

**Reprint**  
**as at 5 August 2013**

**Tourist and Health Resorts Control  
Act 1908**

Public Act 1908 No 194  
Date of assent 4 August 1908

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**Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this eprint. See the notes at the end of this eprint for further details.

**This Act is administered by the Ministry of Business, Innovation, and Employment.**

<b>Schedule 1</b>	6
<b>Enactments consolidated</b> <i>[Repealed]</i>	
<b>Schedule 2</b>	6
<b>Reserves</b>	

**An Act to consolidate certain enactments of the General Assembly relating to the administration and control of tourist and health resorts and reserves**

**1 Short Title, etc**

- (1) The Short Title of this Act is the Tourist and Health Resorts Control Act 1908.
- (2) This Act is a consolidation of the enactments mentioned in Schedule 1, and with respect to those enactments the following provisions shall apply:
  - (a) all regulations, rules, bylaws, Orders in Council, orders, licences, leases, records, instruments, and generally all acts of authority which originated under those enactments, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated:
  - (b) all matters and proceedings commenced under those enactments, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

**2 Interpretation**

In this Act, if not inconsistent with the context,—

**Minister** means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

**Reserve** includes **domain**

**Secretary** means the chief executive of the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act.

Compare: 1906 No 55 s 2

Section 2 **Minister**: replaced, on 1 November 1991, by section 18(2) of the New Zealand Tourism Board Act 1991 (1991 No 110).

Section 2 **Secretary**: inserted, on 1 November 1991, by section 18(2) of the New Zealand Tourism Board Act 1991 (1991 No 110).

### **3 Department established**

*[Repealed]*

Section 3: repealed, on 1 April 1964, by section 15(1) of the Tourist and Publicity Department Act 1963 (1963 No 30).

### **4 Expenses of administering Act**

The expenses incident to the administration of this Act shall be defrayed out of sums to be from time to time appropriated by Parliament for that purpose.

Compare: 1906 No 55 s 4

### **5 Reserves in Schedule 2 to be administered under Act**

The control of any of the reserves generally described in Schedule 2 hereto, or of any reserve brought under this Act, may from time to time, by Order in Council published in the *Gazette*, be vested in the Minister, and shall be administered under this Act.

Compare: 1906 No 55 s 5

Section 5: amended, on 5 August 2013, by section 77(3) of the Legislation Act 2012 (2012 No 119).

### **6 Reserves may be brought under Act**

The Governor-General may from time to time, by Order in Council published in the *Gazette*, bring under this Act any reserve now or at any time hereafter made or administered under the Reserves Act 1977, the Thermal Springs Districts Act 1908, the Forests Act 1949, the Land Act 1948, or the Queenstown Reserves Act 1905, notwithstanding anything to

the contrary in those Acts, and such reserve shall thereafter be administered under this Act:

Provided that no such Order in Council shall affect any reserve vested in any local authority, Harbour Board, or Domain Board without its consent.

Compare: 1906 No 55 s 6

Section 6: amended, on 5 August 2013, by section 77(3) of the Legislation Act 2012 (2012 No 119).

Section 6: amended, on 1 April 1978, pursuant to section 125(1) of the Reserves Act 1977 (1977 No 66).

Section 6: amended, on 1 January 1950, pursuant to section 73(1) of the Forests Act 1949 (1949 No 19).

Section 6: amended, on 1 April 1949, pursuant to section 185(1) of the Land Act 1948 (1948 No 64).

## **7 Money received to be paid into Public Account**

All money received in respect of reserves brought under the provisions of this Act shall be paid into the Public Account and form part of the Consolidated Account.

Compare: 1906 No 55 s 7

Section 7: amended, on 1 April 1978, pursuant to section 114(6) of the Public Finance Act 1977 (1977 No 65).

## **8 Provisions of Reserves and Domains Act applied**

The provisions of sections 27, 51, 53, 83, 84, 91, and 94 of the Reserves and Domains Act 1953 shall, *mutatis mutandis*, extend and apply to all reserves administered under this Act:

Provided that all references therein to the Commissioner of Crown Lands shall be deemed to be references to the Secretary.

Compare: 1906 No 55 s 8

Section 8 proviso: amended, on 1 November 1991, by section 18(2) of the New Zealand Tourism Board Act 1991 (1991 No 110).

## **9 Minister may grant use of reserve for sports, and regulate games, etc**

The Minister may from time to time—

- (a) grant the exclusive use of any such reserve, or any part thereof, on any days not exceeding 10 in any year, but not for more than 3 days consecutively at any time, to any person, body, or society (corporate or not) for the

purpose of particular sports, games, or other recreation, with authority for such person, body, or society to demand a fee or charge for admission on such day or days to the reserve or part thereof so granted, but not in any case exceeding for each day 1 shilling for each person, with an extra shilling for every horse or vehicle which he may desire to take with him, unless such person desires to obtain admission to the stand hereinafter mentioned, in which case an additional fee or charge not exceeding 10 shillings may be imposed prior to his obtaining admission to such stand:

- (b) erect, or authorise any person, body, or society (corporate or not) to erect, upon some portion of the reserve buildings for ornamental purposes, or a stand or pavilion, upon such terms as to plans, size, situation, custody, and otherwise in all respects as the Minister determines; and may appoint the mode and price of admission to any such stand or pavilion on any of the days hereinbefore mentioned:
- (c) prescribe the games which shall be permitted to be played in the reserve or any part thereof, and regulate the use of the reserve for such games; and may prohibit the playing of any games at times when the reserve would be thereby damaged, and prohibit altogether the playing of any particular game therein:
- (d) make regulations for the proper administration of any such reserve:
- (e) grant to any person, body, or society to whom such exclusive use may have been granted, during the days on which a charge of admission to such reserve may lawfully be made, the right to exclude, remove from, and summarily eject from such reserve any person or class of persons whom such controlling person, body, or society in its absolute discretion thinks undesirable:
- (f) notwithstanding section 184(2)(n) of the Land Act 1948, fix fees and charges for all or any of the following matters:
  - (i) the use of any bath on any reserve administered under this Act:

- (ii) the playing of any game on any such reserve:
- (iii) board and accommodation provided at any hostel on any such reserve:
- (iv) admission of persons and vehicles to any such reserve:
- (v) the services of guides and the use of any equipment supplied by the Minister for use by visitors to any such reserve:
- (vi) the hire of launches under the control of the Minister.

Compare: 1906 No 55 s 9

Section 9(f): inserted, on 23 December 1977, by section 2(1) of the Tourist and Health Resorts Control Amendment Act 1977 (1977 No 177).

## 10 Recovery of fines

All fines under this Act shall be paid into the Public Account and form part of the Consolidated Account.

Compare: 1906 No 55 s 10

Section 10: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 10: amended, on 1 April 1978, pursuant to section 114(6) of the Public Finance Act 1977 (1977 No 65).

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## Schedule 1

s 1(2)

### Enactments consolidated

*[Repealed]*

Schedule 1: repealed, on 1 April 1964, by section 15(1) of the Tourist and Publicity Department Act 1963 (1963 No 30).

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## Schedule 2

s 5

### Reserves

Little Barrier Island.	Arikikapakapa Reserve, Rotorua.
	Forest Reserve, Waikaremoana.
Te Aroha Hot Springs Domain.	Nuhaka Thermal Springs Reserve.
Sanatorium Reserve, Rotorua.	Hanmer Thermal Springs Reserve.

Pukeroa Domain, Rotorua.

Kuirua Domain, Rotorua.

Medical Officer's Reserve, Rotorua.

Aorangi Domain.

Te Ana Domain.

Schedule 2: amended, on 18 November 2010, by section 108(3) of the Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008 (2008 No 98).

Schedule 2: amended, on 25 October 1963, by section 17(3) of the Reserves and Other Lands Disposal Act 1963 (1963 No 128).

Schedule 2: amended, on 1 April 1953, by section 62(2) of the National Parks Act 1952 (1952 No 54).

Schedule 2: amended, on 7 August 1916, by section 13(10) of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1916 (1916 No 14).

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**Eprint notes****1     *General***

This is an eprint of the Tourist and Health Resorts Control Act 1908 that incorporates all the amendments to that Act as at the date of the last amendment to it.

**2     *About this eprint***

This eprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

**3     *Amendments incorporated in this eprint***

Legislation Act 2012 (2012 No 119): section 77(3)

Criminal Procedure Act 2011 (2011 No 81): section 413

Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008 (2008 No 98): section 108(3)

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