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Reserves and other Lands Disposal Act 1938

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by Land Information New Zealand.

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An Act to provide for 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 1938.

2 Authorising the grant of additional land to the registered proprietors of Allotment 68, Parish of Waikomiti, North Auckland Land District, as compensation for a shortage in area

Whereas the original survey of Allotment 68, Parish of Waikomiti, North Auckland Land District, showed the area of that allotment to be 40 acres, and a Crown grant of the allotment based on the said survey was made on 12 October 1857:

And whereas more recent surveys disclose the correct area of the allotment to be 25 acres 2 roods and 25 perches, and it is equitable that the registered proprietors of the allotment should be compensated in respect of the error so made:

And whereas the said registered proprietors have agreed to accept 11 acres 1 rood and 29 perches of Crown land hereinafter described as full compensation, and it is expedient that authority should be given accordingly:

Be it therefore enacted as follows:

- (1) The land described in subsection (2) is hereby vested for an estate in fee simple in the registered proprietors of the said Allotment 68 in full compensation in respect of the survey error hereinbefore referred to, and the District Land Registrar at Auckland, upon application made to him in that behalf by the Chief Surveyor at Auckland, is hereby empowered and directed to issue, free of charge, to the said registered proprietors a certificate of title for the said land.
- (2) The Crown land to which this section relates is particularly described as follows:

All those areas in the said Parish of Waikomiti, being firstly, portion of Allotment 69, containing 7 acres and 5 perches, and, secondly, Allotment 389, containing 4 acres 1 rood and 24 perches: as the same are shown respectively on plans numbered 23151 and 21731 deposited in the Office of the Chief Surveyor at Auckland.

3 Defining the status of certain lands in Kopuru Parish, North Auckland Land District

Whereas by Proclamation published in the *Auckland Provincial Government Gazette* of 8 June 1870, Lot 4 of Allotment 2, and Allotment 50, Parish of Kopuru, were reserved for the purposes of common-school education within the Province of Auckland, and by notice published in the *Gazette* of 16 December 1878 the said reserves were apportioned for the purposes of secondary and primary education respectively:

And whereas by Proclamation published in the *Gazette* of 24 March 1898 certain lands which were in fact the said Lot 4 of Allotment 2, part of the said Al-

lotment 50, part of a public road, and certain Crown land, being Lot 5 of Allotment 2, Parish of Kopuru, but which were described as Allotment 50 of the said parish, were purported to have been reserved as an endowment for primary education:

And whereas, on 11 November 1908, certificate of title, Volume 154, folio 91, Auckland Registry, was issued to the School Commissioners of the Province of Auckland for portion of the area so purported to have been reserved:

And whereas the land comprised in the said certificate of title was subdivided, and by Warrant published in the *Gazette* of 20 March 1924 the reservation so purported to have been made was purported to have been cancelled over one of such subdivisions described as Lot 22 of Allotment 50, Parish of Kopuru, and Allotment 125, Parish of Kopuru, was purported to have been reserved as an endowment for primary education in lieu thereof:

And whereas the said Lot 22 was subsequently purported to have been reserved for recreation purposes, and by Order in Council published in the *Gazette* of 22 October 1925 was purported to have been added to the Kopuru Town Domain:

And whereas there are at present 2 areas described as Allotment 2, Parish of Kopuru, and it is deemed advisable to renumber the said Lots 4 and 5, and to redescribe the said Lot 22:

And whereas it is also desirable to revoke the Proclamation secondly above mentioned and to define the status of certain lands:

Be it therefore enacted as follows:

- (1) The said Proclamation published in the *Gazette* of 24 March 1898 is hereby revoked.
- (2) The said Lots 4 and 5 and the said Lot 22 shall hereafter be known as Allotments 149, 150, and Lot 22, DP 17979, of Allotment 149, Parish of Kopuru, respectively.
- (3) The said Lot 22 is hereby declared to be a reserve for public recreation and to have formed part of the Kopuru Town Domain since 22 October 1925.
- (4) The said Allotments 125 and 150 are hereby reserved as endowments for secondary education and shall be deemed to have been so reserved since 12 March 1924, and 18 March 1898, respectively.
- (5) The District Land Registrar at Auckland is hereby empowered and directed to cancel certificates of title, Volume 154, folio 91, and Volume 629, folio 263, Auckland Registry, and to issue separate certificates of title for Allotments 149, 150, and 50, Parish of Kopuru, as the same are shown on a plan deposited in the office of the Chief Surveyor at Auckland under Number 29481, and to do all other things necessary to give effect to the provisions of this section.

4 Validating a Warrant and Orders in Council relating to Allotment 142, Kopuru Parish, North Auckland Land District

Whereas by Proclamation published in the *Auckland Provincial Government Gazette* of 8 June 1870, Allotment 50, Parish of Kopuru, was reserved for the purposes of common-school education within the Province of Auckland, and by notice published in the *Gazette* of 16 December 1878 the said reserve was apportioned for the purposes of primary education:

And whereas by Warrant published in the *Gazette* of 15 June 1893 a portion (now known as Allotment 142, Parish of Kopuru) of the said Allotment 50 was purported to have been reserved for public recreation, and by Orders in Council published in the *Gazette* of 27 July 1893 the land so reserved was declared to be subject to the Public Domains Act 1881 and powers were delegated to the Chairman, Councillors, and Inhabitants of the Hobson County as the Kopuru Town Domain Board:

And whereas there was no authority for the reservation of the said Allotment 142 for public recreation, and it is deemed expedient to validate the said Warrant and the said Orders in Council:

Be it therefore enacted as follows:

The said Warrant in so far as it relates to Allotment 142, Parish of Kopuru, and the said Orders in Council are hereby validated and declared to have been lawfully made, and the District Land Registrar at Auckland is hereby empowered and directed to make such entries, alterations, and amendments in and to his records, and to do all other things necessary to give effect to the provisions of this section.

5 Revoking the reservation over and the vesting of part Allotment 15, Karioi Parish, Auckland Land District, and redescribing and again reserving the said allotment and revesting portion thereof in the Raglan County Council

Whereas notices published in the *Gazette* of 11 January 1883, and of 22 February 1883, set out respectively the temporary and permanent reservations of Allotment 15, Parish of Karioi, Auckland Land District, for the purposes of a pilot and signal station:

And whereas by Order in Council made under the authority of section 15 of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1914, and published in the *Gazette* of 4 March 1915, part of the said allotment was vested in the Raglan County Council:

And whereas by Proclamation published in the *Gazette* of 3 July 1924 an area of 17 perches and three-tenths of a perch, being part of the said allotment, was erroneously regarded as road and purported to have been closed, and by section 59 of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1924 was purported to have been added to the said allotment:

And whereas a new survey, as shown on a plan numbered 24725 in the office of the District Land Registrar at Auckland, discloses that the area of the said allotment was erroneously shown in earlier surveys and it is desirable to revoke the said temporary and permanent reservations, the said Order in Council, and, in so far as it affects the said area of 17 perches and three-tenths of a perch, the said Proclamation, and to repeal the said sections 15 and 59, and to redescribe and again reserve the said allotment and re-vest portion thereof in the said County Council as from the date of the original vesting:

Be it therefore enacted as follows:

- (1) The said temporary and permanent reservations, the said Order in Council, and, in so far as it relates to the said area of 17 perches and three-tenths of a perch, the said Proclamation are hereby revoked.
- (2) The said allotment as described in subsection (6) is hereby reserved for the purposes of a pilot and signal station subject to the provisions of the Public Reserves, Domains, and National Parks Act 1928 and shall be deemed to have been so reserved since 22 February 1883.
- (3) The portion of the said allotment described in subsection (7) is hereby vested in the Raglan County Council in trust for the said purposes and shall be deemed to have been so vested since 4 March 1915:

provided that if at any time a Harbour Board is constituted to control the Whaingaroa Harbour the said land shall be deemed to be vested in the Board in trust for the said purposes.

- (4) The District Land Registrar and Chief Surveyor at Auckland are hereby empowered and directed to make such entries, alterations, and amendments in and to their records, and to do all other things necessary to give effect to the provisions of this section.
- (5) *Amendment(s) incorporated in the Act(s).*

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

All that area in the Auckland Land District, Raglan County, containing by admeasurement 256 acres 2 roods 12 perches and one-tenth of a perch, and being Allotment 15, Karioi Parish: as the same is more particularly delineated on a plan numbered 29126, and deposited in the office of the Chief Surveyor at Auckland, and therein edged red.

- (7) The land to which subsection (3) relates is particularly described as follows:

All that area in the Auckland Land District, Raglan County, containing by admeasurement 249 acres 2 roods 12 perches and one-tenth of a perch, more or less, being part Allotment 15, Karioi Parish, bounded as follows: on the north-east generally by part Te Kopua Block, Section 15A, Block I, Karioi Survey District, and the Te Tarata Creek; on the south-east by a public road, Allotment 170, Karioi Parish, by a public road, by Lot 2, Deposited Plan 13913, being Allotment 4A and part Allotment 4, Karioi Parish, and again by a public road; on

the south-west by Allotment N 14, Karioi Parish; and on the north-west by other part Allotment 15, Karioi Parish, which portion consists of a strip 1 chain wide above mean high-water mark of the Tasman Sea: as the same is more particularly delineated on a plan marked L and S 6/1/56, and deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

6 Section 9 of the Reserves and other Lands Disposal Act 1937 amended

Amendment(s) incorporated in the Act(s).

7 Cancelling the reservation over certain education endowment lands in Auckland Land District, and setting them apart as permanent State forest

Whereas the lands hereinafter described are reserved as endowments for primary education:

And whereas the said lands are not suitable for farming purposes, and it is therefore not expedient that they should be leased under the provisions of the Education Reserves Act 1928:

And whereas the said lands are situated between various areas which have been set apart as permanent State forests:

And whereas it is desirable that the said lands should be brought under the provisions of the Forests Act 1921–22 so that they may be administered and dealt with in all respects as permanent State forest:

Be it therefore enacted as follows:

- (1) The reservation as endowments for primary education over the lands hereinafter described is hereby cancelled, and the said lands are hereby set apart as permanent State forest under and subject to the provisions of the Forests Act 1921–22.
- (2) The lands to which this section relates are described as follows:

All those lands situated in the Auckland Land District, being firstly, Section 1A, Block X, Waihi South Survey District, containing an area of 2 020 acres, more or less, being the whole of the land comprised in certificate of title, Volume 155, folio 155, Auckland Registry; and Section 1, Block XI, Waihi South Survey District, containing an area of 1 630 acres, more or less, being the whole of the land comprised in certificate of title, Volume 381, folio 22, Auckland Registry: as the same are more particularly delineated on the plan marked L and S 22/856, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red; and, secondly, Section 6, Block VI, Rotoma Survey District, containing an area of 404 acres 3 roods and 18 perches, more or less, being the whole of the land comprised in certificate of title, Volume 367, folio 29, Auckland Registry; and Section 9, Block VI, Rotoma Survey District, containing an area of 603 acres, more or less, being the whole of the land comprised in certificate of title, Volume 208, folio 159,

Auckland Registry: as the same are more particularly delineated on the plan marked L and S 22/856A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

8 Vesting Section 451, Town of Hamilton West, in the Waikato Diocesan Trust Board

Whereas Section 451, Town of Hamilton West, Auckland Land District, containing 1 rood, more or less, is the site of a church erected by the Church of England:

And whereas in 1874 an application was made by the church authorities for a Crown grant in respect of the said section, but the application was overlooked:

And whereas from the year following the said church authorities have remained in undisturbed possession and occupation of the said section:

And whereas no title for the said section has ever been issued, and it is deemed equitable that the said section should be vested in the Waikato Diocesan Trust Board:

Be it therefore enacted as follows:

The said section is hereby vested in the Waikato Diocesan Trust Board for an estate in fee simple.

9 Authorising issue of new lease of Lot 12, DP 8673, Wellington Registry, without payment of present value of lessors' reversionary interest in certain improvements

Whereas the land hereinafter described is vested in the Governors of the Wellington College and Girls' High School (hereinafter called the **lessors**) for an estate in fee simple in trust as an endowment for the said college and school:

And whereas the land was leased by the lessors to certain trustees for the Apostolic Church of Wellington (hereinafter called the **lessees**) for a term of years expiring on 31 March 1958:

And whereas the lessees, on the acquisition of leasehold rights over the land, were wrongly of opinion that the said rights included perpetual rights of renewal of the lease, and caused a church building to be erected on the land:

And whereas the lease includes no right of renewal and the said improvements will revert to the lessors at the termination of the lease:

And whereas the lessees desire to surrender the current lease and obtain in lieu thereof a new lease with perpetual rights of renewal, but before a new lease may be granted the lessors are entitled to be paid the present value of their reversionary interest in the improvements:

And whereas it is considered equitable that a new lease should be granted without the lessees being required to make or the lessors to demand payment in respect of the said improvements:

And whereas the lessors are agreeable and it is expedient that legislative authority should be given accordingly:

Be it therefore enacted as follows:

- (1) The lessors may accept a surrender of the current lease over the land hereinafter described and grant a new lease thereof pursuant to the provisions of the Public Bodies' Leases Act 1908.
- (2) Notwithstanding the provisions of any Act or rule of law, the lessees shall not be obliged to pay to the lessors and the lessors shall not be obliged to demand from the lessees the present value of the reversionary interest of the lessors in the said improvements.
- (3) The land to which this section relates is particularly described as follows:

All that area in the City of Wellington, containing 21 perches and eleven-hundredths of a perch, more or less, being part Section 272 on the public map of the Town of Wellington, and being also part of Lot 12 on a plan deposited in the office of the District Land Registrar at Wellington under number 8673, and being the whole of the land comprised in memorandum of lease numbered 21408 registered in the said office, and being also part of the land comprised in certificate of title, Volume 340, folio 54, Wellington Registry.

10 Section 26 of the Reserves and other Lands Disposal Act 1933 repealed

Amendment(s) incorporated in the Act(s).

11 Validating sale and purchase of Flock House Station

Whereas by section 32 of the Reserves and other Lands Disposal Act 1936 (hereinafter called the **said Act**), the trustees of the New Zealand Sheepowners' Acknowledgment of Debt to British Seamen Fund were authorised and empowered to sell to the Crown and the Crown was authorised to acquire the land described in subsection (4) of the said section (known as the Flock House Station) together with any other real or any personal property owned by the said trustees that was used in any way whatsoever in connection with the said station:

And whereas the said land and the live and dead stock and other personal property used in connection with the said station were owned by the New Zealand Sheepowners' Acknowledgment of Debt to British Seamen Fund and not by the trustees of the said Fund:

And whereas the sale and purchase of the said land and of the aforesaid live and dead stock and other personal property has been completed:

And whereas it is expedient to validate the said sale and purchase:

Be it therefore enacted as follows:

The sale of the land described in subsection (4) of section 32 of the said Act and of the aforesaid live and dead stock and other personal property owned by the New Zealand Sheepowners' Acknowledgment of Debt to British Seamen

Fund and the acquisition thereof on behalf of His Majesty the King are hereby validated.

12 Abolishing the Moumahaki and Weraroa Endowments

[Repealed]

Section 12: repealed, on 1 April 1949, by section 185(1) of the Land Act 1948 (1948 No 64).

13 Making sections 359 and 360 of the Land Act 1924 applicable to the Buller Coal Field and the Westport Colliery Reserves

[Repealed]

Section 13: repealed, on 1 April 1949, by section 185(1) of the Land Act 1948 (1948 No 64).

14 Cancelling the reservation over portion of the Kopuru Domain and authorising the disposal thereof

Whereas the Kopuru Domain comprises an area of 1 087 acres 2 roods 2 perches, more or less, and is controlled by the Hobson County Council acting as a Domain Board pursuant to the provisions of Part 2 of the Public Reserves, Domains, and National Parks Act 1928:

And whereas in order to improve the access to the domain the Council has formed a new road, and in connection therewith it will be necessary to proclaim a small portion of the domain for road purposes together with portion of an adjoining freehold property, being part Lot 9 of Allotment 92, Parish of Kopuru, on a plan deposited in the Land Registry Office at Auckland as Number 261:

And whereas the owner for the time being of the said freehold property is prepared to consent to part of his property being proclaimed as a road, provided he is allowed to acquire that portion of the domain described in subsection (3):

And whereas the said portion is not required for recreation purposes, and it is considered desirable to cancel the reservation over such portion and to authorise its disposal to the said adjoining owner:

Be it therefore enacted as follows:

- (1) The reservation for recreation purposes over that portion of the Kopuru Domain described in subsection (3), the subjection of the said land to the provisions of Part 2 of the Public Reserves, Domains, and National Parks Act 1928, and the vesting of the control of the said land in the Kopuru Domain Board are hereby cancelled.
- (2) Upon the payment to the Kopuru Domain Board by the owner of the freehold land hereinbefore referred to of such amount as the Minister of Lands may determine, the Governor-General may, by Warrant under his hand, authorise the issue to the said owner of a certificate of title for the land described in subsection (3).

- (3) The land to which subsections (1) and (2) relate is particularly described as follows:

All that area in the North Auckland Land District, containing by admeasurement 7 acres 3 roods 35 perches, more or less, being part Allotment 92, Parish of Kopuru, and being part of the land contained in certificate of title, Volume 74, folio 171, Auckland Registry, and bounded as follows: towards the north-west by Lot 9, DP 261, being part Allotment 92, Parish of Kopuru, bearing $56^{\circ}27'$ for a distance of 911.9 links; towards the north-east by other part of the said Allotment 92, bearing $22^{\circ}0'20''$ for a distance of 596.5 links; towards the south-east by Lot 7, DP 261, being part Allotment 90, Parish of Kopuru, bearing 220° for a distance of 1 295.1 links; and towards the south-west by Allotment 141, Parish of Kopuru, bearing $331^{\circ}44'$ for a distance of 913.5 links: as the same is more particularly delineated on the plan marked L and S 1/264, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red (North Auckland Plan 28303).

15 Revesting in the Union Bank of Australia certain land in City of Christchurch

Whereas by memorandum of transfer registered in the Land Registry Office at Christchurch as number 220187 certain land was transferred by the Union Bank of Australia, Limited, to the Crown:

And whereas the land hereinafter described was included in the memorandum of transfer in error, and it is now desired to rectify the error by revesting the land in the bank without payment:

Be it therefore enacted as follows:

- (1) The land hereinafter described is hereby vested in the Union Bank of Australia, Limited, and the District Land Registrar at Christchurch is hereby empowered to issue free of charge to the bank a certificate of title for such land together with the balance of the land comprised in certificate of title, Volume 232, folio 37, Canterbury Registry, and to make such amendments to his records and to do such other things as may be necessary to give effect to this section.
- (2) The land to which this section relates is particularly described as follows:

All that area in the Canterbury Land District, containing by admeasurement twenty-seven one-hundredths of a perch, more or less, and being part of Lot 1, Deposited Plan 11103 (part Town Section 724), situated in the City of Christchurch, and bounded as follows: commencing at a point on the western boundary of Lot 1, Deposited Plan 11103, 62.71 links from the south-western corner of the said Lot 1, Deposited Plan 11103; thence bounded towards the south, east, and north by other part of Lot 1, Deposited Plan 11103, 1.49 links, 105.3 links, and 1.73 links to the western boundary of Lot 1 of the aforementioned plan; thence returning to the point of commencement along the said western boundary 105.3 links: as the same is more particularly delineated on the plan

marked PWD 100252, deposited in the office of the Minister of Public Works at Wellington, and thereon coloured red.

16 Validating an advance granted by the Lands Development Board

Notwithstanding the provisions of section 7 of the Land Laws Amendment Act 1929, the action of the Lands Development Board, established by section 3 of that Act, in authorising an advance of 600 pounds to the lessee of Sections 194, 195, and 198, Okura Parish, North Auckland Land District, for and the purpose of erecting a dwellinghouse on the said land is hereby validated.

17 Authorising the Waiuku Town Board to expend the revenue from certain land in managing, administering, and improving the Massey Park Domain and other land set apart for recreation purposes, and under the control of the Board

[Repealed]

Section 17: repealed, on 25 October 1963, by section 9(2) of the Reserves and Other Lands Disposal Act 1963 (1963 No 128).

18 Extending the leasing powers of the Waihi Borough Council in respect of certain lands in the Waihi Beach Township, and declaring certain other lands in the said Township to be recreation reserves

Whereas by a Proclamation published in the *Gazette* of 18 March 1920 the land described in the Schedule of that Proclamation was taken for the purposes of a public recreation and pleasure ground and vested in the Corporation of the Borough of Waihi:

And whereas by section 17 of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1922 the Waihi Borough Council was authorised, subject to the approval of the Minister of Lands, to set aside such portions of the said land as it might think fit and to let the same as building sites by way of lease for any term not exceeding 10 years, and to let for any term not exceeding 5 years any dwellinghouse then erected on any part of the said land:

And whereas it is desirable that provision should be made for the issue of more satisfactory leases over the portions of the said land so set aside for letting as building sites, and that certain other land as hereinafter described should be held by the said Council as recreation grounds or pleasure grounds under the provisions of the Municipal Corporations Act 1933:

Be it therefore enacted as follows:

- (1) The land described in subsection (6), being portions of the land taken by the said Proclamation as aforesaid, is hereby set apart for the purposes of public recreation and pleasure grounds, and shall be held, administered, and controlled by the Waihi Borough Council for such purposes in accordance with the provisions of the Municipal Corporations Act 1933.

- (2) Except as provided by this section, no leases shall be granted by the Council after the passing of this Act of any portion of the land taken by the said Proclamation and not set aside under the last preceding subsection under the provisions of section 17 of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1922. Leases of any portion of that land for the purposes of building sites may, however, be offered by the Council for sale by public auction for a term of 21 years with a provision in accordance with Schedules 1 and 2 of the Public Bodies' Leases Act 1908 that on the expiration of the term the lessee shall have an option either to accept a renewed lease in accordance with the said Schedule 1, or to have a new lease offered for sale by auction in accordance with the said Schedule 2. The upset rent shall be such as the Council may determine, and the Council may require the purchaser of the lease to pay to the Council or to the previous lessee (if any) the value (to be determined by the Council in such manner as it may think fit) of any buildings, fixtures, or other improvements on the land.
- (3) The lessee of any lease granted under the provisions of the said section 17 may at any time within 3 years from the passing of this Act, or not later than 3 months before the date of expiration of his lease, whichever is the earlier, apply to the Council for leave to surrender his lease and to receive in exchange therefor a new lease of the whole or of part of the land comprised in the lease proposed to be surrendered. Such new lease shall be for a term of 21 years and the lessee shall have the same option as the lessee of a lease granted under the last preceding subsection. The rent reserved under the new lease shall be determined by the Council, but should the lessee object to such rent within 30 days of notice of such determination having been given to him by the Council, then and in every such case the rent shall be determined by valuation made in accordance with the provisions of paragraphs 4 to 8 of Schedule 1 of the Public Bodies' Leases Act 1908.
- (4) Should the lessee of any lease granted under the provisions of the said section 17 fail to apply within the time limited by the last preceding subsection for leave to surrender his lease and to receive a new lease in exchange therefor in the manner hereinbefore provided, then and in every such case on the expiration by effluxion of time of the term of his lease, the Council may proceed to offer for sale by public auction a lease of the land concerned for the term and with the provision as set forth in subsection (2). The upset rent shall be such sum as the Council may determine, and the Council may require the purchaser of the lease to pay to the Council or to the former lessee the value (to be determined by the Council in such manner as it thinks fit) of any buildings, fixtures, or other improvements on the land.
- (5) The provisions of sections 6 to 13 of the Public Bodies' Leases Act 1908 shall, so far as they are consistent with the provisions of this section, apply to any lease granted or sold in accordance with the provisions hereof.

- (6) The land set apart for the purposes of public recreation and pleasure grounds under the provisions of subsection (1) is particularly described as follows:

All that area in the Auckland Land District in the Borough of Waihi, situated in Block III, Waihi North Survey District, containing by admeasurement 13 acres 2 roods 8 perches, more or less, being part of Waihi Number 2 Block and part of Waihi Number 3 Block: bounded towards the west, north-west, and north-east by Lot 1 on Plan Number 22757 deposited in the office of the District Land Registrar at Auckland; towards the east generally by part of Waihi Number 2 Block and part of Waihi Number 3 Block (Esplanade on DP 17197); towards the south generally by Waihi Beach Road; again towards the west generally by Lots 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, and 1 of Block II on Plan Number 17197 deposited as aforesaid; again towards the south generally by Lot 1 of Block II aforesaid, part of Waihi Number 3 Block and part of Waihi Number 2 Block (The Terrace on DP 17197), and Lot 1 of Block I on the aforesaid DP 17197; again towards the east generally by Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9 of Block I on aforesaid DP 17197; and again towards the south generally by part of Waihi Number 3 Block (Seaview Road on DP 17197).

Also all that area containing by admeasurement 4 acres 3 roods 38 perches, more or less, being part of Waihi Number 3 Block and part of Waihi Number 5 Block: bounded towards the north generally by Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of Block IV on Plan Number 17197 deposited in the office of the District Land Registrar at Auckland; towards the east generally by Waihi Beach Road; towards the south generally by Lots 32, 31, 30, 29, 26, 25, 24, 23, 22, 21, 20, 19, 18, 17, and 16 of Block IV on the aforesaid DP 17197; and towards the west generally by Lot 1 on Plan Number 22757 deposited as aforesaid.

Also all that area containing by admeasurement 2 acres 3 roods 35 perches, more or less, being part of Waihi Number 3 Block and part of Waihi Number 5 Block: bounded towards the west generally by Waihi Beach Road, Lots 5 and 4 of Block V on Plan Number 17197 deposited in the office of the District Land Registrar at Auckland, again Waihi Beach Road, and Lots 3, 2, and 1 of Block V on the aforesaid DP 17197; towards the north generally by Waihi Beach Road; towards the east generally by part of Waihi Number 3 Block and part of Waihi Number 5 Block (Esplanade on DP 17197); and towards the south generally by Lots 11, 9, 8, 7, and 6 of Block V on the aforesaid DP 17197.

Also all that area containing by admeasurement 3 acres 3 roods 25 perches and four-tenths of a perch, more or less, being part of Waihi Number 5 Block, shown as Lot 60 on Plan Number 26781 lodged in the office of the District Land Registrar at Auckland.

Also all that area containing by admeasurement 7 acres 3 roods 11 perches, more or less, being part of Waihi Number 2 Block, part of Waihi Number 3 Block, and part of Waihi Number 5 Block: bounded towards the north-east generally by the sea; towards the south generally by Lot 3 on Plan Number 22757

deposited in the office of the District Land Registrar at Auckland; towards the south-west generally by part of Waihi Number 5 Block, part of Waihi Number 3 Block, and part of Waihi Number 2 Block (Esplanade on the aforesaid Plan Number 26781 and DP 17197); and towards the north generally by Lot 1 on aforesaid DP 22757; save and excepting an intersecting public road (Waihi Beach Road).

As the same are more particularly delineated on the plan marked L and S 25/786, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red (Auckland Plan SO 29664).

19 Validating an agreement between the Waikato Land Settlement Society, Incorporated, and the Crown

Whereas the Waikato Land Settlement Society, Incorporated (hereinafter referred to as the **Society**), being a Society duly incorporated under the Incorporated Societies Act 1908, has as one of its objects the settlement of unemployed and indigent persons on land purchased or otherwise acquired by the Society:

And whereas the Society is the owner of certain freehold and leasehold interests in land situated in the Auckland Land Registration District and of certain stock, implements, chattels, and other assets, and has disposed of parts of the said land, together with certain stock, implements, and other chattels, to certain purchasers under agreements of sale and purchase:

And whereas the purchasers have executed in favour of the Society certain instruments by way of security over the said stock, implements, and other chattels to secure the amounts payable under the said agreements of sale and purchase:

And whereas by an agreement dated 25 May 1938, and made between the Society of the one part and His Majesty the King of the other part (a copy of which is deposited in the Head Office, Lands and Survey Department, Wellington, under Number 5001), it was agreed that the Crown should take over and administer the lands and other assets of the Society as from 1 June 1938, and that as from that date the liability of the Society to the Crown for the sum of 35,000 pounds and interest thereon should be cancelled and certain other liabilities of the Society should become liabilities of the Crown:

And whereas the said agreement is conditional on the passing of validating legislation, and the parties to the agreement have agreed to the provisions hereinafter contained:

Be it therefore enacted as follows:

- (1) Subject to the provisions of this section, the said agreement is hereby validated and declared to have been lawfully made.
- (2) All interests of the Society in the land, or under the agreements of sale and purchase, instruments by way of security, or other documents, or in the stock, im-

- plements, and other chattels, or in the other property to which the said agreement relates, are hereby vested in His Majesty the King.
- (3) The District Land Registrar at Auckland is hereby authorised to make such entries in the registers and to do such other things as may be necessary to give full effect to the provisions of the last preceding subsection in so far as it relates to any interests in land. For the purposes of this subsection a certificate by the Minister of Lands to the effect that any interest in land has been vested in His Majesty under this section shall be accepted by the Registrar as sufficient evidence of that fact.
 - (4) All lands vested in His Majesty under this section shall be deemed to have been acquired under the Small Farms Act 1932–33 (hereinafter referred to as the **principal Act**), and with respect to all lands heretofore disposed of by the Society the provisions of the principal Act shall apply as if the lands had been disposed of under that Act. For the purposes of this section the terms **Board** and **Minister** have the same meanings respectively as in the principal Act.
 - (5) Notwithstanding anything to the contrary in the principal Act, but without limiting any other powers of disposal, it is hereby declared that any of the said lands may be disposed of, to any person qualified to receive a lease under section 8 of the principal Act, by way of agreement of sale and purchase at such price and upon such terms and conditions as the Board thinks fit, being as nearly as may be the terms and conditions of the agreements heretofore made by the Society with its purchasers, but so that—
 - (a) the price for the land with interest thereon shall be payable by instalments at regular intervals, each of the instalments consisting partly of principal and partly of interest:
 - (b) a separate current account shall be kept of all principal and interest owing by the purchaser to the Crown in respect of stock, implements, and other chattels as distinct from the price for the land, but the moneys in the current account shall be collaterally secured on the land:
 - (c) except with the consent of the Minister, acting on the recommendation of the Board, the purchaser shall not be entitled to a title to the land until the price of the land and all interest thereon and all moneys in the current account have been paid or satisfied.
 - (6) The Board may at any time during the currency of any agreement of sale and purchase heretofore made by the Society arrange with the purchaser for the cancellation of the agreement and the substitution therefor of a new agreement of sale and purchase in accordance with this section. For the purposes of this subsection any instruments or documents in force between the parties may be cancelled and new ones may be substituted therefor.
 - (7) Where an arrangement is made under the last preceding subsection, the Board may, if it deems it just and equitable so to do, having regard to any losses suffered by the purchaser by reason of disease among his stock, reduce to such ex-

tent as it thinks fit the liability of the purchaser to the Crown in respect of his stock.

- (8) *[Repealed]*
- (9) The last preceding subsection is in substitution for section 31 of the Reserves and other Lands Disposal Act 1936 and that section is hereby accordingly repealed.
- (10) Any agreement, deed, memorandum of satisfaction, or other instrument required to be executed by or on behalf of His Majesty for the purposes of this section may be signed by the Under-Secretary for Lands or by his deputy and shall be as valid and effectual if so signed as if executed by or on behalf of His Majesty.

Section 19(4): amended, on 29 September 1939, pursuant to section 2(2) of the Small Farms Amendment Act 1939 (1939 No 21).

Section 19(8): repealed, on 21 October 1960, by section 26(1) of the Reserves and Other Lands Disposal Act 1955 (1955 No 49).

20 Dissolving body corporate known as Queenstown Racecourse Trustees, and transferring their assets and liabilities to Frankton Aerodrome Board

Whereas by the Queenstown Racecourse Reserve Act 1879 an area of 139 acres 3 roods 9 perches in the Town of Frankton, and in Block I, Shotover Survey District, Otago Land District, was vested in a body corporate known as the Trustees of the Queenstown Racecourse, to be held by it for the purposes of the said Act:

And whereas the trustees had authority under the said Act to lease the whole or any part of the reserve not required for the purposes of a racecourse:

And whereas the reserve has not been used for racing for many years, and the trustees granted a lease over the reserve on terms and conditions providing that the lessee should be entitled to compensation for boundary fences only from any incoming tenant, and that in the event of the land not being again leased the lessee should not be entitled to any compensation for improvements:

And whereas the lease has expired and, as for reasons hereinafter appearing the reserve has not been again offered for lease, the former lessee is not legally entitled to any compensation for improvements:

And whereas at the request of the trustees and with the approval of the local authorities of the district action has been taken to cancel the vesting of the reserve in the said body corporate and to change the purpose of the reservation from a reserve for a racecourse to a reserve for a site for an aerodrome:

And whereas the control of such reserve is now vested in the Frankton Aerodrome Board pursuant to the provisions of section 17 of the Public Reserves, Domains, and National Parks Act 1928:

And whereas it is desirable that the said body corporate should be dissolved, that all its assets and liabilities should be transferred to and vested in the said

Aerodrome Board, that the said Board should be empowered to deal with any claim for compensation for improvements submitted by the former lessee of the reserve if it should think fit to do so, and that the Queenstown Racecourse Reserve Act 1879 should be repealed:

Be it therefore enacted as follows:

- (1) The body corporate known as the Trustees of the Queenstown Racecourse, as constituted under the provisions of the Queenstown Racecourse Reserve Act 1879, is hereby dissolved, and all assets and liabilities of the said body corporate are hereby transferred to and vested in the Frankton Aerodrome Board as constituted by the Order in Council published in the *Gazette* of 2 December 1937.
- (2) The said Frankton Aerodrome Board is hereby authorised to deal in such manner as it may think fit with any claim for compensation for improvements submitted by the former lessee of the reserve, and to make such payment (if any) as it may deem to be reasonable and equitable under the circumstances of the case, and in connection therewith to take into consideration and set off any arrears of rent that may be owing by the lessee in respect of his occupation of the reserve.
- (3) The Queenstown Racecourse Reserve Act 1879 is hereby repealed.

21 Restriction on construction of drains, etc, likely to endanger Tarawera River improvement works

[Repealed]

Section 21: repealed, on 1 April 1957, by section 20(1) of the Rangitaiki Land Drainage Act 1956 (1956 No 34).

22 Validating a burial in private ground and providing for the setting aside of private burial grounds for the Burnett family

- (1) Notwithstanding anything to the contrary in the Cemeteries Act 1908, or any other Act, the burial of the body of the late Catherine MacKay Burnett in the land described in subsection (6) is hereby declared to have been lawfully made.
- (2) From and after the passing of this Act the said land shall be deemed to be a private burial ground to be called and known by the name of the Burnett Family Private Burial-ground as if it had been declared to be a private burial ground under section 2 of the Cemeteries Amendment Act 1912, and the provisions of that Act shall apply to such land in all relevant respects. The lineal descendants of the late Andrew Burnett, formerly of “Aorangi”, Cave, in the County of Mackenzie, and of his wife, the late Catherine Burnett, and the husbands or wives of any of the said lineal descendants of Andrew Burnett and of his wife, Catherine Burnett, shall be the only class of persons who may now or hereafter be buried in the said Burnett Family Private Burial-ground.
- (3) 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 Thomas David Burnett may be made in the land referred to in subsection (7).

- (3A) Notwithstanding section 36(3) of the Burial and Cremation Act 1964 or subsection (4) of this section, the bodies of Donald Mount Cook Burnett and Caitriana Mackay Beatoch Baker may be buried in the land referred to in subsection (7) of this section.
- (4) The body of no other person shall be buried in the said land.
- (5) Notwithstanding that the said land at present forms part of an area held by the said Thomas David Burnett under a pastoral licence issued pursuant to the provisions of Part 6 of the Land Act 1924, the Governor-General may by notice in the *Gazette*, describing the land by its metes and bounds, declare such land to be set apart in perpetuity as a private burial ground for the said Thomas David Burnett, and thereupon the said land shall cease to be subject to the pastoral licence under which it is at present held, and the provisions of the Cemeteries Amendment Act 1912 shall apply to the said land.
- (6) The land to which subsections (1) and (2) relate is particularly described as follows:

All that area in the Canterbury Land District, containing by admeasurement 3 acres 6 perches and eight-tenths of a perch, more or less, and being part of Rural Section 25376, situated in Block IX, Pareora Survey District, and bounded as follows: towards the north generally by other part of Rural Section 25376, 718.0 links, 138.7 links, 496.1 links, 412.75 links, 1 461.0 links, and 177.9 links; towards the east by a public road, 62.78 links; and towards the south generally by other part of Rural Section 25376, 152.0 links, 1 475.7 links, 494.04 links, and 536.0 links: as the same is more particularly delineated on the plan marked L and S 2/607A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

- (7) The land to which subsections (3), (4), and (5) relate is described as follows:
- All that area in the Canterbury Land District, containing 2 acres, more or less, being part of Run Number 83, situated in Block X, Cass Survey District, and bounded by lines within the limits of an area bounded towards the north by an east and west line from Trig L to the Tasman River; towards the east by a line joining the said Trig L with the north-east corner of Reserve 2874; towards the south-east by the north-western boundary of the said Reserve 2874; and towards the west generally by the Tasman River: as the latter area is more particularly delineated on the plan marked L and S 2/607B, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

Section 22(3A): inserted, on 13 January 1984, by section 7 of the Reserves and Other Lands Disposal Act 1983 (1983 No 148).

23 Validating a certain payment by the Waikawa Domain Board

Notwithstanding anything to the contrary in the Local Authorities (Members' Contracts) Act 1934, or in any other Act, the payment of 10 pounds made during the financial year ended on 31 March 1937 by the Waikawa Domain Board to Thomas Edward Wybrow in respect of a contract carried out by him while a member of the said Board is hereby validated and declared to have been lawfully made by the said Board and to have been lawfully received by the said Thomas Edward Wybrow.

24 Authorising trustees of will of late Sir John Logan Campbell to expend certain trust funds

The trustees of the will of the late Sir John Logan Campbell are hereby empowered to expend from the funds held by them as trustees towards the cost of the works authorised by subsection (2) of section 2 of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1912 the sum of 15,000 pounds.

25 Validating payments made by the Woodend Domain Board

Notwithstanding anything to the contrary in the Public Reserves, Domains, and National Parks Act 1928, or in any other Act, the payments of 15 pounds 18 shillings and 6 pence made during the financial year ended on 31 March 1937, and 8 pounds and 8 shillings made during the financial year ended on 31 March 1938, by the Woodend Domain Board to Barnard John Archer in respect of services rendered by him as the Board's Secretary while a member of the said Board are hereby validated and declared to have been lawfully made by the said Board and to have been lawfully received by the said Barnard John Archer.

26 Providing for the care, management, and protection of the national park areas along Te Anau – Milford Sound Road

[Repealed]

Section 26: repealed, on 1 April 1953, by section 65(1) of the National Parks Act 1952 (1952 No 54).

27 Authorising an exchange of lands between His Majesty and Auckland City Council, and validating a transfer of land to the Council

Whereas it was provided by sections 32 and 33 of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1924 that the parcels of land described therein, being lands of the Crown and of the Corporation of the City of Auckland, might be exchanged, that an agreement for exchange of certain lands in Auckland City should be validated and that compensation should

be determined by a Compensation Court to be constituted under the Public Works Act 1908:

And whereas the said section 32 further provided for possession of the lands to be exchanged being taken by or on behalf of the Crown and by the Auckland City Council respectively not later than 30 November 1925:

And whereas possession was not taken as so provided:

And whereas it has been agreed that the land of the Auckland City Council described in paragraph (i) of subsection (11) of the said section 32 should be exchanged for other land of the Crown:

And whereas the area of land described in subsection (6) of the said section 33 has been transferred to the Auckland City Council by the vendors as described in such section:

Be it therefore enacted as follows:

- (1) The transfer of the area of land described in subsection (6) of section 33 of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1924 from Alfred Edward Francis Gilbert and Augustus Henry Gilbert, of Auckland, printers, to the Auckland City Council is hereby validated.
- (2) The Auckland City Council is hereby authorised to transfer to His Majesty the King free from encumbrances the land described in paragraph (i) of subsection (11) of section 32 of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1924.
- (3) On completion of the transfer to His Majesty of the land which the Auckland City Council is authorised to transfer under the provisions of the last preceding subsection, the Governor-General may by Warrant under his hand authorise the issue of a certificate of title for an estate in fee simple free from encumbrances to the Corporation of the Mayor, Councillors, and Citizens of the City of Auckland for the land described in subsection (6).
- (4) The District Land Registrar for the Land Registration District of Auckland is hereby empowered and directed to register all transfers, titles, and other documents necessary to give effect to the provisions of the last 2 preceding subsections without payment of any fees whatsoever.
- (5) *Amendment(s) incorporated in the Act(s).*
- (6) The land to which subsection (3) relates is particularly described as follows:

All that area in the North Auckland Land District, containing 13 perches, more or less, being parts of Allotments 4 and 5 of Section 4, City of Auckland, and bounded as follows: towards the north by part Allotment 5 of Section 4, City of Auckland, shown on a plan numbered 27010, and deposited in the office of the District Land Registrar at Auckland; towards the east by O'Connell Street; towards the south by Chancery Lane; and towards the west generally by Chancery Lane, part Allotment 4 of Section 4, City of Auckland, shown on plan numbered 22795 deposited as aforesaid, and Lots 4 and 3 on plan numbered

19507 deposited as aforesaid, being part of Allotment 4 of Section 4, City of Auckland: as the same is more particularly delineated on the plan numbered 29775, deposited in the office of the Chief Surveyor at Auckland, and thereon bordered red.

28 Validating the borrowing of certain moneys by the Westshore Domain Board, and validating payments of interest and repayment of principal

Notwithstanding anything to the contrary in the Public Reserves, Domains, and National Parks Act 1928, or in any other Act or rule of law, the actions of the Westshore Domain Board in borrowing from the Napier Thirty Thousand Club, a society duly incorporated under the Incorporated Societies Act 1908, the sum of 209 pounds 14 shillings and 3 pence during the financial year ended on 31 March 1931 and in paying interest thereon and in repaying principal in respect thereof (including the payment by the said Board of the sum of 162 pounds and 18 shillings, being a sum paid to the said Board under the authority of subsection (2) of section 41 of the Public Reserves, Domains, and National Parks Act 1928 for the improvement of the Westshore Domain) are hereby validated and declared to have been lawful.

29 Validating the borrowing of certain moneys by the South Egmont Local Committee of the Egmont National Park Board, and validating past payments and empowering future payments of principal and interest

Notwithstanding anything to the contrary in the Egmont National Park Act 1924, or in any other Act or rule of law, the actions of the South Egmont Local Committee of the Egmont National Park Board in borrowing sums amounting to 200 pounds during the financial year ended 31 March 1936 and in paying interest thereon and in repaying principal in respect thereof are hereby validated and declared to have been lawful, and the said committee is hereby authorised and empowered from time to time to make further repayments of principal and until the sums borrowed are repaid to make periodical payments of interest in respect of the principal outstanding.

30 Validating certain payments by the Brighton Domain Board

Notwithstanding anything to the contrary in the Public Reserves, Domains, and National Parks Act 1928, or in any other Act, the payment of 17 pounds and 16 shilling made during the financial year ended 31 March 1938 by the Brighton Domain Board to John Thornley, a member of the Board, and the payment of 3 pounds and 12 shillings made during the same year by the said Board towards the expenses of certain organisations providing entertainment at the domain, are hereby validated and declared to have been lawfully made, and the payment to the said John Thornley is hereby declared to have been lawfully received by him.

31 Authorising the Minister of Public Works to construct the Lake Forsyth outlet to the sea and provisions incidental thereto

[Repealed]

Section 31: repealed, on 21 October 1955, by section 21(1) of the Reserves and Other Lands Disposal Act 1955 (1955 No 49).

32 Providing for the transfer to Gisborne Land Registry of certificates of title wrongly registered in Hawke's Bay Registry

Whereas since 1 January 1897 the land hereinafter described has been within the boundaries of the Gisborne Land Registration District:

And whereas the said land was included in a Warrant under the hand of the Governor forwarded in error to the District Land Registrar for the Hawke's Bay Land Registration District on 24 July 1915 and, pursuant to that Warrant, certificates of title under the Land Transfer Act 1908 were issued for the land, and instruments of various kinds affecting the land were thereafter registered in the Land Registry Office of the Hawke's Bay Land Registration District:

And whereas the said land is now comprised in the certificates of title hereinafter referred to:

And whereas the said Warrant under the hand of the Governor should have been forwarded to the District Land Registrar for the Gisborne Land Registration District and all instruments affecting the land should have been registered in the Land Registry Office of that district:

And whereas it is desirable to provide for the rectification of the registers in the manner hereinafter set out:

Be it therefore enacted as follows:

- (1) The District Land Registrar for the Hawke's Bay Land Registration District shall transmit to the District Land Registrar for the Gisborne Land Registration District certified copies of certificates of title, HB Volume 4, folios 79 and 80, Hawke's Bay Registry, and also all instruments or copies of instruments in his possession affecting the land to which this section relates or, where they also affect other land, certified copies thereof, and the District Land Registrar for the Gisborne Land Registration District shall include the copies of the certificates of title and other documents so forwarded to him in the register kept by him under the provisions of the Land Transfer Act 1915 and thenceforth the said certificates of title and the instruments theretofore registered or entered on the register in relation to the said land shall have the same force and effect as if they had in the first instance been issued, registered, or entered, as the case may be, by the District Land Registrar for the Gisborne Land Registration District.
- (2) The land to which this section relates is particularly described as follows:
All those parcels of land containing together 51 acres, more or less, being Sections 4 and 5, Block XVI, on the public map of the Opoiti Survey District.

33 Declaring Crown land on Farewell Spit a reserve for the preservation of flora and fauna, authorising the reservation as a sanctuary of areas below high-water mark in the vicinity, and providing for the care and protection of all the same

[Repealed]

Section 33: repealed, on 21 December 1977, by section 14 of the Reserves and Other Lands Disposal Act 1977 (1977 No 104).

34 Vesting land fronting Wellington Railway Station in the Corporation of the City of Wellington for street purposes

Whereas the land hereinafter described was, with other land, taken for the purposes of the Wellington–Napier Railway by a Proclamation published in the *Gazette* of 24 November 1881:

And whereas the said land has been laid out in streets on which carriageways, footways, and gardens have been constructed as shown on the plan marked LO 4781, deposited in the office of the Minister of Railways at Wellington, and thereon coloured burnt sienna, neutral, and pink and green, and such land is not now required for railway purposes:

And whereas it is expedient that the said land be vested in the Mayor, Councilors, and Citizens of the City of Wellington (hereinafter referred to as the **Corporation**) upon trust for the purposes of a street, subject, however, to certain conditions as hereinafter provided:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Municipal Corporations Act 1933, or any other Act, the land described in subsection (3) is hereby vested in the Corporation upon trust for the purposes of a street, subject to the following conditions:
 - (a) except with the prior consent in writing of the Minister of Railways, no building, structure, or erection of any kind whatsoever shall be built, erected, or placed upon the said land:
 - (b) except with the prior consent in writing of the Minister of Railways, no alteration shall be made in the layout of the carriageways, footways, or gardens on the said land:
 - (c) the gardens and footways from time to time on the said land shall be maintained by the said Corporation at its own expense:
 - (d) the carriageways from time to time on the said land shall be maintained by the said Corporation and half the cost of maintenance shall be paid by the Government Railways Department.
- (2) The District Land Registrar for the Land Registration District of Wellington is hereby directed and empowered to issue a certificate of title in respect of the said land in favour of the Corporation for the purposes of and subject to the conditions set out in this section.

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

All that area in the City of Wellington, containing by admeasurement 1 acre and 35 perches and nine-tenths of a perch, more or less, being part of the Thorndon Reclamation, and being part of the land comprised and described in certificate of title, Volume 443, folio 66, Wellington Registry: as the same is more particularly delineated on the plan marked LO 5363, deposited in the office of the Minister of Railways at Wellington, and thereon coloured yellow.

35 Special provision for application of proceeds from sale of trees on the Okotuku Domain

Notwithstanding anything to the contrary in the Public Reserves, Domains, and National Parks Act 1928, the Okotuku Domain Board is hereby empowered to apply the proceeds from the sale of certain trees now growing on the Okotuku Domain, or such part of such proceeds as it may think fit, in or towards the construction of horse boxes on the said domain.

36 Vesting Section 13, Block XIV, Town of Manaia, in His Majesty as an addition to the Manaia Domain

Whereas the land hereinafter described is vested in the Manaia Town Board as a site for a public library and as an endowment for town purposes:

And whereas the said land is not required as a site for a public library, and it is desirable that it should be added to the Manaia Domain in order that it may be used as portion of the site of public swimming baths which are to be constructed in the Town of Manaia:

And whereas it is desirable to make suitable provision in that behalf:

Be it therefore enacted as follows:

- (1) The land described in subsection (3) is hereby declared to be vested in His Majesty the King as a recreation reserve, to be subject to the provisions of Part 2 of the Public Reserves, Domains, and National Parks Act 1928 and to form portion of the Manaia Domain.
- (2) The District Land Registrar for the Land Registration District of Taranaki is hereby empowered and directed to make such entries in the register book and in the outstanding certificate of title for the said land as may be necessary to give effect to the provisions of this section.
- (3) The land to which this section relates is particularly described as follows:
- All that area in the Taranaki Land District, containing by admeasurement 1 rood, more or less, being Section 13, Block XIV, Town of Manaia, and being all the land comprised in certificate of title, Volume 9, folio 16, Taranaki Registry.

37 Authorising the Wellington City Council to use portion of the Town Belt for a motor camp

Notwithstanding anything to the contrary contained in a deed dated 17 March 1873, made between the Superintendent of the Province of Wellington of the one part and the Mayor, Councillors, and Citizens of the City of Wellington as then constituted of the other part, or in any Act, the Wellington City Council is hereby authorised and empowered to set apart and use for a motor camp such portion of the Town Belt in the City of Wellington, not exceeding 10 acres, as the Minister of Lands may approve, and for the development, maintenance, and control thereof the Council may spend out of its District Fund such sum or sums in any year as it may think fit, and the said Council may fix such charges for the use of the said motor camp as it thinks fit.

38 Vesting part of Waterloo Quay in the Corporation of the City of Wellington as a street and provisions incidental thereto

Whereas the land hereinafter described is at present vested in the Wellington Harbour Board:

And whereas, consequent upon certain arrangements which are being entered into between the said Board, the Wellington City Council, and His Majesty the King, it is desirable that the said land should be vested in the Corporation of the Mayor, Councillors, and Citizens of the City of Wellington (hereinafter referred to as the **Corporation**) as a street:

And whereas it is expedient to make provision as hereinafter provided:

Be it therefore enacted as follows:

- (1) The land hereinafter described is hereby vested in the Corporation for the purposes of a street.
- (2) *Amendment(s) incorporated in the Act(s).*
- (3) His Majesty the King, the Wellington Harbour Board, and the Mayor, Councillors, and Citizens of the City of Wellington are hereby authorised and empowered to execute and to carry out the provisions of a deed of agreement, the terms of which have been already arranged and a draft copy of which is deposited in the office of the Minister of Railways at Wellington, marked and numbered LO 430.
- (4) All railway lines now constructed, and all lines hereafter constructed pursuant to the agreement authorised by the last preceding subsection, across, upon, or along Waterloo Quay, including therein the whole of its length from Whitmore Street to its junction with the street now being formed, the latter being known as Aotea Quay, and also across, upon, or along side roads and streets connecting the said Waterloo Quay with the wharves shall be deemed to form part of a Government Railway:

provided that the provisions of subsection (1) of section 56 of the Government Railways Act 1926 shall not apply with respect to any such railway lines.

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

All that area in the Wellington Land District, in the City of Wellington, containing by admeasurement 6 acres 1 rood 2 perches, more or less, being part of the land known as Waterloo Quay, and being part of the land referred to in paragraph 1 of Schedule 1 of the Wellington Harbour Board and Corporation Land Act 1880: as the same is more particularly delineated on the plan marked SO 20314, deposited in the Office of the Chief Surveyor at Wellington, and thereon coloured red.

Also all that area in the Wellington Land District, in the City of Wellington, containing by admeasurement sixteen one-hundredths of a perch, more or less, being the land described in Schedule 6 of the Wellington Harbour Board Reclamation and Empowering Act 1898, being part of Section 2, Block I, Thorndon Reclamation, and being all the land comprised in certificate of title, Volume 103, folio 17, Wellington Registry: as the same is more particularly delineated on the plan marked SO 20314, deposited in the Office of the Chief Surveyor at Wellington, and thereon coloured yellow.

Section 38(5): amended (with effect on 16 September 1938), on 29 September 1939, by section 5 of the Reserves and other Lands Disposal Act 1939 (1939 No 23).

39 Declaring certain Crown land to be education endowment and authorising Taranaki Land Board to incorporate the same in education-endowment leases of adjoining land

Whereas the land hereinafter described formerly comprised portion of the Maniaia Branch Railway Reserve, and was declared Crown land by a Proclamation published in the *Gazette* of 24 September 1931:

And whereas the said land adjoins and intersects certain other land set apart as an endowment for primary education and leased to certain lessees:

And whereas it is desirable that the said land should also be set apart as an endowment for primary education and that it should be incorporated in the said leases:

And whereas it is expedient that special authority should be provided in that behalf:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act, the land described in the Schedule is hereby declared to be set apart as an endowment for the purpose of primary education. The Taranaki Land Board may incorporate such part of the said land as it thinks fit with any of the adjoining primary-education-endowment land leased as aforesaid and make any consequential adjustment of rent required, and thereupon the land so incorporated shall be held on the same tenure and upon the same terms and conditions and shall be subject to the same rights, titles, interests, and encumbrances as the other land comprised in the lease affected thereby.

- (2) A certificate under the hand of the Commissioner of Crown Lands for the Land District of Taranaki shall be sufficient authority to the District Land Registrar of the Land Registration District of Taranaki to make appropriate entries in respect of such incorporation on the respective leases retained in his office and on the outstanding copies thereof, and to do such other things as may be necessary to give full effect to the provisions of this section.

40 Validating a certain payment by the Papanui Domain Board

Notwithstanding anything to the contrary in the Local Authorities (Members' Contracts) Act 1934, or in any other Act, the payment of 20 pounds made during the financial year ended 31 March 1938 by the Papanui Domain Board to Raymond Victor Clarke in respect of a contract carried out by him while a member of the said Board is hereby validated and declared to have been lawfully made by the said Board and to have been lawfully received by the said Raymond Victor Clarke.

Schedule
Land situated in the Taranaki Land District to which section 39
relates

Section	Block	Survey district of	Area		
			a	r	p
Part 45	XV	Kaupokonui	3	0	18.1
Part 45	XV	Kaupokonui	1	1	19.4
Part 46	XV	Kaupokonui	3	0	7.0
Part 46	XV	Kaupokonui	10	3	11.0
47 and Part 48	XV	Kaupokonui	1	2	35.8
Part 48	XV	Kaupokonui	2	3	0.8
79	III	Waimate	1	1	14.1
80	III	Waimate	1	1	13.3
81	III	Waimate	2	1	37.0
82	III	Waimate	2	3	16.6
83	III	Waimate	2	1	26.5
84	III	Waimate	1	2	36.1

As the same is delineated on the plan marked L and S 23/360, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon coloured red and blue.

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 1938. The reprint incorporates all the amendments to the Act as at 13 January 1984, 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)***

Reserves and Other Lands Disposal Act 1983 (1983 No 148): section 7

Reserves and Other Lands Disposal Act 1977 (1977 No 104): section 14

Reserves and Other Lands Disposal Act 1963 (1963 No 128): section 9(2)

Rangitaiki Land Drainage Act 1956 (1956 No 34): section 20(1)

Reserves and Other Lands Disposal Act 1955 (1955 No 49): sections 21(1), 26(1)

National Parks Act 1952 (1952 No 54): section 65(1)

Land Act 1948 (1948 No 64): section 185(1)

Reserves and other Lands Disposal Act 1939 (1939 No 23): section 5

Small Farms Amendment Act 1939 (1939 No 21): section 2(2)