Corporation**) in trust for a racecourse or for any other purpose in connection therewith, subject to the provisions of the Cromwell Racecourse Reserve Act 1876:

And whereas the land to which this section relates comprises part of the racecourse land:

And whereas by notice dated 19 August 1953 and published in the *Gazette* of that year at page 1378 the Governor-General, pursuant to the Local Authorities Empowering (Aviation Encouragement) Act 1929, consented to the use by the Corporation of the land for the purposes of an aerodrome:

And whereas the land was used for that purpose until that consent was revoked by notice dated 28 July 1965 and published in the *Gazette* of that year at page 1252:

And whereas the Corporation is desirous that it be empowered again to use the land for the purposes of an aerodrome:

And whereas to that end it is desirable to change the purpose for which the land to which this section relates is set aside from a reserve for racecourse purposes to a reserve for aerodrome purposes:

Be it therefore enacted as follows:

- (1) Notwithstanding anything in the Cromwell Racecourse Reserve Act 1876, the purpose for which the land to which this section relates is set aside is hereby changed from a

reserve for racecourse purposes to a reserve for aerodrome purposes, subject to the Reserves and Domains Act 1953.

(2) This section relates to the following land:

All that parcel of land situated in the Otago Land District, Vincent County, containing 41.116 hectares, more or less, being the whole of Section 91 (formerly Part Section 17) Block III, Cromwell Survey District, as more particularly shown on SO Plan 17959 lodged in the office of the Chief Surveyor at Dunedin and thereon delineated in bold black lines, and being part of the land comprised and described in certificate of title, Volume 57, folio 79 (Otago Registry).

Section 4(2): amended (with effect on 8 November 1974), on 21 December 1977, pursuant to section 6(1) of the Reserves and Other Lands Disposal Act 1977 (1977 No 104).

Section 4(2): amended (with effect on 8 November 1974), on 21 December 1977, pursuant to section 6(2) of the Reserves and Other Lands Disposal Act 1977 (1977 No 104).

5 Vesting the site of the Kohuwhera Pa and its fortifications in the Crown

Whereas by an order of the Maori Land Court made pursuant to section 438 of the Maori Affairs Act 1953 on 24 August 1973 certain land was vested in certain persons (in this section together referred to as the **trustees**) as trustees upon trust to partition the land by defining that portion that is the site of the Kohuwhera Pa and its fortifications (being the land to which this section relates) from the balance of the land, and to transfer by way of gift the land to which this section relates to Her Majesty the Queen, and, subject thereto, to obtain the approval of the court to the termination of the trust in respect of the balance of the land:

And whereas in pursuance of the terms of the trust the trustees have partitioned the land in the required manner and have obtained the approval of the Maori Land Court to the partition as is evidenced by the order of the court made in that behalf on 22 November 1973:

And whereas in further pursuance of the terms of the trust the trustees are desirous of transferring to Her Majesty the land to which this section relates for the purposes of an historic reserve, subject to the condition specified in subsection (2):

And whereas Her Majesty is willing to accept the land for that purpose and subject to that condition:

And whereas the provisions of Part 21 of the Maori Affairs Act 1953 prohibit the alienation of Maori land to the Crown otherwise than for adequate consideration and in accordance with those provisions:

And whereas it is expedient to make provision for the gift to be effected accordingly:

Be it therefore enacted as follows:

- (1) Notwithstanding the provisions of Part 21 of the Maori Affairs Act 1953 or of any other enactment, the land to which this section relates is hereby vested in Her Majesty the Queen for the purposes of an historic reserve, subject to the Reserves and Domains Act 1953 and to the condition specified in subsection (2), but free from all other trusts, reservations, and restrictions:
provided that to the extent that the condition is inconsistent with any of the provisions of that Act the terms of the condition shall prevail.
- (2) The condition referred to in subsection (1) is that Her Majesty undertakes to return the land to the trustees without delay should it no longer be required as an historic reserve.
- (3) This section relates to the following land:
All that parcel of land situated in the North Auckland Land District, Bay of Islands County, containing 2.3016 hectares, more or less, being situated in Block II, Russell Survey District, and being the whole of Paroa 1 Block.

6 Empowering the Corporation of the City of Auckland to lease certain lands in the Auckland Domain to the Auckland Bowling Club (Incorporated), the Auckland Lawn Tennis Association (Incorporated), and the Auckland Rugby League (Incorporated) respectively

Whereas the parcels of land described in subsection (3) are portions of the Auckland Domain and as such are vested in the Corporation of the City of Auckland (in this section called the **Corporation**) upon the trusts declared by the Auckland Domain Vesting Act 1893:

And whereas pursuant to section 27 of the Reserves and Other Lands Disposal Act 1939 the Corporation leased the land first described in subsection (3) to the Auckland Bowling Club (Incorporated) for a term that expired on 31 March 1970:

And whereas it is desirable to empower the Corporation to grant a lease of the land to the said Club for a further term not exceeding 21 years, the term (if the Corporation so decides) to be deemed to have commenced on 1 April 1970:

And whereas pursuant to section 27 of the Reserves and Other Lands Disposal Act 1952 the Corporation leased the land thirdly described in subsection (3) to the Auckland Rugby League (Incorporated) for a term that expired on 4 February 1974:

And whereas it is desirable to empower the Corporation to grant a lease of the land to the said League for a further term not exceeding 21 years, the term (if the Corporation so decides) to be deemed to have commenced on 5 February 1974:

And whereas it is expedient to make provision accordingly:

Be it therefore enacted as follows:

- (1) Notwithstanding anything in the Auckland Domain Vesting Act 1893 or in any other enactment, the Corporation is hereby empowered to grant—
 - (a) to the Auckland Bowling Club (Incorporated) a lease of the land first described in subsection (3), and may provide in the lease that the term shall be deemed to have commenced on 1 April 1970:
 - (b) *[Repealed]*
 - (c) to the Auckland Rugby League (Incorporated) a lease of the land thirdly described in subsection (3), and may provide in the lease that the term shall be deemed to have commenced on 5 February 1974.
- (2) Any lease granted under subsection (1) may be for such term, not exceeding 21 years, at such rental, and otherwise upon and subject to such terms and conditions as the Corporation thinks fit.
- (3) This section relates to the following land:

First, all that parcel of land situated in the North Auckland Land District, containing 5043 square metres, more or less,

being situated in Block VIII, Rangitoto Survey District, and being part of the Auckland Domain; as the same is more particularly delineated on the plan marked L and S 1/550, deposited in the Head Office, Department of Lands and Survey at Wellington, and thereon marked A and edged red (SO 49380).

Thirdly, all that parcel of land situated in the North Auckland Land District, containing 3948 square metres, more or less, being situated in Block VIII, Rangitoto Survey District, and being part of the Auckland Domain and parts Section 98, Suburbs of Auckland; as the same is more particularly delineated on the plan marked L and S 1/550, deposited in the Head Office, Department of Lands and Survey at Wellington, and thereon edged red (SO 37421).

Section 6 preamble: amended, on 24 June 2008, by section 6(a) of the Auckland Domain (Auckland Tennis) Amendment Act 2008 (2008 No 3 (L)).

Section 6 preamble: amended, on 24 June 2008, by section 6(b) of the Auckland Domain (Auckland Tennis) Amendment Act 2008 (2008 No 3 (L)).

Section 6 preamble: amended, on 16 December 1987, by section 14 of the Auckland Domain Act 1987 (1987 No 7 (L)).

Section 6(1)(a): amended, on 16 December 1987, by section 14 of the Auckland Domain Act 1987 (1987 No 7 (L)).

Section 6(1)(b): repealed, on 24 June 2008, by section 6(c) of the Auckland Domain (Auckland Tennis) Amendment Act 2008 (2008 No 3 (L)).

Section 6(1)(c): amended, on 16 December 1987, by section 14 of the Auckland Domain Act 1987 (1987 No 7 (L)).

Section 6(3): amended, on 24 June 2008, by section 6(d) of the Auckland Domain (Auckland Tennis) Amendment Act 2008 (2008 No 3 (L)).

7 **Vesting certain land in the Chatham Islands County Corporation for the purposes of a recreation reserve**

Whereas on or before 3 March 1899 the fee simple estate in the land to which this section relates was vested in The Chatham Islands Institute (in this section referred to as the **Institute**), a body duly incorporated under the Public Libraries Powers Act 1875, for the purposes of a public library and a mechanics' institute:

And whereas no such library or institute has been erected on the land:

And whereas the Institute has been defunct for many years:

And whereas the land is situated within the territorial boundaries of the County of the Chatham Islands, and the Chatham Islands County Council is desirous that the land be vested in the Chairman, Councillors, and Inhabitants of the said County (in this section collectively referred to as the **Corporation**) for the purposes of a recreation reserve:

And whereas it is expedient to make provision accordingly:

Be it therefore enacted as follows:

- (1) The land to which this section relates is hereby vested in the Corporation for the purposes of a recreation reserve, subject to the Reserves and Domains Act 1953, but free from all other trusts, reservations, and restrictions.
- (2) This section relates to the following land:
All that parcel of land situated in the Wellington Land District, Chatham Islands County, containing 618 square metres, more or less, being section 3, Block III, Oropuke Survey District, and being the whole of the land comprised and described in certificate of title, Volume 99, folio 55 (Wellington Registry).

8 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 State forest land under the Forests Act 1949:

And whereas it is desired that it should be declared to be 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 State forest land is hereby revoked and the land is hereby declared to be Crown land subject to the Land Act 1948.
- (2) This section relates to the following land:
First, all that parcel of land situated in the North Auckland Land District, containing 5046 square metres, more or less, being Section 23, Block VI, Kumeu Survey District, subject to right of way over part created by transfer 48232 (SO 29159).
Secondly, all that parcel of land situated in the North Auckland Land District, containing 86.1474 hectares, more or less, being part Sections 6 and 9, Block XIV, Omapere Survey District (SO 48711).

Thirdly, all that parcel of land situated in the North Auckland Land District, containing 4046 square metres, more or less, being Lot 1, DP 38843, being part Allotment SE 39, Whangarei Parish, situated in Block VIII, Purua Survey District, and being the whole of the land comprised and described in certificate of title, Volume 1037, folio 197 (North Auckland Registry).

Fourthly, all those parcels of land situated in the South Auckland Land District, containing 23.8000 hectares and 2.4400 hectares, more or less, being parts Tairua Block situated in Block III, Tairua Survey District (SO 47412).

Fifthly, all that parcel of land situated in the South Auckland Land District, containing 5.3620 hectares, more or less, being part Tairua Block situated in Block II, Tairua Survey District; as shown coloured red on SO 47358.

Sixthly, all that parcel of land situated in the South Auckland Land District, containing 45.2000 hectares, more or less, being Section 27, Block XVI, Kawhia South Survey District (formerly part Section 11, Block XVI, Kawhia South Survey District) (SO 47408).

Seventhly, all that parcel of land situated in the Taranaki Land District, containing 27.1139 hectares, more or less, being Section 30, Block IX, Mimi Survey District (SO 957).

Eighthly, all that parcel of land situated in the Nelson Land District, containing 16.0862 hectares, more or less, being part Section 1, Block XVI, Mawheraiti Survey District; as shown coloured red on SO 11676 lodged in the office of the Chief Surveyor at Nelson.

Ninthly, all that parcel of land situated in the Nelson Land District, containing 200.0158 hectares, more or less, being State forest land situated in Block XVI, Mawheraiti Survey District, and Block IV, Ahaura Survey District; as shown coloured red on SO 11677 lodged in the office of the Chief Surveyor at Nelson.

Tenthly, all that parcel of land situated in the Nelson Land District, containing 67.9264 hectares, more or less, being Sections 23 and 24, Block VI, Aorere Survey District (SO 4362).

Eleventhly, all that parcel of land situated in the Nelson Land District, containing 2.6380 hectares, more or less, being Lot 8,

DP 7605L, being part Section 161, Square 6, situated in Block VII, Wangapeka Survey District.

Twelfthly, all that parcel of land situated in the Nelson Land District, containing 4046 square metres, more or less, being residence site licence No 5187 situated in Block IV, Inangahua Survey District (SO 11820) and being the whole of the land comprised and described in certificate of title, Volume 10, folio 374 (Nelson Registry).

Thirteenthly, all that parcel of land situated in the Westland Land District, containing 109.5000 hectares, more or less, being part Reserve 1800 situated in Blocks VII and XI, Waiho Survey District (SO 9274).

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Notes**1 General**

This is a reprint of the Reserves and Other Lands Disposal Act 1974. The reprint incorporates all the amendments to the Act as at 24 June 2008, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint (most recent first)*

Auckland Domain (Auckland Tennis) Amendment Act 2008 (2008 No 3 (L)): section 6

Parliamentary Service Act 2000 (2000 No 17): section 40(1)

Auckland Domain Act 1987 (1987 No 7 (L)): section 14

Reserves and Other Lands Disposal Act 1977 (1977 No 104): section 6
