

New Zealand

## ANALYSIS

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1943, No. 14

AN ACT to provide for the Sale, Reservation, and other Title.  
Disposition of certain Reserves, Crown Lands,  
Endowments, and other Lands, to validate certain  
Transactions, and to make Provision in respect of  
certain other Matters. [25th August, 1943

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. This Act may be cited as the Reserves and other Lands Disposal Act, 1943.

Section 26 of Reserves and other Lands Disposal Act, 1941 (as to revaluations of Crown and settlement land), amended. 1941, No. 21.

2. Section twenty-six of the Reserves and other Lands Disposal Act, 1941, is hereby amended by omitting from subsection one the words “nineteen hundred and forty-three”, and substituting the words “nineteen hundred and forty-five”.

Amending and extending the operation of section 25 of the Reserves and other Lands Disposal Act, 1941 (extending term of certain leases, &c.).

3. (1) Section twenty-five of the Reserves and other Lands Disposal Act, 1941, is hereby amended as follows:—

- (a) By omitting the words “five years” in subsection three thereof, and substituting the words “seven years”;
- (b) By omitting the words “five years” in subsection four thereof, and substituting the words “seven years”;
- (c) By omitting the words “the lease” at the end of subsection nine thereof, and substituting the words “the registered instrument of lease”.

(2) The term of each lease to which the said section twenty-five applies and which, but for the passing of that section and this section, would expire by effluxion of time after the first day of January, nineteen hundred and forty-seven, and on or before the first day of January, nineteen hundred and forty-nine, is hereby extended for a period of two years from the date of the expiry thereof subject to the same covenants, conditions, and restrictions as are contained and implied in the lease, and the estate of the lessee thereunder shall continue to be subject to all encumbrances, liens, and interests to which it is subject on the date of the expiry of the lease.

(3) The provisions of subsections four to nine of the said section twenty-five shall, so far as applicable and with the necessary modifications, apply in the case of any lease the term whereof is extended by the last preceding subsection:

Provided that in the application of subsection four of the said section twenty-five (as amended by this section) to any lease the term whereof is extended by

the last preceding subsection, the said subsection four shall be read and construed as if the words "seven years later" were omitted therefrom, and the words "two years later" were substituted.

4. Notwithstanding anything to the contrary in the Auckland Grammar School Act, 1899, or in any other Act, Lot 1 on plan numbered 27595, deposited in the office of the District Land Registrar at Auckland, being part of Allotment 59, Pakuranga Parish, containing one rood twenty-four perches and four-tenths of a perch, more or less, and being part of the land comprised in certificate of title, Volume 746, folio 25, Auckland Registry, is hereby set apart for recreation purposes and is hereby vested in the Corporation of the County of Manukau in trust for such purposes.

Vesting certain  
Auckland  
Grammar  
School land in  
the Corporation  
of the County  
of Manukau.  
1899 (Local),  
No. 11

5. Whereas the land hereinafter described is reserved as an endowment for primary education: And whereas the said land is not suitable for farming purposes, and it is desirable that it should be brought under the provisions of the Forests Act, 1921-22, so that it may be administered and dealt with in all respects as permanent State forest: Be it therefore enacted as follows:—

Cancelling the  
reservation  
over certain  
education  
endowment  
land in North  
Auckland Land  
District, and  
setting it apart  
as permanent  
State forest.  
See Reprint  
of Statutes,  
Vol. III, p. 425

(1) The reservation as an endowment for primary education over the land hereinafter described is hereby cancelled, and the said land is hereby set apart as permanent State forest under and subject to the provisions of the Forests Act, 1921-22.

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

All that area in the Bay of Islands County, North Auckland Land District, containing by admeasurement five hundred and sixty-seven acres, more or less, being Section 4, Block XV, Russell Survey District, and being all the land comprised in certificate of title, Volume 193, folio 157, Auckland Registry: as the same is more particularly delineated on the plan marked L. and S. X/91/43, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

Section 27 of Reserves and other Lands Disposal Act, 1937 (as to Mount Smart Domain), amended.  
1937, No. 39

Special provisions with respect to the leasing of portion of Lake Okataina Scenic Reserves.  
See Reprint of Statutes, Vol. VIII, p. 613

Repeals.  
1933, No. 45  
1940, No. 13

Authorizing the Lower Hutt City Council to grant a lease of a recreation reserve to the Plunket Society.

**6.** Section twenty-seven of the Reserves and other Lands Disposal Act, 1937, is hereby amended as follows:—

(a) By omitting from subsection two the words “ of one penny ”:

(b) By adding to the said subsection two the following words: “ The royalty shall be one penny for each cubic yard quarried or extracted before the first day of June, nineteen hundred and forty-three, and threepence for each cubic yard quarried or extracted on or after that date.”

**7.** (1) Notwithstanding anything to the contrary in the Scenery Preservation Act, 1908, the Minister in Charge of Scenery Preservation may from time to time in accordance with this section grant licenses to occupy an area of approximately two acres of the Lake Okataina Scenic Reserves in Block XVI, Rotoiti Survey District, Auckland Land District, at the northern end of the lake and adjoining the access road, for such period, not exceeding ten years in any case, and on such other terms and conditions as he thinks fit.

(2) The rental under any license issued under this section shall be paid to the Lake Okataina Scenic Board, and shall be applied by it towards the management, administration, and improvement of the reserves under its control.

(3) This section shall be deemed to have come into force on the twenty-seventh day of January, nineteen hundred and forty-three.

(4) This section is in substitution for section fifteen of the Reserves and other Lands Disposal Act, 1933, and section seventeen of the Reserves and other Lands Disposal Act, 1940, and those sections are hereby accordingly repealed.

**8.** Whereas by an Order in Council dated the twenty-third day of June, nineteen hundred and thirty-one, and published in the *Gazette* of the twenty-fifth day of that month, the land hereinafter described was vested in the Mayor, Councillors, and Burgesses of the Borough of Lower Hutt in trust for recreation purposes: And whereas the said land is now held by the Corporation of the City of Lower Hutt in trust

as aforesaid: And whereas it is desired that the said land should be leased to the Royal N.Z. Society for the Health of Women and Children Lower Hutt Branch (Incorporated) (in this section called the Society) for the purposes of the Society: And whereas it is expedient to authorize the Lower Hutt City Council to grant a lease as aforesaid: 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 Lower Hutt City Council is hereby authorized to lease the land hereinafter described to the Society at such rental, nominal or otherwise, and for such term and upon and subject to such conditions as the said Council in its absolute discretion shall think fit.

See Reprint  
of Statutes,  
Vol. VI, p. 1134

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

All that area in the City of Lower Hutt, Wellington Land District, containing by admeasurement one rood five perches and thirty-two hundredths of a perch, more or less, being Section 1, Block XXXII, Hutt Valley Settlement, and being part of the land contained in certificate of title, Volume 442, folio 57, Wellington Registry: as the same is more particularly delineated on the plan marked 169/29, deposited in the office of the Chief Surveyor at Wellington, and thereon bordered red.

9. Whereas the land hereinafter described is reserved as an endowment for primary education: And whereas the said land is required for railway purposes, and it is desirable that it should be set apart accordingly: Be it therefore enacted as follows:—

Revoking the  
reservation over  
an education  
endowment in  
the Town of  
Picton, and  
setting it apart  
for railway  
purposes.

(1) The reservation as an endowment for primary education over the land hereinafter described is hereby cancelled, and the said land is hereby set apart for railway purposes.

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

All that area in the Marlborough Land District containing by admeasurement one rood seventeen perches and seven-tenths of a perch, more or less, being Section 1144, Town of Picton, and being all the land comprised in certificate of title, Volume 26, folio 201,

Marlborough Registry: as the same is delineated on the plan marked L. and S. 20/170, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

Revoking the reservation over an education endowment in Marlborough Land District, and setting it apart for scenic purposes.

**10.** Whereas the land hereinafter described is reserved as an endowment for secondary education: And whereas the said land is unsuitable for farming, but is suitable for scenic purposes as an addition to the Pelorus Bridge Scenic Reserves which it adjoins, and it is therefore desirable that the land should be set apart as a scenic reserve under and subject to the provisions of the Scenery Preservation Act, 1908: Be it therefore enacted as follows:—

See Reprint of Statutes, Vol. VIII, p. 613

(1) The reservation as an endowment for secondary education over the land hereinafter described is hereby cancelled, and the said land is hereby declared to be a scenic reserve under and subject to the provisions of the Scenery Preservation Act, 1908.

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

All that area in the Marlborough Land District, containing by admeasurement forty-nine acres, more or less, being Section 64, Block IX, Wakamarina Survey District, and being all the land comprised in certificate of title, Volume 17, folio 293, Marlborough Registry: as the same is delineated on the plan marked L. and S. 9/906, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

Revoking the reservation over a recreation reserve in the Town of Riccarton Extension No. 25, and vesting the land in Canterbury University College as an addition to the Christchurch Boys' High School site.

**11.** Whereas on the twenty-eighth day of November, nineteen hundred and twenty-nine, the land hereinafter described became vested in the Crown, free from encumbrances, as a recreation reserve upon the depositing in the office of the District Land Registrar at Christchurch of a survey plan of the Town of Riccarton Extension Number 25, numbered 9461: And whereas the said land is not required for recreation purposes: And whereas the said land adjoins the site of the Christchurch Boys' High School, to which it is desirable that it should be added: And whereas all owners of lots on

the said Plan 9461 have consented to the said land being dealt with in the manner aforesaid: Be it therefore enacted as follows:—

(1) Notwithstanding anything to the contrary in the Public Reserves, Domains, and National Parks Act, 1928, the reservation for recreation purposes over the land hereinafter described is hereby revoked, and the said land is hereby vested in the Canterbury University College established under the Canterbury University College Act, 1933, in trust for educational purposes as an addition to the site of the Christchurch Boys' High School.

See Reprint  
of Statutes,  
Vol. VI, p. 1134

1933, No. 27

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

All that area in the Canterbury Land District, containing by admeasurement one rood thirteen perches and four-tenths of a perch, more or less, situated in Block XI of the Christchurch Survey District, being part of Rural Section 163 and being Lot 11 on plan deposited in the Land Registry Office at Christchurch as Number 9461, and now known as Reserve 4255: as the same is more particularly delineated on the plan marked L. and S. 25/218, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

12. Whereas portion of Allotment 184, Titirangi Parish, in the City of Auckland, North Auckland Land District, containing an area of one rood three perches and sixteen-hundredths of a perch, more or less, is vested in the Mayor, Councillors, and Citizens of the City of Auckland (in this section called the Corporation) in trust as a site for public buildings of the local governing body, and is a public reserve subject to the provisions of Part I of the Public Reserves, Domains, and National Parks Act, 1928: And whereas by an agreement dated the twenty-eighth day of May, nineteen hundred and forty-two, made between the Corporation and the Auckland Gas Company, Limited (a copy of which is deposited in the Head Office, Department of Lands and Survey, at Wellington, under Number L. and S. 6/1/128), it was agreed that the said company should permanently enjoy certain rights of way over the said reserve for the purpose of gaining

Validating an  
agreement  
between the  
Auckland City  
Council and  
the Auckland  
Gas Company,  
Limited,  
in respect of  
a public  
reserve.

See Reprint  
of Statutes,  
Vol. VI, p. 1136

access to an area of adjacent land owned by the said company, and should also so enjoy other rights as therein set out in respect of certain gas-mains laid across the said reserve: And whereas doubts have arisen as to the validity of the said agreement, and it is desirable that they should be resolved: Be it therefore enacted as follows:—

The agreement hereinbefore referred to is hereby declared to be valid and binding in all respects, and to have full effect according to the tenor thereof; and the Corporation shall be deemed to have had full power and authority to enter into and execute the same, and to be at all times empowered to do all things necessary to give full force and effect thereto.

Authorizing  
the Timaru  
Borough  
Council  
to sell  
Reserve 740,  
Canterbury  
Land District,  
and provisions  
incidental  
thereto.  
1881 (Local),  
No. 11

**13.** Whereas the whole of the land hereinafter described forms part of the land until recently used by the Mayor, Councillors, and Burgesses of the Borough of Timaru (in this section called the Corporation) for the purposes of a water-race to carry a supply of water from the Pareora River to a reservoir owned by the Corporation: And whereas parts of the said land form portion of Reserve 740 vested in the Corporation under the Timaru Water-race Reserve Act, 1881, for the purposes of waterworks: And whereas other portions of the said land were acquired by the Corporation otherwise than under the provisions of the said Act for the purposes of the said water-race: And whereas certain easements created by Memoranda of Transfer Registered Numbers 38591 and 39900 in the Canterbury Registry were granted to the Corporation for the better management of the said water-race: And whereas the Timaru Borough Council (in this section called the Borough Council) has constructed a pipe-line (in this section called the said pipe-line) to convey a supply of water from the Pareora River to the said reservoir: And whereas portions of the said pipe-line are constructed on or over parts of the land hereinafter described, and the Borough Council desires to reserve easements over the said land in respect of the said pipe-line where necessary: And whereas the said land and the easements created by the said Memoranda of Transfer Registered Numbers 38591 and 39900 are not now required for the purposes of the said water-race: And whereas the Borough Council desires to sell, transfer, surrender, or otherwise dispose of the said land



and the easements Numbers 38591 and 39900, and to pay the proceeds of the sale thereof in reduction of loan-moneys owing in respect of its waterworks: And whereas it is expedient that the Borough Council should be authorized so to do: And whereas on the sale or transfer of the land in certificate of title, Volume 109, folio 297, hereinafter referred to, the easement created by Memorandum of Transfer, Registered Number 24172, would remain as an unnecessary encumbrance on the title, and it is desirable that that easement should be cancelled and extinguished: And whereas on Lot 2, on Deposited Plan Number 531, being part of the land in certificate of title, Volume 73, folio 7, hereinafter referred to, is situated a reservoir and pipe-line used by the Levels County Council (in this section called the County Council) in connection with the Fairview water-supply scheme: And whereas should the said Lot 2 on Deposited Plan Number 531 be sold it is expedient that the rights of the County Council should be safeguarded: Be it therefore enacted as follows:—

(1) Notwithstanding anything to the contrary in any Act, the Borough Council may cause the land hereinafter described to be valued in such lots or subdivisions as it shall think fit by one or more competent valuers, and may offer any such land at the price fixed by the valuation to the owner of the adjacent lands, or if there is more than one such owner then to each of such owners in such order as it thinks fit. If no owner accepts any such offer as aforesaid the Borough Council may cause the said land or any part or parts thereof to be sold at such time or times as it shall think fit by public auction, public tender, or private contract, and in such lots or subdivisions as it may in its discretion decide, and may exchange any part or parts of the said land for other lands, easements, or rights required and to be used for the purposes of the waterworks owned by the Corporation with or without equality of exchange, and may also surrender, transfer, or otherwise dispose of the easements created by the said Memoranda of Transfer Registered Numbers 38591 and 39900 upon such terms and conditions as it shall decide. The Borough Council may do all things necessary to carry into effect and complete any sale, exchange, surrender, transfer, or other disposition authorized by this subsection. On completion of any such sale or exchange as aforesaid

the land so sold or exchanged by the Borough Council shall be freed and discharged from the trusts, reservations, and restrictions affecting the same.

(2) Any sale or sales of the said land or of any lot or subdivision thereof authorized by the last preceding subsection may be made subject to such easements or reservations in respect of the said pipe-line as the Borough Council may deem necessary and may be made for cash or upon such terms or conditions as it may in its discretion decide. The proceeds of every sale authorized by the last preceding subsection shall be applied by the Borough Council in reduction of the Timaru Borough Waterworks Loan, 1938.

(3) The easement created by Memorandum of Transfer Registered Number 24172 is hereby cancelled, and the District Land Registrar at Christchurch shall, without further authority than this section, remove the said easement from the said certificate of title, Volume 109, folio 297.

(4) Notwithstanding anything contained in subsection one hereof, prior to the land comprising Lot 2 on Deposited Plan Number 531, being part of the land in the said certificate of title, Volume 73, folio 7, being offered for sale to an adjoining owner or being submitted for sale by public auction, public tender, or private contract as hereinbefore provided, the Borough Council shall offer for sale and shall have power to sell to the County Council such part of the said Lot 2 as may be deemed necessary to ensure the continuity of the supply of water to the County Council for the Fairview water-supply scheme, or any extension thereof, upon such terms and conditions as may be agreed upon between the Borough Council and the County Council, or, in lieu of a sale of part of the said land, the Borough Council shall offer for sale and shall have power to grant such easements in favour of the County Council over the said Lot 2 upon such terms and conditions as may be agreed upon between the Borough Council and the County Council for such purpose as aforesaid.

(5) The land which the Borough Council is authorized to sell or exchange as aforesaid is particularly described as follows, the land being situated in the Canterbury

Land District and the undermentioned certificates of title being in the Canterbury Registry:—

Firstly, all that area in Block XIV, Pareora Survey District, containing two roods thirty-eight perches, more or less, being part of Rural Section 26232, delineated on the public map of the said district deposited in the office of the Chief Surveyor, and being the whole of the land comprised and described in certificate of title, Volume 96, folio 167.

Secondly, all those areas in Blocks II and III, Otaio Survey District, and Blocks XIV and XV, Pareora Survey District, containing together seventy-nine acres two roods ten perches, more or less, being parts of Reserve 740, delineated on the public map of the said districts deposited in the office of the Chief Surveyor, and being the whole of the land comprised and described in certificate of title, Volume 93, folio 196.

Thirdly, all those areas in the District of Timaru containing together three acres twenty perches, more or less, being parts of Rural Section 11231, delineated on the public map of the said district deposited in the office of the Chief Surveyor, and being the whole of the land comprised and described in certificate of title, Volume 64, folio 170.

Fourthly, all that area in the District of Timaru containing three roods one perch, more or less, being part of Rural Section marked 8864, delineated on the public map of the said district deposited in the office of the Chief Surveyor, and being the whole of the land comprised and described in certificate of title, Volume 68, folio 188.

Fifthly, all that area in Block III, Otaio Survey District, containing three acres one rood twenty-eight perches, more or less, being part of the said Reserve 740, and being the whole of the land comprised and described in certificate of title, Volume 93, folio 201.

Sixthly, all that area in Blocks III and IV, Otaio Survey District, containing fifty-four acres two roods ten perches, more or less, being part of the said Reserve 740, and being the whole of the land comprised and described in certificate of title, Volume 93, folio 197.

Seventhly, all that area in Block IV, Otaio Survey District, containing three acres, more or less, and being part of Rural Section marked 16569, delineated on the

public map of the said district deposited in the office of the Chief Surveyor, being part of the said Reserve 740, and being the whole of the land comprised and described in certificate of title, Volume 105, folio 91.

Eighthly, all that area in Block IV, Otaio Survey District, containing twenty-nine acres one rood five perches, more or less, being part of the said Reserve 740, and being the whole of the land comprised and described in certificate of title, Volume 93, folio 199.

Ninthly, all that area in Block IV, Otaio Survey District, containing eighteen acres, more or less, being part Rural Section 15796, delineated on the public map of the said district deposited in the office of the Chief Surveyor, being part of the said Reserve 740, and being the whole of the land comprised and described in certificate of title, Volume 109, folio 297.

Tenthly, all those areas in Block IV, Otaio Survey District, containing together seventeen acres one rood six perches, more or less, being parts of the said Reserve 740, and being the whole of the land comprised and described in certificate of title, Volume 93, folio 202.

Eleventhly, all that area in the District of Timaru, containing three acres thirteen perches, more or less, being Lot 1 on plan deposited in the Land Registry Office at Christchurch as Number 531, being part of Rural Section 10852, delineated on the public map of the said district deposited in the office of the Chief Surveyor, and being the whole of the land comprised and described in certificate of title, Volume 73, folio 284.

Twelfthly, all those areas in the District of Timaru containing together eight acres one rood twenty-five perches, more or less, being, firstly, all that piece of land situated as aforesaid containing seven acres three perches, more or less, being Lot 2 on plan deposited in the Land Registry Office at Christchurch as Number 531, and being part of Rural Section 10478, and, secondly, all those areas situated as aforesaid containing together one acre one rood twenty-two perches, more or less, being Lots 1 and 2 on plan deposited in the Land Registry Office at Christchurch as Number 589, and being parts of Rural Section marked 12229, which said rural sections are delineated on the public map of the said district deposited

in the office of the Chief Surveyor, and all of which areas together comprise the whole of the land comprised and described in certificate of title, Volume 73, folio 7.

Thirteenthly, all that area situated in the District of Timaru, containing two acres and eight perches, more or less, being part of Rural Section 10702, delineated on the public map of the said district deposited in the office of the Chief Surveyor, and being the whole of the land comprised and described in certificate of title, Volume 66, folio 130.

Fourteenthly, all those areas in Block XVI, Pareora Survey District, Block X, Arowhenua Survey District, Block IV, Otaio Survey District, and Block I, Patiti Survey District, containing together sixteen acres one rood thirty-five perches, more or less, being Lots 2 and 3 on plan deposited in the Land Registry Office at Christchurch as Number 586, being part of Reserves 699 and 700, and being the whole of the land comprised and described in certificate of title, Volume 433, folio 160.

Fifteenthly, all that area in Block III, Otaio Survey District, containing two acres one rood, more or less, being part of Reserve 740, and bounded as follows:—

Towards the north and east by public roads and towards the south by Rural Section 16575 and by Rural Section 23544, 585 links, 540 links, and 207 links: as the same is more particularly delineated on the plan marked L. and S. 6/1/227, deposited in the Head Office, Department of Lands and Survey at Wellington, and thereon bordered red.

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