

**Version  
as at 28 October 2021**

## **Wanganui River Trust Act 1891**

Local Act      1891 No 19  
Date of assent      24 September 1891

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**An Act for the conservation of the natural scenery of the upper waters of the Wanganui River, and for the protection of the navigation of the said waters.**

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**Note**

Changes authorised by subpart 2 of Part 3 of the Legislation Act 2019 have been made in this consolidation. See the notes at the end of this consolidation for further details.

## 1 Short Title

The Short Title of this Act is the Wanganui River Trust Act 1891. It shall come into operation on 1 January 1892.

## 2 Wanganui River Trust constituted

A Trust, to be called the **Wanganui River Trust**, is hereby constituted consisting of the persons following, for the time being:

- The Mayor of the Borough of Wanganui;
- The Chairman for the time being of the Wanganui Chamber of Commerce;
- The Chairmen of the Wanganui and Waitotara Counties respectively;
- The members of the House of Representatives respectively representing the electoral district within which the Borough of Wanganui is situate, and the present Electoral District of Waitotara, or the portions thereof within the Upper Wanganui River District hereinafter constituted; and
- One person to be from time to time appointed by the Governor, who shall hold office for two years from the date of his appointment, and may be reappointed, but shall be subject to removal at any time by the Governor, who may appoint another in his place, or on his resignation, death, or incapacity to act.

Every official member of the Trust shall continue as member thereof, notwithstanding his vacating his office, until his successor thereto comes into office.

## 3 Upper Wanganui River District constituted

A river district under the River Boards Act 1884, is hereby constituted by the name of the **Upper Wanganui River District**, and shall be deemed to have been so constituted under section 6 of the last-mentioned Act, and shall form the district over which the Trust shall have jurisdiction under such Act.

The boundaries of the said district shall comprise—

- All that area included within a line commencing at the point where the southern boundary of the Raorikia Maori Reserve strikes the right bank of the Wanganui River, and running thence across the said river in a direction S 46° E to a point 1 mile from the left bank of the said river, and continued from the aforesaid point parallel to and distant 1 mile from the said river to a point 4 miles from the source of the said river, thence by a line due north to a point 1 mile from the right bank, and thence continued parallel to and 1 mile distant from the right bank of the said river to a line bearing N 46° W from Raorikia, and thence by the said line to the commencing-point.

The reference to “Maori” was substituted, as from 27 November 1947, for a reference to “Native” pursuant to section 2(2) Maori Purposes Act 1947 (1947 No 59)

#### **4 Trust to be a River Board with certain powers**

The Trust shall be deemed to be a River Board under the River Boards Act 1884, and may exercise all or any of the powers conferred upon River Boards by that Act, excepting the powers conferred by sections 88 to 120, relating to the levying of rates and the borrowing of moneys respectively, which shall not be exercisable by the Trust.

#### **5 Trust to improve navigation of upper river, and may construct jetties and landing-places and establish ferries**

In addition to the aforesaid authorities, the Trust shall have full power and authority—

- (1) To do all things necessary for opening up or improving the navigation of that part of the Wanganui River which is within their jurisdiction, and for the removal of all obstructions impeding or preventing such navigation; and,
- (2) With the sanction of the Governor in Council, to erect jetties and make landing-places in the banks thereof, and to maintain ferries; and
- (3) To make, alter, or revoke from time to time regulations by special orders under the River Boards Act 1884, for regulating the use of such jetties, landing-places, or ferries respectively, and for imposing fees or tolls in respect of such use for shipping or landing any passengers, goods, merchandise, or animals.
- (4) Nothing in this section shall charge with any fees or tolls—
  - (a) any person in the service of Her Majesty or the Government of the colony, travelling on public service, or his luggage;
  - (b) goods of or for the service of Her Majesty in the colony, including goods consigned to and the property of the Colonial Government;
  - (c) any of Her Majesty's military forces, or of the Militia or volunteer forces, or any constables while travelling on duty, or their luggage.

If any person claims and takes, or endeavours to take, the benefit of any exemption under this subsection without being entitled thereto, he shall be liable for every such offence to a penalty not exceeding \$20.

The reference to "twenty dollars" was substituted, as from 10 July 1967, for a reference to "ten pounds" pursuant to section 7(1) of the Decimal Currency Act 1964 (1964 No 27).

#### **6 Lands in the Waimarino Block set apart as an endowment for Trust**

The Governor may, by Order in Council, set apart not exceeding 10 000 acres of land within that part of the Waimarino Block which is situated within the Wellington Land District as endowment for the Trust, subject to such lands being administered by the Land Board of the land district in which they are situated under any provisions of the Land Act 1885 except that none of the said lands shall be disposed of absolutely in freehold.

After deducting all costs of administration of the said lands, and also the aliquot parts of the price or rental payable to local authorities for road-making

under the last-mentioned Act, the Receiver of Land Revenue of the aforesaid district shall pay from time to time the proceeds of such land to the Trust, who shall apply the said proceeds to the purposes of this Act.

**7 Occupiers to be liable for rates**

Notwithstanding the setting apart of such lands as aforesaid, they shall be deemed to be lands vested in Her Majesty within the meaning of the Rating Act 1882, but the lessee or licensee of any of the said lands shall be liable for all rates, taxes, or assessments of every nature or kind whatsoever imposed upon the occupier of the lands included in his lease or license during the term for which he is lessee or licensee.

**8 Lands within district may be placed under control of Trust**

The Governor from time to time, by Order in Council, may declare any Crown lands within the district under the jurisdiction of the Trust to be vested in such Trust for an estate in fee-simple, subject that they shall not be absolutely alienated at any time by the Trust, who shall have power to let any of such lands from time to time for any period not exceeding 21 years, or may lay out any of such lands into townships, for occupation on perpetual lease; and may make reserves for any purpose of public utility in the said townships, which shall be subject to the general law relating to public reserves.

**9 Lands of natural scenery may be declared public domain subject to Trust**

The Governor also may from time to time, by Proclamation, declare any lands within the district under the jurisdiction of the Trust to be a public domain; and in such case the Trust shall, in respect of such lands, be deemed to be a Public Domain Board under the Public Domains Act 1881, with all the powers conferred by that Act; and, further, may do all things necessary for the conservation of natural scenery and the prevention of the removal or injury to any trees or shrubs growing thereon, or of anything forming part of the landscape.

**10 Lands outside of district may be brought under jurisdiction of Trust**

The Governor may from time to time, by Proclamation, declare any lands lying outside of the district under the jurisdiction of the Trust to come, from a date to be specified in such Proclamation, to be a public domain within the jurisdiction of the Trust, and from and after such date the Trust may exercise, in respect of the lands so proclaimed, all the powers and authorities conferred by this Act in the same manner as if such lands had been originally included in the Trust district constituted under this Act.

**11 Act not to apply to Maori or private lands**

Nothing in this Act contained shall affect any rights conferred upon the Maoris by the Treaty of Waitangi, or shall be deemed to confer upon the Trust any jurisdiction over private lands, or over any Maori lands the title to which has not

been investigated by the Maori Land Court; but as soon as the title to any Maori lands has been ascertained as aforesaid, and the same are acquired by or on behalf of Her Majesty, the Governor may from time to time declare any such lands to be subject to the jurisdiction of the Trust, either for an estate in fee-simple subject to section 8, or as a public domain under section 9; and any lands so acquired by the Trust shall be subject to the provisions of this Act.

The references to “Maori” was substituted, as from 27 November 1947, for references to “Native” pursuant to section 2(2) Maori Purposes Act 1947 (1947 No 59)

## 12 Governor may make regulations for administration of Act

- (1) The Governor in Council from time to time may make, alter, or revoke any regulations which he may think necessary for the better administration of this Act, and for the management, control, and use of any lands of beautiful natural scenery, or containing mineral springs, in addition to any powers he may possess under the Public Domains Act 1881.
- (2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

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### Legislation Act 2019 requirements for secondary legislation made under this section

<b>Publication</b>	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Act.*

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Section 12(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

**Consolidation notes****1    *General***

This is a consolidation of the Wanganui River Trust Act 1891 that incorporates all the amendments to that Act as at the date of the last amendment to it.

**2    *About this consolidation***

This consolidation is not an official version of the legislation under section 78 of the Legislation Act 2019.

**3    *Amendments incorporated in this consolidation***

Secondary Legislation Act 2021 (2021 No 7): section 3