

**Reprint
as at 1 April 1973**



**Reserves and other Lands Disposal
Act 1936**

Public Act 1936 No 49
Date of assent 31 October 1936
Commencement 31 October 1936

Contents

	Page
Title	4
1 Short Title	4
2 Further provisions with respect to mining privileges for the supply of water to lands in the Downs Settlement and other lands in Otago Land District	4
3 Amending section 2 of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1912	6
4 Authorising the cancellation of the present title for Allotment 94A, Maungatapere Parish, and directing the issue of a new title therefor	7
5 Authorising the issue of a certificate of title to Charles Crisp, of Taupaki, for Lot 1, DP 8476, Auckland Land Registry	8
6 Authorising the closing of a road through Allotment 39, Mahurangi Parish, and vesting this closed road in the owner of the said allotment	9

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.

7	Cancelling the reservation as permanent State forest over certain lands in the Auckland Land District, and setting the same apart as scenic reserves	10
8	Adding a municipal reserve to Waikaraka Cemetery and authorising the Onehunga Borough Council to raise a loan of £15,000, etc	11
9	Vesting in the Roman Catholic Bishop of the Diocese of Auckland Sections 94 and 49 of the Village of Taupiri, the former in trust for a burial ground and the latter without words of limitation	14
10	Authorising the issue of a certificate of title to the executor of the will of George Brown Oman for Lot 1, DP 2276, Gisborne Land Registry	16
11	Authorising the Cook Hospital Board to sell certain land [<i>Repealed</i>]	17
12	Revoking the reservation for scenic purposes over Section 4S, Huatoki Settlement, cancelling the vesting of the control thereof in the Huatoki Scenic Board, and adding the said Section 4S and Section 9S, Huatoki Settlement, to the Huatoki Domain	17
13	Authorising the Taranaki Land Board to incorporate in a lease of education-endowment land certain other land after the transfer thereof to His Majesty the King	18
14	Revesting portion of the National Art Gallery site in His Majesty the King, vesting an additional area in the Board of Trustees of the National Art Gallery, and revesting a site for educational purposes in His Majesty the King [<i>Repealed</i>]	20
15	Revoking the reservation for recreation purposes over Section 47, Block XIII, Makuri Survey District, and declaring the same to be reserved for scenic purposes	20
16	Vesting in Mary McKain the leasehold interest in Section 15, Horowhenua Village Homestead Settlement	21
17	Authorising the Picton Borough Council to sell certain land	21
18	Declaring 7 100 acres of the Buller Coal Field Reserve to be a scenic reserve	22
19	Validating a certain deed of lease between His Majesty the King and the Lyttelton and Heathcote Recreation Trust, and validating certain payments by the Lyttelton and Heathcote Domain Board, and authorising the making of similar payments in the future	23

20	Validating an agreement as to reclamation of lands at the mouth of the Hutt River, and providing for the taking of land adjoining or near to the reclamation	24
21	Validating transfers of portions of Reserve 1867, Block X, Oxford Survey District, Canterbury Land District	25
22	Authorising the Taupo Domain Board to expend its funds towards repayment of a loan to be raised by the Taupo Road Board for the construction of thermal baths upon the Domain	26
23	Authorising the restricted use of certain land in Section 5, Evans Bay Registration District, as a burial ground	27
24	Cancelling the reservation as provisional State forest over certain lands in Nelson Land District, and setting the same apart as scenic reserves	28
25	Authorising creation of an easement for water supply over education reserve lands for Waikari School bath	29
26	Cancelling the reservation as provisional and permanent State forest over certain lands in the Westland Land District, and setting the same apart as scenic reserves	31
27	Authorising the diversion of moneys derived from the Opotiki and Waioeka Domain towards the establishment of an aerodrome	32
28	Authorising the Opotiki Hospital Board to sell Allotments 365, 366, and 411 of Section 2, Town of Opotiki, provided certain freehold land held by the Board is declared to be a public reserve <i>[Repealed]</i>	34
29	Cancelling the reservation as a provisional State forest over certain land in Marlborough Land District, and setting the same apart as a scenic reserve	34
30	Extending powers of Auckland City Council to borrow moneys for purposes of a transport terminus on the old railway station site	35
31	Restricting the right to alienate lands acquired from the Waikato Land Settlement Society <i>[Repealed]</i>	36
32	Authorising the Trustees of the New Zealand Sheeponers' Acknowledgment of Debt to British Seamen Fund to sell land to the Crown, and authorising the acquisition of the said land on behalf of His Majesty the King	36

An Act to provide for the sale, reservation, and other disposition of certain reserves, Crown lands, endowments, and other lands, to validate certain transactions, and to make provision in respect of certain other matters

1 Short Title

This Act may be cited as the Reserves and other Lands Disposal Act 1936.

2 Further provisions with respect to mining privileges for the supply of water to lands in the Downs Settlement and other lands in Otago Land District

Whereas by section 15 of the Reserves and other Lands Disposal Act 1932 special provision was made with respect to certain mining privileges acquired by His Majesty the King for the supply of water to the lands in the Downs Settlement, and to such other lands as may for the time being be included with the Downs Settlement in an area to be defined from time to time by the Minister of Lands (hereinafter referred to as the **Minister**) under paragraph (a) of subsection (2) of the said section:

And whereas it is desirable to make further provision in relation thereto in manner hereinafter appearing:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the said section 15, not more than 3 heads of water out of the water authorised to be diverted under the licence for a water race Number 4892, referred to in subsection (6) of the said section, or under any renewal of that licence, or under any new licence substituted therefor, shall be held or applied for the purposes of the lands within the area for the time being defined as aforesaid, and the remainder of the water comprised in the said licence or in any renewal or new licence as aforesaid shall be held and applied in such manner and for such purposes as the Minister of Public Works from time to time determines.
- (2) The provisions of sections 278, 279, and 280 of the Public Works Act 1928 and of Part 3 of the Finance Act 1933 (No 2) shall, so far as they are applicable and with the necessary

modifications, apply with respect to every agreement made (whether before or after the passing of this Act) under paragraph (d) of subsection (2) of the said section 15, as if it were an irrigation agreement as defined in section 34 of the said Finance Act 1933 (No 2).

- (3) In the application of the said provisions as provided by the last preceding subsection—
 - (a) references to the Minister of Public Works shall be deemed to be references to the Minister of Lands:
 - (b) references to the District Engineer of the Public Works Department shall be deemed to be references to the Commissioner of Crown Lands:
 - (c) the definition of the term lease in subsection (3) of the said section 278 shall be deemed to be extended to include a licence to occupy land pending the purchase thereof from His Majesty the King on a system of deferred payments, and any other licence or lease issued by or on behalf of His Majesty.
- (4) *Amendment(s) incorporated in the Act(s).*
- (5) In the next 2 succeeding subsections the term **lease** means a lease or licence issued by or on behalf of His Majesty the King, and includes a licence to occupy land pending the purchase thereof from His Majesty on a system of deferred payments.
- (6) Where the lessee for the time being under any lease (whether issued before or after the passing of this Act) of any land in respect of which an irrigation agreement under the said paragraph (d) of subsection (2) of the said section 15 is for the time being registered surrenders his lease and obtains a new lease in exchange therefor, the irrigation agreement and the provisions applied by subsection (2) hereof shall continue to apply with respect to the new lease as if it were a renewal of the surrendered lease. Where any such lessee obtains a title in fee simple to any land in respect of which an irrigation agreement is for the time being registered, the irrigation agreement and the provisions applied as aforesaid shall continue to apply with respect to that land as if the agreement had been made with the legal owner in fee simple of the land.
- (7) In every lease (whether issued before or after the passing of this Act) of any land in respect of which any such irrigation

agreement is for the time being registered (whether registered before or after the execution of the lease) there shall be implied a covenant by the lessee with His Majesty the King to observe and perform the irrigation agreement and to pay all moneys from time to time payable thereunder in respect of the land comprised in the lease.

- (8) The power of delegation conferred on the Minister by paragraph (e) of subsection (2) of the said section 15 may be exercised from time to time. Every such delegation shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Minister in person.
- (9) Any such delegation may be made to a committee comprising such of the persons for the time being entitled to a supply of water under the said section as may be specified in that behalf in the instrument of delegation. The Minister may from time to time appoint any person for the time being entitled to a supply of water as aforesaid to be a member of any such committee. Any member of any such committee may resign office by notice in writing to the Minister. Any member may be at any time removed from office by the Minister; and any member who ceases to be entitled to a supply of water as aforesaid shall be so removed from office. Every such appointment or removal shall be in writing under the hand of the Minister. In the event of any change in the membership of the committee to which any such delegation has been made, the delegation shall continue to have effect as if made to the persons for the time being holding office as members of the committee. In addition to any other powers contained therein, any such delegation may include power to determine in the manner therein provided the amounts to be paid from time to time for the supply of water as aforesaid and power to demand, recover (by legal proceedings or otherwise), and receive such amounts and to enforce the provisions of any agreement for the supply of water and either in the name of the committee or otherwise as may be provided in the delegation.

3 Amending section 2 of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1912
Amendment(s) incorporated in the Act(s).

4 Authorising the cancellation of the present title for Allotment 94A, Maungatapere Parish, and directing the issue of a new title therefor

Whereas a Crown grant dated 4 July 1872, and registered in Volume 5, folio 54, Auckland Registry, purported to grant 129 acres of land, described as being Allotment 94A of the Parish of Maungatapere, to the Superintendent of the Province of Auckland in trust for educational purposes:

And whereas the diagram and the description in the said grant included only 67 acres 1 rood, being part only of the said Allotment 94A:

And whereas portion of the said Allotment, omitted from the diagram and description in the said grant, was subsequently offered for selection and selected under an occupation with right of purchase license and the freehold thereof was acquired:

And whereas it would be inequitable to disturb the said freehold title:

And whereas it is desired to amend the diagram and description in the said grant in order that it shall include an area of 129 acres as was originally intended to be granted thereby:

And whereas by the inclusion of an area of adjoining unoccupied Crown land the necessary area may be made up:

Be it therefore enacted as follows:

- (1) The land granted by the aforesaid Crown grant shall be deemed to have always been the land hereinafter described.
- (2) The District Land Registrar for the Land Registration District of Auckland is hereby empowered and directed to cancel the aforesaid Crown grant and to issue in substitution therefor a certificate of title in favour of His Majesty the King for the land hereinafter described as an endowment for the purposes of primary education, and to amend any plans or certificates of title in his office which will require to be amended to give effect to the provisions of this section.
- (3) The land referred to in subsection (1) is particularly described as follows:

All that area in the North Auckland Land District, containing 129 acres, more or less, being Allotment 94A of the Parish of Maungatapere, and bounded as follows: towards the

north-west by Allotments 102 and 101, Maungatapere Parish, 2 480.1 and 740.6 links; towards the north-east by Allotment 100 of the aforesaid Parish, 2 011.3 and 266.7 links, and by the crossing of a public road, 110.5 links; again towards the north-west by a public road 100 links wide, 554.6, 538.25, 355.1, 290.4, 166.7, and 761.6 links; and again towards the north-east by Allotment 93 and the western portion of Allotment 94 of the aforesaid Parish, 3 758.5 links; towards the south-east and south-west generally by a public road 100 links wide, 77.5, 319.6, 402.0, 330.5, 1 034.2, 1 133.4, and 545.1 links, and by the crossing of a public road, 143.9 links; and again towards the south-east by a public road 100 links wide, 489.6 and 509.5 links; and thence again towards the south-west by Allotment 125, Maungakaramea Parish, 3 221 links; excepting thereout an intersecting public road: as the same is more particularly delineated on North Auckland Plan 28085 blue, deposited in the office of the Chief Surveyor at Auckland.

5 Authorising the issue of a certificate of title to Charles Crisp, of Taupaki, for Lot 1, DP 8476, Auckland Land Registry

Whereas the land hereinafter described was donated to the Crown by Charles Crisp, of Taupaki, farmer, for the purpose of a post office site on condition that should the Crown decide not to erect a post office thereon the land should be revested in the said Charles Crisp:

And whereas the Crown has now decided not to erect a post office thereon and it is desired to revest the land in the said Charles Crisp without payment, for which there is no legal authority:

Be it therefore enacted as follows:

- (1) The District Land Registrar for the Auckland Land Registration District is hereby empowered and directed to issue to the said Charles Crisp a certificate of title free of charge for the land hereinafter described.
- (2) The land to which this section relates is particularly described as follows:

All that area in the North Auckland Land District, containing 1 rood 3.5 perches, being Lot 1 on a plan deposited in the Land Registry Office at Auckland as number 8476, and being part of Allotment 70, Parish of Waipareira, and being all the land comprised in certificate of title, Volume 233, folio 143, Auckland Registry.

6 Authorising the closing of a road through Allotment 39, Mahurangi Parish, and vesting this closed road in the owner of the said allotment

Whereas by Crown Grant Number 68B, dated 10 July 1856, being a grant of 1 647 acres known as Allotment 39 of the Parish of Mahurangi, a right was reserved to the Crown to lay out roads over the said allotment:

And whereas in 1865, in pursuance of the said right, the Warkworth–Matakana Road was laid off through the said allotment as shown on a plan numbered 850E in the office of the Chief Surveyor at Auckland, but no evidence of the taking of land from the said allotment for a road was ever registered against the title thereto:

And whereas the said allotment was brought under the provisions of the Land Transfer Act 1885, on 29 June 1886, by a certificate of title registered in Volume 44, folio 168, Auckland Registry, and was subdivided as shown on a plan deposited in the Land Registry Office at Auckland as number 571 on 22 November 1887:

And whereas the roads shown on plan number 571, extending from the western boundary of the said allotment to Duck Creek near pegs numbered XLVIA and XXXIIIA, were laid out to effect the same connection as the road laid out in 1865 as hereinbefore recited, but do not coincide with and are not regarded by the Chief Surveyor at Auckland as a re-definition of the original road:

And whereas it is desirable and expedient to substitute the roads through Allotment 39 shown on plan number 571 for the road shown on the said plan number 850E:

Be it therefore enacted as follows:

The roads shown on the said plan number 571 between the points hereinbefore mentioned are hereby declared to have been public roads as from 22 November 1887, and the road shown on the said plan number 850E is hereby declared to have been closed and vested in the owner of the said Allotment 39 on that date, and the District Land Registrar at Auckland is hereby empowered and directed to make such entries in the Registers as may be necessary to give effect to the provisions of this section.

7 C cancelling the reservation as permanent State forest over certain lands in the Auckland Land District, and setting the same apart as scenic reserves

Whereas the land firstly hereinafter described forms portion of an area set apart as a permanent State forest by Proclamations published in the *Gazette* of 14 March 1918 and of 3 October 1935:

And whereas the lands secondly hereinafter described were by Warrant published in the *Gazette* of 21 July 1892 permanently reserved for the growth and preservation of timber, and are now permanent State forests:

And whereas all the said lands are now subject to the provisions of the Forests Act 1921–22:

And whereas it is desirable that the said lands should be set apart as scenic reserves subject to the provisions of the Scenery Preservation Act 1908, as recommended by the Scenery Preservation Board constituted under that Act:

Be it therefore enacted as follows:

- (1) The reservation for permanent State forest purposes over the lands hereinafter described is hereby cancelled and the said lands are hereby set apart as scenic reserves, subject to the provisions of the Scenery Preservation Act 1908.
- (2) The lands to which this section relates are particularly described as follows:

Firstly, all that area in the Auckland Land District, situated in Block VII, Katikati Survey District, and Block X, Aongatete Survey District, and containing by admeasurement 316 acres 2 roods and 33 perches, more or less, being parts of

the State forests set apart by Proclamations in the *Gazette* of 1918, page 802, and of 1935, page 2735: bounded towards the north and north-east by other part of the State forest set apart by Proclamation in the *Gazette* of 1918, page 802; towards the north-east and south by other part of the State forest set apart by Proclamation in the *Gazette* of 1935, page 2735; towards the south-west by parts Sections 47 and 45, Block XII, Aroha Survey District, and Sections 14S, 15S, 16S, and 13S, Wairakau Settlement: as the same is more particularly delineated on the plan marked L and S 300A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red:

Secondly, all that area in the Auckland Land District, containing by admeasurement 50 acres, more or less, being Section 28, Block VII, Wairere Survey District: as the same is more particularly delineated on the plan marked L and S 300B, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red. Also all that area in the Auckland Land District, containing by admeasurement 50 acres, more or less, being Section 10, Block XI, Wairere Survey District: as the same is more particularly delineated on the plan marked L and S 300C, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

8 Adding a municipal reserve to Waikaraka Cemetery and authorising the Onehunga Borough Council to raise a loan of £15,000, etc

Whereas the land described in subsection (4) forms part of a reserve vested in the Corporation of the Borough of Onehunga in trust for municipal purposes, and is subject to the provisions of the Public Reserves, Domains, and National Parks Act 1928:

And whereas the said land adjoins a reserve vested in the said Corporation in trust for a cemetery, known as the Waikaraka Cemetery, firstly described in subsection (5), which is subject to the provisions of the Cemeteries Act 1908, and it is desirable that the said land should be added to the said Waikaraka Cemetery:

And whereas the said land is situated within the Manukau Harbour and will require to be reclaimed before it may be used for cemetery purposes, and the Onehunga Borough Council has commenced such reclamation works and also the work of improving and developing the lands described in subsection (5) out of moneys in its District Fund Account:

And whereas the said Council desires to obtain authority to raise a loan of 15,000 pounds, without submitting the proposal to a poll of ratepayers, to reimburse the District Fund Account for all moneys expended therefrom upon the said reclamation since 1 November 1935, and to enable the work of reclamation and of improvement and development of the lands described in subsections (4) and (5) to be further proceeded with:

And whereas the said Council desires to establish a separate account into which shall be paid all moneys derived from the said land and from the said Waikaraka Cemetery and from the land secondly described in subsection (5), being a reserve vested in the said Corporation for the purpose of public recreation subject to the provisions of the Public Reserves, Domains, and National Parks Act 1928, the funds in the separate account to be applied solely in or towards payment of the annual charges in respect of the above-mentioned loan and in or towards the costs of maintenance, management, and improvement of all the aforesaid lands, and for no other purpose:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Public Reserves, Domains, and National Parks Act 1928 and the Cemeteries Act 1908, the reservation for municipal purposes over the land described in subsection (4) is hereby declared to be changed to a reservation for a cemetery, and the said land is hereby added to and declared to be part of the Waikaraka Cemetery.
- (2) The Onehunga Borough Council may, by special order and without taking the steps prescribed by sections 9 to 13 of the Local Bodies' Loans Act 1926, raise a special loan, not exceeding 15,000 pounds, for the purpose of repaying to the said Council all costs, charges, and expenses paid and incurred by the said Council since 1 November 1935, out of its District Fund Account for the improvement and development of the

lands described in subsections (4) and (5) and for the purpose of the future improvement and development of the said lands.

- (3) Notwithstanding anything to the contrary in the Public Reserves, Domains, and National Parks Act 1928, the Cemeteries Act 1908, or in any other Act, the Onehunga Borough Council is hereby authorised to establish a separate account, to be known as “The Waikaraka Cemetery and Recreation-ground Trust Account”, at such bank as the said Council may from time to time appoint, into which shall be paid all moneys whatsoever received by the said Council in respect of the lands described in subsections (4) and (5), and the funds in the said account shall be expended in or towards the payment of the annual charges on any loan raised under the authority of the last preceding subsection and in or towards the maintenance, management, and improvement of the said lands and for no other purpose:

provided that, pending the expenditure of the funds of the said account in the manner aforesaid, the said Council may invest such funds in such securities as shall from time to time be authorised by law for the investment of trust funds or may deposit such funds at interest with the said Council.

- (4) The area of municipal reserve to be added to the Waikaraka Cemetery is particularly described as follows:

All that area in the North Auckland Land District in the Borough of Onehunga, containing by admeasurement 5 acres and 22 perches, more or less, being Lot 6 on Plan Number 25356, deposited in the office of the District Land Registrar at Auckland, and being portion of an area vested in the Corporation of the Borough of Onehunga in fee simple for municipal purposes by the Onehunga Borough Vesting Act 1911: as the same is more particularly delineated on the plan marked L and S 2/403A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

- (5) The Waikaraka Cemetery and the recreation reserve referred to in this section are particularly described as follows:

Firstly, all that area in the North Auckland Land District, in the Borough of Onehunga, containing by admeasurement 10 acres 2 roods 25 perches and six-tenths of a perch, more or less, be-

ing Sections M 61, S 44, S 45, S 46 and parts N 61, N 44, N 45, and N 46, near the Town of Onehunga, being the whole of the land comprised in certificate of title, Volume 24, folio 298, and part of the land comprised in certificate of title, Volume 24, folio 300, Auckland Registry: bounded towards the north by parts Sections N 61, N 44, N 45, and N 46, near the Town of Onehunga (Waikaraka Recreation Reserve); towards the south-east generally by the Manukau Harbour; towards the west and south-east generally by Lot 6 on Plan Number 25356, deposited in the office of the District Land Registrar at Auckland; and again towards the west generally by Lots 4 and 5 on Plan Number 25356 aforesaid, and Alfred Street: as the same is more particularly delineated on the plan marked L and S 2/403B, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red; and

Secondly, all that area in the North Auckland Land District, in the Borough of Onehunga, containing by admeasurement 32 acres 2 roods 36 perches and four-tenths of a perch, more or less, being Sections 47 and 48 and parts of Sections N 61, N 44, N 45, and N 46, near the Town of Onehunga, and being portion of the land comprised in certificate of title, Volume 24, folio 300, Auckland Registry: bounded towards the north by Neilson Street; towards the east generally by a public road, and a Borough Reserve below high-water mark; towards the south-east generally by the Manukau Harbour; towards the south generally by the other parts of Sections N 46, N 45, N 44, and N 61, near the Town of Onehunga (Waikaraka Cemetery Reserve); and towards the west generally by Alfred Street: as the same is more particularly delineated on the plan marked L and S 2/403C, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

9 Vesting in the Roman Catholic Bishop of the Diocese of Auckland Sections 94 and 49 of the Village of Taupiri, the former in trust for a burial ground and the latter without words of limitation

Whereas the whole of the lands hereinafter described is shown upon the survey plan of the Village of Taupiri made in 1874 as a site for a Roman Catholic Church:

And whereas a Roman Catholic Church was actually erected upon the said site, but was destroyed by fire in or about 1898:

And whereas the land described in subsection (3), being portion of the said site, has been used for the burial of the dead:

And whereas no title to the said site has ever been issued and it is deemed equitable that the whole of the said land should be vested in the Roman Catholic Bishop of the Diocese of Auckland, as to the said portion above-mentioned used as a burial ground, in trust for that purpose, and as to the balance of the said site, without any words of limitation:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Cemeteries Act 1908 or in any other Act, the land described in subsection (3) is hereby vested in the Roman Catholic Bishop of the Diocese of Auckland and his successors forever, in perpetual succession as a corporation sole, in trust as a site for the burial of the dead according to the rites of the Roman Catholic Church.
- (2) The land described in subsection (4) is hereby vested in the Roman Catholic Bishop of the Diocese of Auckland.
- (3) The land to which subsection (1) relates is particularly described as follows:

All that area in the Auckland Land District, containing by admeasurement 13 perches and three-tenths of a perch, more or less, being Section 94, Village of Taupiri, Block IV, Newcastle Survey District: as the same is more particularly delineated on a plan marked L and S 22/4109A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

- (4) The land to which subsection (2) relates is particularly described as follows:

All that area in the Auckland Land District, containing by admeasurement 2 roods and one-tenth of a perch, more or less, being Section 49, Village of Taupiri, Block IV, Newcastle Survey District, and being subject to a pipeline easement 10 links wide: as the same is more particularly delineated on a plan marked L and S 22/4109B, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

- (5) The District Land Registrar of the Land Registration District of Auckland is hereby empowered and directed to issue such certificates of title as are necessary to give effect to the provisions of this section.

10 Authorising the issue of a certificate of title to the executor of the will of George Brown Oman for Lot 1, DP 2276, Gisborne Land Registry

Whereas the land hereinafter described was donated to the Crown by George Brown Oman, of Gisborne, hotelkeeper, for the purpose of a post office site, on condition that should the Crown decide not to erect a post office on the said land the same should be revested in the said George Brown Oman:

And whereas the Crown has now decided not to erect a post office thereon:

And whereas the said George Brown Oman is now deceased, and the executor of his will is the Public Trustee of the Dominion of New Zealand:

And whereas it is desirable to vest the said land in the said executor:

And whereas there is no legal authority to vest the said land without consideration and free of charge:

Be it therefore enacted as follows:

- (1) The District Land Registrar for the Gisborne Land Registration District is hereby empowered and directed to issue to the said Public Trustee of the Dominion of New Zealand, as executor of the will of the said George Brown Oman, deceased, a certificate of title free of charge for the land hereinafter described.
- (2) The land to which this section relates is particularly described as follows:

All that area in the Gisborne Land District, containing 1 rood, more or less, being Lot 1 on a plan deposited in the Land Registry Office at Gisborne as Number 2276, and being part of Section 62, Ormond Rural Block, Block IX, Waimata Survey District, and being all the land in certificate of title, Volume 57, folio 266, Gisborne Registry.

11 Authorising the Cook Hospital Board to sell certain land
[Repealed]

Section 11: repealed, on 25 October 1963, by section 6(4) of the Reserves and Other Lands Disposal Act 1963 (1963 No 128).

12 Revoking the reservation for scenic purposes over Section 4S, Huatoki Settlement, cancelling the vesting of the control thereof in the Huatoki Scenic Board, and adding the said Section 4S and Section 9S, Huatoki Settlement, to the Huatoki Domain

Whereas by Proclamation published in the *Gazette* of 1 September 1921, the land described in subsection (4) was set apart as a scenic reserve, and the control thereof is now vested in the Huatoki Scenic Board pursuant to the provisions of the Scenery Preservation Act 1908:

And whereas by section 26 of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1922, the said Board was authorised to acquire on deferred payments the land described in subsection (5), provided that upon payment of the purchase money in full and of all interest the said land should be declared to be a scenic reserve subject to the provisions of the Scenery Preservation Act 1908, under the control of the said Board:

And whereas it is desirable that the reservation for scenic purposes over the land described in subsection (4) should be revoked and the vesting of the control thereof in the Huatoki Scenic Board cancelled, and that the right of the said Board to acquire the land described in subsection (5) should be determined, and that the said lands should be brought under Part 2 of the Public Reserves, Domains, and National Parks Act 1928, and added to the Huatoki Domain:

And whereas the Huatoki Scenic Board has agreed to such action being taken:

Be it therefore enacted as follows:

- (1) The reservation for scenic purposes over the land described in subsection (4) is hereby revoked and the vesting of the control thereof in the Huatoki Scenic Board is hereby cancelled, and the said land is hereby declared to be subject to the provisions

of Part 2 of the Public Reserves, Domains, and National Parks Act 1928, and to form part of the Huatoki Domain.

- (2) The right granted to the Huatoki Scenic Board to acquire on deferred payments the land described in subsection (5) pursuant to section 26 of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1922 is hereby determined, as from the date of the passing of this Act, and the said land is hereby declared to be subject to the provisions of Part 2 of the Public Reserves, Domains, and National Parks Act 1928, and to form part of the Huatoki Domain.
- (3) Section 26 of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1922 is hereby repealed.
- (4) The land to which subsection (1) relates is particularly described as follows:

All that area in the Taranaki Land District, containing by admeasurement 9 acres 3 roods and 15 perches, more or less, being Section 4S, Huatoki Settlement, Block V, Paritutu Survey District: as the same is more particularly delineated on plan marked L and S 1/700A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

- (5) The land to which subsection (2) relates is particularly described as follows:

All that area in the Taranaki Land District, containing by admeasurement 8 acres 2 roods and 11 perches, more or less, being Section 9S, Huatoki Settlement, Block V, Paritutu Survey District: as the same is more particularly delineated on plan marked L and S 1/700B, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

13 Authorising the Taranaki Land Board to incorporate in a lease of education-endowment land certain other land after the transfer thereof to His Majesty the King

Whereas the land hereinafter described is freehold land owned by Ada Rawlinson:

And whereas the said land adjoins Crown land set apart as an endowment for primary education and held by the said Ada

Rawlinson for a leasehold estate under memorandum of lease Number 12503, Taranaki Land Registry:

And whereas the said Ada Rawlinson has offered to transfer the land hereinafter described to His Majesty the King provided the said land is added to the said endowment for primary education and incorporated in the said memorandum of lease:

And whereas it is desirable to accept the said offer, but there is no statutory authority whereby effect may be given thereto:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act, upon the transfer to His Majesty the King of the land hereinafter described the said land shall be deemed to be an endowment for the purpose of primary education, and thereafter the Land Board for the Land District of Taranaki may incorporate the said land in memorandum of lease Number 12503, Taranaki Land Registry.
- (2) A certificate under the hand of the Commissioner of Crown Lands for the Land District of Taranaki that the land hereinafter described is incorporated in memorandum of lease Number 12503 aforesaid shall be sufficient authority to the District Land Registrar of the Taranaki Land Registration District to make an appropriate entry in respect of such incorporation on the said lease retained in his office and on the outstanding copy thereof.
- (3) The land to which this section relates is particularly described as follows:

All that area, containing 9 perches and twenty-two hundredths of a perch, being part Lot C on a plan deposited in Taranaki Land Registry as Number 1098, and being all the land comprised in certificate of title, Volume 134, folio 275, Taranaki Registry.

14 Revesting portion of the National Art Gallery site in His Majesty the King, vesting an additional area in the Board of Trustees of the National Art Gallery, and revesting a site for educational purposes in His Majesty the King
[Repealed]

Section 14: repealed, on 1 April 1973, by section 32 of the National Art Gallery, Museum, and War Memorial Act 1972 (1972 No 11).

15 Revoking the reservation for recreation purposes over Section 47, Block XIII, Makuri Survey District, and declaring the same to be reserved for scenic purposes

Whereas the land hereinafter described forms portion of an area reserved for recreation purposes by Warrant dated 24 October 1891, and published in the *Gazette* of 29 October 1891, and is subject to the provisions of the Public Reserves, Domains, and National Parks Act 1928:

And whereas it is expedient that the said land should be reserved for scenic purposes and brought under the operation of the Scenery Preservation Act 1908:

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 declared to be reserved for scenic purposes and to be 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 Wellington Land District, containing by admeasurement 202 acres 1 rood and 35 perches, more or less, being part of Section 47, Block XIII, Makuri Survey District: as the same is more particularly delineated on plan marked L and S 175A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

16 Vesting in Mary McKain the leasehold interest in Section 15, Horowhenua Village Homestead Settlement

- (1) Notwithstanding anything to the contrary in the Land Transfer Act 1915 or in any other Act, it is hereby declared that Mary McKain, of Levin, widow, is the owner of a leasehold estate or interest in an area in the Wellington Land District, containing 5 acres, more or less, being Section 15, Horowhenua Village Homestead Settlement, and being the whole of the land comprised and described in a certain lease in perpetuity numbered 319 under Part 3 of the Land Act 1892, registered in Volume 6A, folio 220, Wellington Registry, and the said leasehold estate or interest shall be deemed to have been vested in the said Mary McKain as from 9 November 1900.
- (2) The District Land Registrar for the Wellington Land Registration District is hereby authorised, empowered, and directed, upon receipt by him of an application in that behalf from the said Mary McKain, to make such entries on the said lease and on the outstanding copy thereof as may be necessary to give effect to the provisions of this section.

17 Authorising the Picton Borough Council to sell certain land

Whereas by Warrant dated 7 December 1880, a certificate of title to the land described in subsection (3), together with other land, was authorised to be issued to the Mayor, Councillors, and Burgesses of the Borough of Picton in trust for the purposes of public utility for the Town of Picton and suburbs:

And whereas it is expedient that the Picton Borough Council should be empowered to sell the land described in subsection (3), and to apply the proceeds of such sale towards the reclamation of land comprised in the Waitohi Domain:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act, the Picton Borough Council may sell the land described in subsection (3) freed and discharged from the trusts, reservations, and restrictions affecting the same.
- (2) The net proceeds of such sale shall be applied towards the reclamation of land comprised in the Waitohi Domain.

- (3) The land referred to in subsection (1) is particularly described as follows:

All that area in the Marlborough Land District, containing by admeasurement 1 rood, more or less, being Section 469, Town of Picton, and being part of the land comprised in certificate of title, Volume 3, folio 64, Marlborough Registry.

18 Declaring 7 100 acres of the Buller Coal Field Reserve to be a scenic reserve

Whereas the land hereinafter described is portion of the Buller Coal Field Reserve which was set apart by the Westland and Nelson Coal Fields Administration Act 1877, and is now administered in accordance with the provisions of that Act and of the Westport Harbour Act 1920:

And whereas it is desirable that the said land should be set apart as a scenic reserve, subject to the provisions of the Scenery Preservation Act 1908, as recommended by the Scenery Preservation Board:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Westland and Nelson Coal Fields Administration Act 1877 or in any other Act, the land hereinafter described is hereby declared to be freed and discharged from all trusts, reservations, and restrictions heretofore affecting it, and the said land is hereby set apart as a scenic reserve, subject to the provisions of the Scenery Preservation Act 1908.
- (2) The land to which this section relates is particularly described as follows:

All those areas in the Nelson Land District, being portions of the Buller Coal Field Reserve, and being Section 16, Blocks II and III, Ohika Survey District, containing by estimation 3 000 acres, more or less, and Section 19, Blocks I, II, III, VI, and VII, Ohika Survey District, containing by estimation 4 100 acres, more or less: as the same are more particularly delineated on a plan marked L and S 4/333, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

19 Validating a certain deed of lease between His Majesty the King and the Lyttelton and Heathcote Recreation Trust, and validating certain payments by the Lyttelton and Heathcote Domain Board, and authorising the making of similar payments in the future

Whereas the land hereinafter described comprises a portion of a railway reserve and adjoins the Lyttelton and Heathcote Domain:

And whereas, by a deed of lease made on 3 December 1912 between His Majesty the King as lessor and the Lyttelton and Heathcote Recreation Trust as lessee, temporary rights were acquired over the said land for its use in conjunction with the said domain for recreation purposes:

And whereas the said Trust had no authority to take such a lease and it is desired to validate its action in this respect:

And whereas control of the said domain is not now vested in the said Trust but in a Board appointed pursuant to the Public Reserves, Domains, and National Parks Act 1928:

And whereas the said Board has from time to time expended portions of its funds in payment of rental and for the maintenance and improvement of the said land:

And whereas the said Board had no authority for such expenditure:

And whereas it is desired to validate this expenditure and to authorise the Board to continue to make similar payments so long as the said land is used for the purposes of public recreation in conjunction with the said domain:

Be it therefore enacted as follows:

- (1) The deed of lease over the land hereinafter described, made on 3 December 1912 between His Majesty the King as lessor and the Lyttelton and Heathcote Recreation Trust as lessee, is hereby declared to have been lawfully made.
- (2) Notwithstanding anything to the contrary in the Public Reserves, Domains, and National Parks Act 1928 or in any other Act, the payments made by the Lyttelton and Heathcote Domain Board as rental in respect of and for maintaining and improving the land hereinafter described are hereby validated and declared to have been lawfully made, and the said Board

is hereby authorised to continue to make similar payments so long as the said land is used for the purposes of public recreation in conjunction with the Lyttelton and Heathcote Domain.

- (3) The land to which this section relates is particularly described as follows:

All that area in the Canterbury Land District, containing by admeasurement 2 acres 1 rood and 13 perches, more or less, and being part Lot 11 on plan deposited in the Canterbury Land Registry Office at Christchurch as Number 9873, situated in Block XVI of the Christchurch Survey District, and being part of the land comprised in certificate of title, Volume 420, folio 211, Canterbury Registry: bounded towards the north by Rural Section 254, 526.5 links; towards the north-east by other part of Lot 11 on Plan Number 9873 aforesaid, 395.0 links; towards the south-east by Reserve 3839, 480.8 links; and again towards the south-west by Port Hills Road, 550.0 links: as the same is more particularly delineated on the plan marked L and S 1/437, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

20 Validating an agreement as to reclamation of lands at the mouth of the Hutt River, and providing for the taking of land adjoining or near to the reclamation

Whereas by the Hutt River Improvement and Reclamation Act 1922 the Hutt River Board was authorised and required to undertake the river works and reclamation described therein:

And whereas by a deed of agreement (of which a copy is deposited in the Head Office of the Public Works Department at Wellington as Number A 313), dated 29 September 1936, and made between the Hutt River Board of the first part, the Wellington Harbour Board of the second part, and His Majesty the King acting by and through the Minister of Public Works of the third part, the provisions of the said Act were modified and varied and provision was made for the reclamation from the sea by the Minister and also by the Wellington Harbour Board of certain land described in the said agreement:

And whereas it is desired to validate the said agreement:

Be it therefore enacted as follows:

- (1) The said agreement is hereby declared to be valid and binding in all respects, and shall have full force and effect as if it were specifically enacted in terms thereof in this Act; and the parties thereto shall be deemed to have been duly empowered to enter into and execute the same, and, further, shall have full power to carry out the works of construction and reclamation and all works incidental thereto and to do all other things, including the making of further agreements, which may be deemed necessary to give full force and effect to the said agreement.
- (2) The work of reclamation which the Minister of Public Works is required to execute in terms of the said agreement shall be deemed to be a public work within the meaning of the Public Works Act 1928, and the Minister may from time to time take under the provisions of the said Act any land adjoining or near to any of the land authorised to be reclaimed by any of the parties to the said agreement which in his uncontrolled discretion he shall deem it desirable so to take, and every such taking shall be conclusively deemed to be for the purpose of the public work hereinbefore referred to.

21 Validating transfers of portions of Reserve 1867, Block X, Oxford Survey District, Canterbury Land District

Whereas by a Proclamation published in the *Canterbury Provincial Gazette* of 9 August 1875, an area of 5 acres, more or less, being Reserve 1867, Block X, Oxford Survey District, Canterbury Land District, was set apart for a gravel pit, and the said reserve is now subject to the provisions of the Public Reserves, Domains, and National Parks Act 1928:

And whereas the said reserve was by Order in Council published in the *Gazette* of 7 February 1884 vested in the Oxford Road Board:

And whereas on 23 August 1922 a certificate of title for the said reserve was issued to the Oxford County Council as successor to the said Oxford Road Board:

And whereas the said Council, believing in good faith that it had authority by virtue of section 152 of the Counties Act 1920 to sell the said reserve, did sell 2 subdivisions thereof, and memoranda of transfer dated 25 January 1923 in respect of the said subdivisions were registered and certificates of title

therefor issued to the purchasers by the District Land Registrar at Christchurch on 27 February 1923:

And whereas the Council had in fact no such authority to sell, and it is desired to validate the sale of the 2 subdivisions of the said reserve:

Be it therefore enacted as follows:

- (1) The actions of the Oxford County Council in selling the pieces of land comprised in the 2 memoranda of transfer hereinafter referred to and in executing the said memoranda of transfer, and the action of the District Land Registrar for the Land Registration District of Canterbury in registering the said memoranda of transfer, are hereby validated.
- (2) The memoranda of transfer to which this section relates are the following:

Firstly, memorandum of transfer Number 150595 from the Oxford County Council to Alfred Bunn and David Hawke as joint tenants of Lot 2 on Deposited Plan Number 6461, being part of Reserve 1867, Block X, Oxford Survey District, Canterbury Land District:

Secondly, memorandum of transfer Number 150596 from the Oxford County Council to Herbert Francis Luers of Lot 1 on Deposited Plan Number 6461, being part of Reserve 1867, Block X, Oxford Survey District, Canterbury Land District.

22 Authorising the Taupo Domain Board to expend its funds towards repayment of a loan to be raised by the Taupo Road Board for the construction of thermal baths upon the Domain

Whereas the control of the Taupo Domain was vested in the Taupo Road Board by Order in Council published in the *Gazette* of 15 November 1923:

And whereas the said Road Board in its capacity as the Domain Board desires to construct thermal baths upon the said domain, and for that purpose to borrow a sum of 6,000 pounds:

And whereas the said Road Board pursuant to section 60 of the Public Reserves, Domains, and National Parks Act 1928, may borrow by way of special loan under the Local Bodies' Loans Act 1926 moneys for the improvement and development of the

said domain, but there is no authority whereby revenue derived from the said domain may be applied towards repayment of principal moneys of any such loan or towards payment of the interest accruing thereon:

And whereas it is expedient that authority should be provided whereby the rents, receipts, and profits derived from the said domain may be applied towards repayment of any sum borrowed for the aforesaid purpose, together with interest thereon:

Be it therefore enacted as follows:

Notwithstanding anything to the contrary in any Act, and without further authority than this section, the Taupo Domain Board is hereby authorised to pay to the Taupo Road Board from time to time out of the rents, receipts, and profits derived from the Taupo Domain such annual sums as the said Domain Board may in its absolute discretion decide in order to provide in whole or in part for the annual charges for the payment of interest, or interest and sinking fund, or interest and principal, as the case may be, on any sum borrowed by the said Road Board for the purpose of constructing thermal baths upon the said domain.

23 Authorising the restricted use of certain land in Section 5, Evans Bay Registration District, as a burial ground

- (1) Notwithstanding anything to the contrary in the Cemeteries Act 1908, or any other Act, it is hereby declared that after his death, whenever the same shall occur, the burial of the body of Sir Frederick Truby King, Kt, CMG, MB, CM, BSc, may be lawfully made in the land hereinafter described (and hereinafter referred to as the **said land**), being portion of the land owned by the said Frederick Truby King at Mount Melrose in the City of Wellington.
- (2) The body of the late wife of the said Frederick Truby King now interred in the Porirua Cemetery may, after the body of the said Frederick Truby King shall have been buried in the said land, and after due notice to the authorities of the Porirua Cemetery, be exhumed and reburied in the said land.
- (3) The body of no other person shall be buried in the said land.

- (4) Sections 83 to 89 and 91 of the Cemeteries Act 1908 shall apply to the said land as if it were a burial ground under that Act, and as if the Wellington City Council were the Managers thereof.
- (5) The said land is particularly described as follows:
All that piece of land in the City of Wellington, containing 1 perch and twenty-seven hundredths of a perch, being part of Lot 3, Deposited Plan Number 145, part of Section 5, Evans Bay Registration District, Block VII, Port Nicholson Survey District: as the same is more particularly delineated on plan numbered 332/69, deposited in the office of the Chief Surveyor at Wellington, and thereon coloured red, and bounded as follows: commencing at a point distant 20.98 links on a bearing of $14^{\circ}02'$, 285.63 links on a bearing of $251^{\circ}29'$, 6.12 links on a bearing of $56^{\circ}14'$ from the north-western corner of Lot 5, Deposited Plan 10399; thence on a bearing of $356^{\circ}52'40''$ for a distance of 28.17 links; thence on a bearing of $266^{\circ}36'$ for a distance of 28.34 links; thence on a bearing of $176^{\circ}01'$ for a distance of 28.34 links; thence on a bearing of $86^{\circ}15'30''$ for a distance of 27.91 links, to the point of commencement.

24 Cancellling the reservation as provisional State forest over certain lands in Nelson Land District, and setting the same apart as scenic reserves

Whereas by Proclamation published in the *Gazette* of 25 March 1920 the lands hereinafter described were, with certain other land, set apart for provisional State forest purposes, and are now subject to the provisions of the Forests Act 1921–22:

And whereas it is desirable that the said lands should be set apart as scenic reserves subject to the provisions of the Scenery Preservation Act 1908, as recommended by the Scenery Preservation Board constituted under that Act:

Be it therefore enacted as follows:

- (1) The reservation for provisional State forest purposes over the lands hereinafter described is hereby cancelled, and the said lands are hereby set apart as scenic reserves, subject to the provisions of the Scenery Preservation Act 1908.

- (2) The lands to which this section relates are described as follows:

Section 9, Block VII, Waitahu Survey District, containing 450 acres; Section 1, Block XI, Waitahu Survey District, containing 880 acres; Section 2, Block XII, Waitahu Survey District, containing 1 110 acres; Section 1, Block XIII, Rahu Survey District, containing 1 190 acres; Section 4, Block XIV, Rahu Survey District, containing 835 acres; and Section 1, Block II, Lewis Survey District, containing 510 acres; be all the said areas a little more or less, all situated in the Nelson Land District: as the same are delineated on the plan marked L and S X/97/29, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

25 Authorising creation of an easement for water supply over education reserve lands for Waikari School bath

Whereas Reserve 1144 in the Canterbury Land District was, by Proclamation published in the *Canterbury Provincial Gazette* of 5 January 1871, duly set apart for educational purposes:

And whereas the portion of the said reserve firstly described in subsection (3) is contained in certificate of title, Volume 155, folio 7, Canterbury Registry, and is held by William Percy Honeybone, of Waikari, farmer, under memorandum of lease from His Majesty the King, registered in the said Registry under Number 7475, and granted under the provisions of section 2 of the Education Reserves Amendment Act 1910, and paragraph (g) of section 5 of the Public Bodies' Leases Act 1908, for a period of 21 years as from 1 April 1923, with a perpetual right of renewal:

And whereas it is intended to construct a swimming bath on the Waikari School site secondly described in subsection (3), which site is vested in the Education Board of the District of Canterbury:

And whereas no adequate water supply exists on the said site, and the said Board is therefore desirous of procuring such a supply from a source existing on the land firstly described in subsection (3), and of securing such water supply in perpetuity to the said Board by way of easement:

And whereas the said William Percy Honeybone is agreeable and has consented to the creation of the said easement but there is no authority whereby such an easement may be created over lands reserved for educational purposes:

Be it therefore enacted as follows:

- (1) The Governor-General is hereby empowered to grant to the Education Board of the District of Canterbury an easement in perpetuity over the portion of Education Reserve 1144 firstly described in subsection (3) for the purpose of a water supply and pipeline to the land secondly described in the said subsection upon such terms and conditions as he deems fit.
- (2) The District Land Registrar for the Land Registration District of Canterbury is hereby empowered to register every document necessary to give effect to the provisions of this section.
- (3) The lands to which this section relates are particularly described as follows:

Firstly, all that area in the Canterbury Land District containing by admeasurement 4 perches and eighteen-hundredths of a perch, more or less, and being part of Section 1 of Reserve 1144, situated in Block XII of the Waipara Survey District, and bounded as follows: towards the north by Lot 11 on Deposited Plan 453, 10.07 links; towards the east by Rural Section 10005, 261.4 links; towards the south by railway land, 10.01 links; and again towards the west by other part of Section 1 of Reserve 1144 aforesaid, 260.77 links; also all that area in the Canterbury Land District, containing by admeasurement 30 perches and eighty-five hundredths of a perch, more or less, and being part of Section 3 of Reserve 1144, situated in Block XII of the Waipara Survey District, and bounded as follows: towards the north by railway land, 10.01 links; towards the east by Rural Section 10005, 1 198.2 links; towards the south by Section 16 of Reserve 1144, 90.91 links; towards the west and again towards the north and again towards the west by other part of Section 3 of Reserve 1144 aforesaid, 90.91 links, 80.9 links, and 1 107.92 links respectively: as the same are more particularly delineated on the plan marked L and S 6/6/632A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon coloured red:

Secondly, all that area in the Canterbury Land District, containing by admeasurement 2 acres, more or less, and being Lot 7 and part of Lot 6 on Deposited Plan 453 and part Rural Section 9784, situated in Block XII of the Waipara Survey District, and bounded as follows: towards the north by Princes Street, 454.3 links; towards the east by other part of Lot 6 on Deposited Plan 453 aforesaid and Lot 1 on Deposited Plan 2825, 306.7 links and 137 links; towards the south and towards the west by other part of Rural Section 9784 aforesaid, 455 links and 137 links; and again towards the west by Lot 8 on Deposited Plan 453 aforesaid, 302.3 links: as the same is more particularly delineated on the plan marked L and S 6/6/632B, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered blue.

26 Cancellling the reservation as provisional and permanent State forest over certain lands in the Westland Land District, and setting the same apart as scenic reserves

Whereas the lands hereinafter described form portions of provisional and permanent State forests set apart by Proclamations published in the *Gazette* of 14 October 1920, 3 July 1924, and 12 January 1933, and are now subject to the provisions of the Forests Act 1921–22:

And whereas it is desirable that the said lands should be set apart as scenic reserves subject to the provisions of the Scenery Preservation Act 1908, as recommended by the Scenery Preservation Board constituted under that Act:

Be it therefore enacted as follows:

- (1) The reservations for provisional and permanent State forest purposes over the lands hereinafter described are hereby cancelled, and the said lands are hereby set apart as scenic reserves, subject to the provisions of the Scenery Preservation Act 1908.
- (2) The lands to which the last preceding subsection relates are particularly described as follows:

Firstly, all that area in the Westland Land District, containing 230 acres, more or less, being part of Provisional State Forest Number 1643 (*Gazette* 1920, p 2844), situated in Block XIV,

Gillespies Survey District; and also all that area in the Westland Land District containing 30 acres, more or less, being part of Provisional State Forest Number 1721 (*Gazette* 1924, p 1579), situated in Blocks IX and X, Gillespies Survey District: as the same are more particularly delineated on the plan marked L and S 4/63, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered green:

Secondly, all that area in the Westland Land District, containing 15 acres, more or less, being part of State Forest Number 1643 (*Gazette* 1933, p 11), situated in Block X, Gillespies Survey District; and also all that area in the Westland Land District, containing 500 acres, more or less, being part of State Forest Number 1643 (*Gazette* 1933, p 11), situated in Blocks X, XIV, and XV, Gillespies Survey District; and also all that area in the Westland Land District, containing 1 750 acres, more or less, being part of State Forest Number 1643 (*Gazette* 1933, p 11), situated in Blocks XIV and XV, Gillespies Survey District; and also all that area in the Westland Land District, containing 6 200 acres, more or less, being part of State Forest Number 1644 (*Gazette* 1933, p 11), situated in Block XVI, Gillespies Survey District, and Blocks IX and XIII, Waiho Survey District; and also all that area in the Westland Land District, containing 1 000 acres, more or less, being part of State Forest Number 1696 (*Gazette* 1933, p 11), situated in Block XII, Gillespies Survey District; and also all that area in the Westland Land District, containing 250 acres, more or less, being part of State Forest Number 1721 (*Gazette* 1933, p 11), situated in Block X, Gillespies Survey District: as the same are more particularly delineated on the plan marked L and S 4/63, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered blue.

27 Authorising the diversion of moneys derived from the Opotiki and Waioeka Domain towards the establishment of an aerodrome

Whereas it is intended to set apart as a site for an aerodrome that portion of the Opotiki and Waioeka Domain hereinafter described, and to vest the control thereof in the persons for the

time being holding office as the Opotiki and Waioeka Domain Board:

And whereas the moneys received in respect of the said domain are not likely to be wholly required in connection with the management, administration, and improvement of the remainder of the domain, and authority is desired to apply a portion of the said moneys in establishing, managing, administering, or improving the said proposed aerodrome:

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, portion of the funds of the Opotiki and Waioeka Domain may from time to time, but subject in each case to the approval of the Minister of Lands, be used in establishing an aerodrome on the land hereinafter described, and in managing, administering, and improving such land for aerodrome purposes.

- (2) The land proposed to be set apart as a site for an aerodrome as hereinbefore mentioned is particularly described as follows:

All that area in the Gisborne Land District, containing by admeasurement 109 acres 1 rood and 9 perches, more or less, being part of Allotment 333, Waioeka Parish, situated in Block III, Opotiki Survey District, and bounded as follows: commencing at the southernmost corner of Allotment 340A, Waioeka Parish, towards the north-west by the said Allotment 340A and Allotment 340B, Section 1, Allotment 340B, Section 2, Allotment 340C, and Allotment 340D, all of Waioeka Parish aforesaid, the abutment of a drainage reserve, and again by the aforesaid Allotment 340D to a public road; thence towards the north-east by a public road, 2 660.6 links; thence towards the east generally by part of Allotment 333 by lines bearing $179^{\circ}38'$, 470.2 links, and $197^{\circ}19'30''$, 581.5 links, to a public road; thence towards the south by the last-mentioned public road, 4 013.0 links; thence towards the west and south generally by lines bearing $0^{\circ}48'$, 1 033.7 links, and $270^{\circ}36'$, 999.0 links, to a public road; thence again towards the west by the last-mentioned public road, 891.8 links, to the point of commencement; be all the aforesaid linkages a little more or less: as the same is more particularly delineated on the plan marked L and S 1/515, deposited in the Head Office,

Department of Lands and Survey, at Wellington, and thereon bordered red.

28 Authorising the Opotiki Hospital Board to sell Allotments 365, 366, and 411 of Section 2, Town of Opotiki, provided certain freehold land held by the Board is declared to be a public reserve

[Repealed]

Section 28: repealed, on 26 October 1942, by section 11(5) of the Reserves and other Lands Disposal Act 1942 (1942 No 13).

29 Cancelling the reservation as a provisional State forest over certain land in Marlborough Land District, and setting the same apart as a scenic reserve

Whereas the land hereinafter described is a provisional State forest reserve set apart by Proclamation published in the *Gazette* of 8 May 1919, and is subject to the provisions of the Forests Act 1921–22:

And whereas it is desirable that the said land should be set aside as a scenic reserve, subject to the provisions of the Scenery Preservation Act 1908, as recommended by the Scenery Preservation Board constituted under that Act:

Be it therefore enacted as follows:

- (1) The reservation for provisional State forest purposes over the land hereinafter described is hereby cancelled, and the said land is hereby set apart as a scenic reserve, 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 1 050 acres, more or less, being Section 54, Block VIII, and Section 2, Block XI, Heringa Survey District, and bounded as follows: commencing at the north-western corner of Section 43A, Block VIII, Heringa Survey District, on the Pelorus River; thence southerly by the boundaries of the said Section 43A and Section 1, Block XI, Heringa Survey District, to the south-western corner of the said Section 1; thence south-west-erly by a right line to Trig N, 7 540 links, and continuing

by a right line bearing and measuring approximately 235°, 5 150 links, respectively, to a State forest peg on Waterfall Creek; thence northerly by Waterfall Creek to the Pelorus River; thence north-easterly by the Pelorus River to the point of commencement; be all the aforesaid linkages a little more or less: as the same is more particularly delineated on the plan marked L and S 23/596, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

30 Extending powers of Auckland City Council to borrow moneys for purposes of a transport terminus on the old railway station site

- (1) Subsection (3) of section 23 of the Reserves and other Lands Disposal Act 1935 is hereby amended by omitting the words “20,000 pounds”, and substituting the words “39,000 pounds”.
- (2) The Auckland City Council may, out of the proceeds of the special loan to be raised under the authority of the said subsection (3), expend the sum of 4,068 pounds in acquiring from His Majesty the King the land hereinafter described for the purposes of the said terminus and for the purposes of street widening in connection therewith.
- (3) The land that may be acquired as aforesaid is particularly described as follows:

All that area in the City of Auckland, containing by admeasurement 10 perches and six-tenths of a perch, more or less, being parts of Lots 40 to 45, both inclusive, on a plan deposited in the office of the District Land Registrar and numbered 24330, being a subdivision of part Section 1, City of Auckland, and being part of the land comprised and described in certificate of title, Volume 624, folio 189, Auckland Registry: as the same is more particularly delineated on a plan marked L and S 13/144/5, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon coloured red, and also on plan numbered 28751, deposited in the office of the Chief Surveyor at Auckland, and thereon also coloured red.

31 Restricting the right to alienate lands acquired from the Waikato Land Settlement Society

[Repealed]

Section 31: repealed, on 16 September 1938, by section 19(9) of the Reserves and other Lands Disposal Act 1938 (1938 No 19).

32 Authorising the Trustees of the New Zealand Sheepowners' Acknowledgment of Debt to British Seamen Fund to sell land to the Crown, and authorising the acquisition of the said land on behalf of His Majesty the King

Whereas the New Zealand Sheepowners' Acknowledgment of Debt to British Seamen Fund (hereinafter referred to as the **fund**) is a society duly incorporated under the provisions of the War Funds Act 1915, by Order in Council published in the *Gazette* of 1 September 1921:

And whereas the said fund is administered by trustees in accordance with the provisions of the said Act and of the rules of the fund as certified by the Minister in Charge of War Funds on 7 December 1923, for the objects set out in the said rules, including the amendment thereto approved by the Minister of Internal Affairs on 16 August 1922, and the further amendment thereto effected by section 64 of the Local Legislation Act 1932–33:

And whereas the land hereinafter described (known as the Flock House Station) is owned by the said trustees for an estate in fee simple:

And whereas the said trustees desire to sell the said land to the Crown and it is desired to purchase the said land for the purpose of maintaining and continuing to use the said land for the training of youths in all branches of farm work or for such other purpose or purposes as may be determined from time to time:

And whereas it is expedient to confer on the said trustees power to sell the said land, and to authorise its acquisition on behalf of His Majesty the King:

Be it therefore enacted as follows:

- (1) The trustees of the New Zealand Sheepowners' Acknowledgment of Debt to British Seamen Fund are hereby authorised

and empowered to sell to the Crown the land described in subsection (4), together with any other real or personal property, owned by the said trustees that is used in any way whatsoever in connection with the Flock House Station, and the acquisition on behalf of His Majesty the King of the said land and of any other real or personal property owned by the said trustees is hereby authorised.

- (2) The price to be paid for the land and for any other real or personal property that is owned by the said trustees and which may be acquired on behalf of His Majesty the King in pursuance of the authority conferred by the last preceding subsection shall be determined by a reference to arbitration as provided by section 86 of the Land Act 1924.
- (3) The purchase price of the said land and other property, together with all moneys that may be expended by the Crown for the improvement, roading, drainage, or otherwise for the benefit or protection of the said land, shall, without further appropriation than this section, be paid out of such fund or account as the Minister of Finance in his discretion may determine.
- (4) The land referred to in subsection (1) is particularly described as follows:

All that area in the Wellington Land District, containing by admeasurement 8 261 acres 2 roods 10 perches and two-tenths of a perch, more or less, being all the land comprised in certificates of title, Volume 310, folio 195, Volume 311, folio 87, Volume 313, folios 130 and 131, Volume 322, folio 86, and Volume 358, folio 282, Wellington Registry.

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes**1 General**

This is a reprint of the Reserves and other Lands Disposal Act 1936. The reprint incorporates all the amendments to the Act as at 1 April 1973, 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)*

National Art Gallery, Museum, and War Memorial Act 1972 (1972 No 11):
section 32

Reserves and Other Lands Disposal Act 1963 (1963 No 128): section 6(4)

Reserves and other Lands Disposal Act 1942 (1942 No 13): section 11(5)

Reserves and other Lands Disposal Act 1938 (1938 No 19): section 19(9)
