

**Reprint
as at 21 October 1955**



**Reserves and other Lands Disposal
Act 1945**

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Contents

	Page
Title	2
1 Short Title	2
2 Cancelling the reservation over certain education-endowment land in Otago Land District, and setting it apart as a permanent State forest	3
3 Cancelling the reservation as an endowment for primary education over certain land in the Town of East Winton, and declaring the land to be subject to Part 1 of the Housing Act 1919	3
4 Authorising the Te Awamutu Borough Council to transfer certain land to the Waikato Hospital Board [<i>Repealed</i>]	4
5 Authorising the Auckland City Council to raise a special loan for the purpose of extending the transport terminus on the old railway-station site at Auckland	4
6 Authorising the Geraldine County Council to sell certain land	5

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 over the Pokeno Domain, and declaring portion to be a scenic reserve and portion to be Crown land	6
8	Cancelling the reservation for a fish market over certain land in the Town of Picton, declaring the said land to be subject to Part 1 of the Housing Act 1919, and authorising a payment by the Crown to the Picton Borough Council	7
9	Authorising the sale of certain recreation reserves in Block X, Christchurch Survey District, and providing for the application of the proceeds towards the acquisition of land for domain purposes	7
10	Vesting a cemetery reserve in the Corporation of the Borough of Balclutha and authorising the sale of portion of the reserve	9
11	Authorising the Cornwall Park trustees to make part of Cornwall Park available for hospital purposes, and validating an agreement between the Minister of Works, the Cornwall Park trustees, and the Auckland Hospital Board <i>[Repealed]</i>	11
12	Authorising leasing of portion of the Pukeroa Reserve, Rotorua, to the Women's Health League (Incorporated) for a site for a Maori guest-house	11
13	Authorising the acquisition by the Crown of certain land in Karori district for cemetery purposes, vesting the land in the Crown, and authorising the exchange of part thereof for certain private land	12

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 1945.

2 Cancellling the reservation over certain education-endowment land in Otago Land District, and setting it apart as a permanent State forest

Whereas the land hereinafter described is reserved as an endowment for primary education:

And whereas the said land extends into the Herbert State Forest:

And whereas for the consolidation and better management of that forest it is desirable that the said land should be brought under the provisions of the Forests Act 1921–22, and be administered and dealt with in all respects as a permanent State forest:

Be it therefore enacted as follows:

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

All that area in the Otago Land District, containing by admeasurement 173 acres and 36 perches, more or less, being Sections 34 and 35, Block VIII, Otepopo Survey District, and being all the land contained in certificate of title, Volume 180, folio 103, Otago Registry: as the same is more particularly delineated on the plan marked L and SX/100/32, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

3 Cancellling the reservation as an endowment for primary education over certain land in the Town of East Winton, and declaring the land to be subject to Part 1 of the Housing Act 1919

Whereas the land hereinafter described is reserved as an endowment for primary education:

And whereas it is desirable that such reservation should be cancelled and that the said land should be set apart for housing purposes subject to the provisions of Part 1 of the Housing Act 1919:

Be it therefore enacted as follows:

- (1) The reservation as an endowment for primary education over the land hereinafter described is hereby cancelled, and the said land is hereby set apart for housing purposes, subject to the provisions of Part 1 of the Housing Act 1919.
- (2) The land to which this section relates is particularly described as follows:

All that area in the Southland Land District, containing by ad-measurement 3 acres 2 roods and 24 perches, more or less, being Section 4, Block IV, Town of East Winton, and being part of the land comprised in certificate of title, Volume 65, folio 34, Southland Registry: as the same is more particularly delineated on the plan marked L and S 20/1128, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

4 Authorising the Te Awamutu Borough Council to transfer certain land to the Waikato Hospital Board

[Repealed]

Section 4: repealed, on 21 October 1955, by section 12(3) of the Reserves and Other Lands Disposal Act 1955 (1955 No 49).

5 Authorising the Auckland City Council to raise a special loan for the purpose of extending the transport terminus on the old railway-station site at Auckland

Whereas by subsection (3) of section 23 of the Reserves and other Lands Disposal Act 1935, as amended by section 30 of the Reserves and other Lands Disposal Act 1936, the Auckland City Council (hereinafter called the **Council**) was authorised and empowered to establish on certain land therein mentioned and on any adjacent lands a transport terminus and to equip the same in the manner therein mentioned and by special order and without taking the steps described in sections 9 to 13 of the Local Bodies' Loans Act 1926 to raise a special loan not exceeding 39,000 pounds for the purpose of establishing and equipping the said terminus:

And whereas the Council has duly established and equipped the said terminus:

And whereas it is desirable that the platform at the said terminus should be extended:

Be it therefore enacted as follows:

The Council may by special order, and without taking the steps described in sections 9 to 13 of the Local Bodies' Loans Act 1926, raise a special loan not exceeding 8,600 pounds for the purpose of extending the platform and carrying out all incidental alterations at the said transport terminus.

6 Authorising the Geraldine County Council to sell certain land

Whereas by an Order in Council issued pursuant to section 7 of the Public Reserves Act Amendment Act 1878, dated 19 April 1881, and published in the *Gazette* of the 21st day of that month, the land hereinafter described was declared to be dedicated for a site for a Road Board office:

And whereas the said land is now vested in the Corporation of the County of Geraldine:

And whereas it is expedient that the Geraldine County Council should be empowered to sell the said land and to apply the proceeds towards the cost of erecting new county buildings:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act, the Geraldine County Council is hereby empowered to sell the said land freed and discharged from the trusts, reservations, and restrictions affecting the same.
- (2) The net proceeds from the sale shall be applied towards the cost of erecting new county buildings.
- (3) The land to which this section relates is particularly described as follows:

All that area in the Canterbury Land District, containing by admeasurement 39 perches, more or less, being Reserve 1621, Town of Geraldine, situated in the Borough of Geraldine: as the same is more particularly delineated on the plan marked L and S 27533, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

7 Cancellling the reservation over the Pokeno Domain, and declaring portion to be a scenic reserve and portion to be Crown land

Whereas the lands hereinafter described are reserves subject to Part 2 of the Public Reserves, Domains, and National Parks Act 1928, and are known as the Pokeno Domain:

And whereas the said lands are unsuitable and have never been used for the purpose of public recreation:

And whereas it is desirable that the land firstly hereinafter described should be reserved as a scenic reserve subject to the provisions of the Scenery Preservation Act 1908, and that the land secondly hereinafter described should be declared to be Crown land:

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 the purposes of a public domain over the lands hereinafter described (being the Pokeno Domain) is hereby cancelled.
- (2) The land firstly hereinafter described is hereby declared to be a scenic reserve subject to the provisions of the Scenery Preservation Act 1908.
- (3) The land secondly hereinafter described is hereby declared to be Crown land available for disposal by way of sale for cash under the Land Act 1924.
- (4) The provisions of subsection (2) of section 41 of the Public Reserves, Domains, and National Parks Act 1928 are hereby declared to apply to the proceeds of the sale of the land referred to in the last preceding subsection.
- (5) The lands to which this section relates are particularly described as follows:

Firstly, all that area in the North Auckland Land District, containing by admeasurement 105 acres and 3 roods, more or less, being Allotment 154, Parish of Maungatawhiri.

Secondly, all that area in the North Auckland Land District, containing by admeasurement 26 acres 1 rood and 4 perches, more or less, being Lot 138, Settlement of Pokeno, Suburban Section 1, Parish of Maungatawhiri.

8 Cancellling the reservation for a fish market over certain land in the Town of Picton, declaring the said land to be subject to Part 1 of the Housing Act 1919, and authorising a payment by the Crown to the Picton Borough Council

Whereas by Warrant dated 1 December 1880 a certificate of title to the land described in subsection (4) was authorised to be issued to the Mayor, Councillors, and Burgesses of the Borough of Picton in trust as a site for a fish market:

And whereas the said land is no longer required for the purposes for which it is held, and the Picton Borough Council (hereinafter called the **Council**) has agreed to the land being used by the Crown for housing purposes, subject to the payment of a certain sum by way of compensation:

Be it therefore enacted as follows:

- (1) The land described in subsection (4) is hereby vested in His Majesty the King and set apart for housing purposes, subject to the provisions of Part 1 of the Housing Act 1919.
- (2) The payment to the Council of the sum of 250 pounds out of the Housing Account under the Housing Act 1919 for the land described in subsection (4) is hereby authorised.
- (3) The said sum of 250 pounds shall be applied by the Council in and towards the carrying out of improvements on land included in the Waitohi Domain.
- (4) The land to which subsections (1) and (2) relate is particularly described as follows:

All that area in the Marlborough Land District, containing by admeasurement 2 roods, more or less, being Sections 353 and 456, Town of Picton, situated in the Borough of Picton, and being all the land comprised in certificate of title, Volume 3, folio 48, Marlborough Registry.

9 Authorising the sale of certain recreation reserves in Block X, Christchurch Survey District, and providing for the application of the proceeds towards the acquisition of land for domain purposes

Whereas by section 14 of the Reserves and other Lands Disposal Act 1934 the reservations over certain lands in Block X, Christchurch Survey District, were cancelled and such lands

were declared to be Crown land available for disposal by way of sale for cash under the Land Act 1924:

And whereas by the said section authority was provided for the payment of the proceeds of the sale of the said lands, less the costs of the sale of such lands, to the Waimairi County Council (hereinafter called the **Council**), and it was further provided that such moneys should be paid by the Council into the sinking fund of any loan raised by it for the purpose of acquiring land for a public domain or be otherwise applied towards the redemption of such loan:

And whereas the Council borrowed by way of special loan a certain sum to enable it to acquire land in the Fendalton Riding as a public domain, and on acquisition transferred the land to the Crown for that purpose:

And whereas the Council has been authorised to raise a further loan for the purpose of acquiring additional land in the Fendalton Riding for a public domain:

And whereas such land has been duly acquired and is being transferred to the Crown for that purpose:

And whereas there are situated within the said riding certain further reserves which have become vested in the Crown upon the subdivision of private properties, and which could be sold without detriment to the district:

And whereas it is desirable that such reserves should be sold and the proceeds therefrom paid to the Council to be applied as hereinafter appearing:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Public Reserves, Domains, and National Parks Act 1928, or in any other Act, the existing reservation for recreation purposes over the lands hereinafter described is hereby cancelled and such lands are hereby declared to be Crown land available for disposal by way of sale for cash under the Land Act 1924.
- (2) The provisions of subsection (2) of section 14 of the Reserves and other Lands Disposal Act 1934, relating to the proceeds of the sale of the lands disposed of pursuant to subsection (1) of that section shall apply, with the necessary modifications,

to the proceeds of the sale of the lands referred to in the last preceding subsection.

- (3) The lands to which subsection (1) relates are particularly described as follows:

All those areas in the Canterbury Land District, containing by admeasurement 1 acre 18 perches and four-tenths of a perch, more or less, being Reserves numbered 4436, 4400, and 4340, situated in Block X, Christchurch Survey District: as the same are more particularly delineated on the plans marked L and S 1/1105 G, H, and J, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

10 Vesting a cemetery reserve in the Corporation of the Borough of Balclutha and authorising the sale of portion of the reserve

Whereas the land hereinafter described was set aside as a public cemetery by section 2 of the Ordinance of the Superintendent and Provincial Council of the Province of Otago intituled the Cemeteries Ordinance, 1865:

And whereas the said land has been administered by the Balclutha Borough Council (hereinafter called the **Council**):

And whereas it is expedient that the said land should be vested in the Corporation of the Borough of Balclutha:

And whereas portion of the said land is unsuitable and has never been used for the purpose of a public cemetery:

And whereas it is expedient that the Council should be empowered to sell the said portion of the said land and to apply the proceeds in the acquisition of other lands to be held for the purpose of a public cemetery, or in the development or improvement of any lands now vested in or which may hereafter become vested in the said Corporation for the said purpose:

Be it therefore enacted as follows:

- (1) The whole of the land described in subsection (5) is hereby vested in the Corporation of the Borough of Balclutha for the purpose of a public cemetery.
- (2) Notwithstanding anything to the contrary in any Act, the Council is hereby empowered to sell that portion of the said land firstly described in subsection (5) or any part thereof by

public auction, public tender, or private contract, or partly by the one and partly by the other of such modes of sale, and either in one lot or in subdivisions as the Council may in its discretion decide, freed and discharged from the trusts, reservations, and restrictions affecting the same, but subject to such conditions as to title, time, or mode of payment of purchase-money or otherwise as it thinks fit, and with or without a grant or reservation of rights-of-way, rights of water easements, drainage easements, or other rights, privileges, or easements, in favour of the purchaser or the said Corporation, or any other person.

- (3) The net proceeds from the sale of the land referred to in the last preceding subsection, or of any part thereof, shall be applied towards all or any of the following objects, namely:
- (a) the purchase or other acquisition of lands to be held for the purpose of a public cemetery:
 - (b) the development or improvement of any lands now vested, or which may hereafter become vested in the said Corporation for the said purpose.
- (4) The Council may utilise for roading purposes any portion of the land firstly described in subsection (5).
- (5) The land to which this section relates is particularly described as follows:

Firstly, all that area in the Otago Land District, containing by admeasurement 2 acres 5 perches and thirty-nine one-hundredths of a perch, more or less, being part of Cemetery Reserve, Block XVII, Town of Balclutha, and bounded as follows: towards the north-west by Section 26, distance 252.92 links; towards the north-east by other part of the said Cemetery Reserve, distance 804.75 links; towards the south-east by a public street, distance 252.91 links; and towards the south-west by Elizabeth Street, distance 803.5 links: be all the aforesaid linkages more or less.

Secondly, all that area in the Otago Land District, containing by admeasurement 8 acres 18 perches and six-tenths of a perch, more or less, being part of Cemetery Reserve, Block XVII, Town of Balclutha, and bounded as follows: towards the north-east by a public street, distance 809.5 links; towards the south-east by a public street, distance 1 012.09 links; to-

wards the south-west by other part of the said Cemetery Reserve, distance 804.75 links; and towards the north-west by part of Section 26, Block XVII, distance 999.08 links: be all the aforesaid linkages more or less.

11 Authorising the Cornwall Park trustees to make part of Cornwall Park available for hospital purposes, and validating an agreement between the Minister of Works, the Cornwall Park trustees, and the Auckland Hospital Board

[Repealed]

Section 11: repealed, on 1 December 1950, by section 36(7) of the Reserves and Other Lands Disposal Act 1950 (1950 No 89).

12 Authorising leasing of portion of the Pukeroa Reserve, Rotorua, to the Women's Health League (Incorporated) for a site for a Maori guest-house

Whereas the land known as the Pukeroa Domain at Rotorua was given to the Crown many years ago by the Maoris, and is a public domain set apart for the use and enjoyment of the inhabitants of Rotorua:

And whereas the greater portion of the said domain has been leased for hospital purposes to the Waikato Hospital Board for a term of 999 years under the authority of section 23 of the Reserves and other Lands Disposal Act 1940:

And whereas the control of the unleased portion of the said domain is vested in the Minister in Charge of Tourist and Health Resorts pursuant to the Tourist and Health Resorts Control Act 1908:

And whereas representatives of the Maori donors of the land have agreed to a proposal that a part of the unleased portion of the domain should be utilised for the purposes of a site for a Maori guest-house:

And whereas it is desirable that effect should be given to the proposal aforesaid, and that a lease of a suitable area should be granted to the Women's Health League (Incorporated) on special terms and conditions as a site for a Maori guest-house:

Be it therefore enacted as follows:

- (1) Notwithstanding the provisions of any Act, the Governor-General may by Order in Council declare that such part of the unleased portion of the Pukeroa Domain as is required for the purposes of a site for a Maori guest-house shall no longer be subject to the control of the Minister in Charge of Tourist and Health Resorts, and at any time after the making of such Order the Governor-General may lease the said part of the domain to the Women's Health League (Incorporated), a body incorporated under the Incorporated Societies Act 1908, and having its registered office at Rotorua, for a term of 999 years, at a peppercorn rental, and upon such terms and conditions as he may think fit:
- provided that should at any time the land so leased be no longer required or used for the purposes of a site for a Maori guest-house, then the lease thereover shall immediately determine and the land revert to the Crown for use as a public domain freed from all rights, title, and interest therein on the part of the Women's Health League (Incorporated).
- (2) The District Land Registrar for the Land Registration District of Auckland is hereby empowered and directed, on the production of such plans and other particulars as he may require, to register any lease executed under the provisions of this section and submitted to him for registration.

13 Authorising the acquisition by the Crown of certain land in Karori district for cemetery purposes, vesting the land in the Crown, and authorising the exchange of part thereof for certain private land

Whereas the land described in subsection (4) has been purchased by the Crown for the purpose of extending the soldiers' cemetery at Karori:

And whereas payment for the said land has been made out of the War Expenses Account:

And whereas it is desirable that portion of the said land should be exchanged for certain private land:

And whereas there is no authority for the acquisition by the Crown of land for cemetery purposes or for the exchange of land so acquired for private land:

And whereas it is desirable that provision should be made as hereinafter appears and that the said payment should be validated:

Be it therefore enacted as follows:

- (1) The land described in subsection (4) is hereby vested in His Majesty the King for cemetery purposes, and the District Land Registrar for the Land Registration District of Wellington is hereby authorised and directed to make such entries in the register and generally do all such things as may be necessary to carry out the provisions of this subsection.
- (2) The payment out of the War Expenses Account of the sum of 5,000 pounds for the land referred to in subsection (1) is hereby validated.
- (3) It shall be lawful for the Governor-General to grant in fee-simple freed and discharged from all trusts and reservations affecting the same the land described in subsection (5) (being portion of the land described in subsection (4)) in exchange for the fee-simple of the private land described in subsection (6), and on completion of such exchange the said private land shall vest in His Majesty for cemetery purposes.
- (4) The land vested in His Majesty for cemetery purposes by subsection (1) is particularly described as follows:

All that area in the Wellington Land District situated in the City of Wellington, containing by admeasurement 3 acres 3 roods and 13.01 perches, more or less, being Lots 2, 3, 4, 5, 7, 9, 10, 12 to 20, 30, 31, 33 to 36, on Deposited Plan 9848, and being parts of Sections 31 and 33, Karori District, situated in Block VI, Port Nicholson Survey District, as the same is more particularly delineated on the plan numbered 21349, deposited in the office of the Chief Surveyor, at Wellington, and thereon coloured orange.
- (5) The land (being portion of the land referred to in the last preceding subsection) which may be exchanged for private land in accordance with subsection (3) is particularly described as follows:

All that area in the Wellington Land District situated in the City of Wellington, containing by admeasurement 25 perches and ninety-seven one-hundredths of a perch, more or less, being

parts of Lots 19 and 20 on Deposited Plan 9848, and being parts of Section 33, Karori District, situated in Block VI, Port Nicholson Survey District, as the same is more particularly delineated on the plan numbered 21362, deposited in the office of the Chief Surveyor, at Wellington, and thereon coloured orange.

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

All that area in the Wellington Land District situated in the City of Wellington, containing by admeasurement 25 perches and ninety-seven one-hundredths of a perch, more or less, being Lot 11 on Deposited Plan 9848, and being part of Section 33, Karori District, situated in Block VI, Port Nicholson Survey District, as the same is more particularly delineated on the plan numbered 21349, deposited in the office of the Chief Surveyor, at Wellington, and thereon coloured 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 1945. The reprint incorporates all the amendments to the Act as at 21 October 1955, 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 1955 (1955 No 49): section 12(3)
Reserves and Other Lands Disposal Act 1950 (1950 No 89): section 36(7)
