

**Reprint
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**Reserves and Other Lands Disposal
Act 1956**

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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 1956.

2 Authorising the change of purpose of certain land in the Town of Manaia

Whereas the land described in subsection (3) is vested in the Chairman, Councillors, and Citizens of the Town District of Manaia (in this section referred to as the **Corporation**) in trust as an endowment for town purposes:

And whereas the said land is not required for those purposes and the Corporation wishes to use it as a site for a library:

And whereas the existing Athenaeum Reserve in the Town of Manaia is unsuitable as a library site and is held under lease:

And whereas it is desirable and expedient that the purpose of the said land be changed from an endowment for town purposes to a reserve for library purposes subject to the Reserves and Domains Act 1953:

Be it therefore enacted as follows:

- (1) The land described in subsection (3) is hereby declared to be no longer vested in the Corporation as an endowment for town purposes, and is hereby declared to be vested in the Corporation in trust as a site for library purposes subject to the provisions of the Reserves and Domains Act 1953, freed and discharged from all other trusts, reservations, and restrictions heretofore affecting the same.
- (2) The District Land Registrar for the Land Registration District of Taranaki is hereby authorised and directed to make such entries in the register books, to register such instruments, and to do all such other things 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, Manaia Town District, being Section 7, Block XIX, Town of Manaia, containing 1 rood, more or less, and being all the land comprised and described in certificate of title, Volume 204, folio 96, Taranaki Registry.

3 Amending section 168 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1924

Whereas section 168 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1924, as amended by subsection (3) of section 25 of the Reserves and Other Lands Disposal Act 1950, authorised the granting of building leases over that portion of the Lake Ellesmere (now Springston South) Domain described in subsection (5) of the said section 168:

And whereas certain of the dwellings erected in pursuance of that authority encroach on portion of a former closed road area which was added to the said domain by Proclamation published in the *Gazette* of 7 March 1935 at page 580:

And whereas it is desirable that this additional land (being the land to which subsection (2) relates) be made subject to the provisions of the said section 168:

Be it therefore enacted as follows:

- (1) The provisions of the said section 168 shall be deemed to apply and to have always applied to that portion of the Springston South Domain described in subsection (2) since 1 March 1935.
- (2) The land to which this section relates is particularly described as follows:

All that area in the Canterbury Land District containing 10 perches and eight-tenths of a perch, more or less, being Reserve 4349, Block XII, Leeston Survey District: as shown on the plan marked L and S 1/456A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon coloured red (SO Plan 6745).

4 Declaring portion of the Havelock Commonage to be Crown land subject to the Land Act 1948 and adding certain other Crown land to the commonage

Whereas the land firstly described in subsection (4) is, together with other land, set apart as a commonage for the inhabitants of the Town of Havelock and the management thereof is vested in the Town of Havelock Commonage Trustees:

And whereas the said land has not been used as and is not required for commonage purposes, and it is desirable that it be declared Crown land subject to the Land Act 1948:

And whereas the land secondly described in the said subsection (4) adjoins the commonage and was formerly held on renewable lease, but was never occupied by the registered lessee and has been occupied as part of the commonage, and it is desirable that it be declared part of the said Havelock Commonage subject to the Havelock Commonage Act 1905:

Be it therefore enacted as follows:

- (1) The land firstly described in subsection (4) is hereby declared to be no longer subject to the provisions of the Havelock Commonage Act 1905, and the said land is hereby declared to be Crown land subject to the Land Act 1948.
- (2) The land secondly described in subsection (4), being formerly portion of the land comprised in renewable lease numbered RL o/303, registered in Volume 290, folio 172, Otago Registry, is hereby declared to be part of the Havelock Commonage subject to the Havelock Commonage Act 1905.
- (3) The District Land Registrar for the Land Registration District of Otago is hereby authorised and directed to deposit such plans, to accept such documents for registration, to make such entries in the register books, and to do all such other things as may be necessary to give effect to the provisions of this section.
- (4) The land to which this section relates is particularly described as follows:

All those areas in the Otago Land District being—

Firstly, parts of Section 44, Block X, Waitahuna East Survey District, containing together 5 acres 10 perches and one-tenth of a perch, more or less:

Secondly, part of Section 9, Block X, Waitahuna East Survey District, containing 5 perches and seven-tenths of a perch, more or less:

As shown on the plan marked L and S 1/356, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red and yellow respectively (SO Plan 11726).

5 Special provisions relating to the Taieri River Trust

Whereas section 19 of the Taieri River Improvement Act 1920 vested in the Taieri River Trust (in this section referred to as the **Trust**) the beds of Lakes Waihola, Waipori, and Tatawai as an endowment:

And whereas subsection (3) of the said section 19 provides that the revenue from the said endowment shall be applied towards interest and other charges on any loan or loans raised for the improvement to the Waipori River waterway and extension of the contour channel and channels through the said lakes:

And whereas section 21 of the Reserves and Other Lands Disposal Act 1931 authorised the vesting of certain other lands in the Trust as an endowment and the application of the revenue therefrom for the purposes aforesaid and any other works pertaining to these lands or the beds of Lakes Waipori and Tatawai:

And whereas a special rate was levied to repay a loan raised for the purposes referred to in subsection (3) of the said section 19, and the revenue from the endowments is not now expended in the manner provided by the said subsection:

And whereas the Trust, without proper authority, has established an account known as the Pumping Station Renewal Reserve Account for the purpose of renewing the Trust's pumping station at Henley:

And whereas the sum of 150 pounds per annum is required to be paid into this Account:

And whereas the Trust wishes to set aside out of the revenue raised from its endowments as referred to in subsection (2) the said annual sum of 150 pounds, and to apply at its discretion any surplus over and above the said sum firstly, towards any work or works carried out on the said endowments and secondly, towards the general maintenance and improvement of works within the Taieri River Trust District:

And whereas there are situated in Lake Waihola certain small islands which are more particularly described in subsection (6), and it is desired that the said islands be vested in the Trust as an endowment subject to the Taieri River Improvement Act 1920:

And whereas it is desirable and expedient that provision be made to validate the establishment of the said Pumping Station Renewal Reserve Account and for the payment into that Account of the annual sum referred to herein and for disbursement of proceeds in the said Account and various ancillary matters dealing with the Trust's operations:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Taieri River Improvement Act 1920 or any other Act or rule of law, the establishment by the Trust of a Pumping Station Renewal Reserve Account is hereby confirmed and validated and declared to have been lawfully done, and the payments heretofore made by the Trust into the said Account are hereby declared to have been lawfully made and the Trust shall hereafter pay to the Pumping Station Renewal Reserve Account an annual sum of 150 pounds as provided in subsection (2), and all moneys paid into that Account shall be administered, and when necessary expended, for such purposes and on such conditions as the Minister of Works may approve.
- (2) The Trust is hereby authorised to set aside out of the revenue received from its endowments created by section 19 of the Taieri River Improvement Act 1920, section 21 of the Reserves and Other Lands Disposal Act 1931, and subsection (4) an annual sum of not less than 150 pounds for payment to the said Pumping Station Renewal Reserve Account.
- (3) Any surplus revenue over and above the said annual sum of 150 pounds shall be applied by the Trust at its discretion firstly, towards any work or works carried out on the said endowments referred to in subsection (2) and secondly, towards the general maintenance and improvement of works within the Taieri River Trust District.
- (4) The islands described in subsection (6) are hereby declared to be vested in the Trust as an endowment subject to the Taieri River Improvement Act 1920, and the Trust shall be, in respect of the said islands, a leasing authority within the meaning of the Public Bodies' Leases Act 1908.
- (5) The District Land Registrar for the Land Registration District of Otago is hereby authorised and directed to deposit such

plans, register such documents, make such entries in the register books, and to do all such other things as may be necessary to give effect to the provisions of this section.

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

All those areas in the Otago Land District, being islands in Lake Waihola adjoining Blocks XXI, XXII, and XXIII, Waihola Survey District, containing together 92 acres, more or less: as shown on the plan marked L and S 15/102C, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (SO Plans 78 and 8343).

6 Vesting certain land in the Corporation of the Borough of Masterton subject to the Municipal Corporations Act 1954

Whereas the land described in subsection (3) is vested in the Mayor, Councillors, and Citizens of the Borough of Masterton (in this section referred to as the **Corporation**) for the purposes of an open space within the meaning of section 298 of the Municipal Corporations Act 1920:

And whereas the Corporation has adequate open spaces and recreation areas in the locality and the said land is no longer required for the purposes of an open space:

And whereas the Corporation wishes to use the said land for housing, and it is desirable and expedient that the land be vested in it subject to the provisions of the Municipal Corporations Act 1954:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act or rule of law, the vesting in the Corporation for the purposes of an open space of the land described in subsection (3) is hereby cancelled, and the land is hereby declared to be vested in the Corporation for an estate in fee simple subject to the provisions of the Municipal Corporations Act 1954, but otherwise freed and discharged from all trusts, reservations, and restrictions heretofore affecting the said land.
- (2) The District Land Registrar for the Land Registration District of Wellington is hereby authorised and directed to deposit such

plans, to accept such documents for registration, to make such entries in the register books, and to do all such other things 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 Wellington Land District, being Lots 28 and 29, DP 8150, being part of Section 43, Manaia Block, situated in Block IV, Tiffin Survey District, containing 1 acre 1 rood 12 perches and eight-tenths of a perch, more or less, and being all the land comprised and described in certificate of title, Volume 350, folio 108, Wellington Registry.

7 Removing certain land from the provisions of section 39 of the Maori Land Claims Adjustment and Laws Amendment Act 1907 and vesting that land in the Corporation of the City of Wellington for recreation purposes

Whereas the land described in subsection (4) is part of a sports ground known as the Alex Moore Recreation Ground, and is vested in the Mayor, Councillors, and Citizens of the City of Wellington for an estate in fee simple in trust for the purposes of pleasure grounds and recreation grounds:

And whereas the said land was originally acquired by the Johnsonville Town Board under the Public Works Act 1905, and payment of compensation was provided for in section 39 of the Maori Land Claims Adjustment and Laws Amendment Act 1907:

And whereas the said section 39 conferred on the Johnsonville Town Board a power of sale in respect of the said land:

And whereas the said land is being developed by the Wellington City Council as the main sports ground for Johnsonville, and the said Council considers that the power of sale conferred as aforesaid is now no longer required, and desires that the said power of sale be cancelled and the said land vested in it as a recreation reserve subject to the Reserves and Domains Act 1953:

Be it therefore enacted as follows:

- (1) Section 39 of the Maori Land Claims Adjustment and Laws Amendment Act 1907 is hereby repealed.
- (2) The vesting of the land described in subsection (4) is hereby cancelled, and the land is hereby declared to be vested in the Mayor, Councillors, and Citizens of the City of Wellington in trust as a recreation reserve subject to the Reserves and Domains Act 1953, but otherwise freed and discharged from all trusts, reservations, and restrictions heretofore affecting the same.
- (3) The District Land Registrar for the Land Registration District of Wellington is hereby authorised and directed to accept such documents for registration, to make such entries in the register books, and to do all such other things as may be necessary to give effect to the provisions of this section.
- (4) The land to which this section relates is particularly described as follows:

All that area in the Wellington Land District, City of Wellington, being Lots 1, 2, 5 to 17, 19 to 30, and part of Lots 31 and 32, Deposited Plan No 2107, and Lots 33 and 35 to 40, Deposited Plan No 2200, being part of Section 8, Porirua District, situated in Block XI, Belmont Survey District, containing 11 acres 12 perches and twenty-nine hundredths of a perch, more or less, and being all the land comprised and described in certificate of title, Volume 600, folio 20, Wellington Registry.

8 Repealing section 6 of the Water Supply Amendment Act 1913

Whereas section 6 of the Water Supply Amendment Act 1913 (in this section referred to as the **said section**) provides that any company formed for the purpose of undertaking land irrigation in the County of Vincent may contract to acquire land from the Crown for development by the company and eventual disposal to purchasers:

And whereas the Alexandra Development Party Limited and the Cromwell Development Company Limited contracted to purchase lands from the Crown in terms of the said section:

And whereas the ventures were not a success and difficulties were experienced by the said companies in disposing of the said land in the manner provided by the said section:

And whereas certain certificates of title issued to purchasers for land disposed of by the said companies in terms of the said section were made subject to the area restrictions imposed by subparagraph (v) of paragraph (a) thereof:

And whereas all the land so acquired by the said companies has now been disposed of, and the Alexandra Development Party Limited has been wound up and the Cromwell Development Company Limited is in the process of being wound up:

And whereas it is desirable that the said section be repealed and that the area restrictions imposed by subparagraph (v) of paragraph (a) thereof be removed from the relative certificates of title:

Be it therefore enacted as follows:

- (1) Section 6 of the Water Supply Amendment Act 1913 is hereby repealed.
- (2) Nothing in this section shall be deemed to affect any mining privilege or other right acquired by the Cromwell Development Company Limited in terms of the said section, nor be deemed to derogate from or alter in any manner (other than as expressly provided in subsection (3)) any title to land issued pursuant to the said section 6.
- (3) As from the date of the commencement of this Act, any land which is subject to the restrictions imposed by subparagraph (v) of paragraph (a) of the said section shall cease to be so subject.

9 Declaring certain land vested in the Inangahua

Agricultural and Pastoral Association to be Crown land

Whereas the land described in subsection (3) is vested in trust in the Inangahua Agricultural and Pastoral Association (in this section referred to as the **Association**) for an agricultural and pastoral showground:

And whereas the said land has never been used for that purpose:

And whereas the Association is no longer active and has now ceased to function:

And whereas for the better management and control of the said land it is desirable that the vesting in the Association be cancelled and the said land declared Crown land subject to the Land Act 1948:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Agricultural and Pastoral Societies Act 1908 or in any other Act or rule of law, the vesting of the land described in subsection (3) in the Association is hereby cancelled, and the said land is hereby declared to be Crown land subject to the Land Act 1948.
- (2) The District Land Registrar for the Land Registration District of Nelson is hereby authorised and directed to cancel without fee the certificate of title for the land described in subsection (3), and to do all such other things 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 Nelson Land District, being Sections 71 and 80, Square 131, situated in Block X, Reefton Survey District, containing 98 acres 2 roods and 30 perches, more or less, and being all the land comprised and described in certificate of title, Volume 35, folio 17, Nelson Registry.

10 Vesting certain land in the Corporation of the County of Westland and validating certain leases

Whereas section 4 of the Local Legislation Act 1939 authorised the Corporation of the County of Westland (in this section referred to as the **Corporation**) to grant leases over the land described in subsection (4) thereof, which was stated to be vested in the Corporation for a road reserve:

And whereas it has been discovered that the said land, which is more particularly described in subsection (5), is and has always been vested in Her Majesty as public road:

And whereas it is desirable to vest the land in the Corporation for an estate in fee simple subject to the Counties Act 1920, to validate any leases granted pursuant to the said section 4, and

to enable registration of existing and future leases and dealings therewith:

Be it therefore enacted as follows:

- (1) The portion of public road described in subsection (5) is hereby declared to be closed and to be vested in the Corporation for an estate in fee simple subject to the Counties Act 1920 freed and discharged from all rights of the public thereover as a public highway.
- (2) Any lease heretofore granted by the Corporation pursuant to section 4 of the Local Legislation Act 1939 is hereby declared to be and to have always been valid and binding in all respects and of full force and effect according to its tenor.
- (3) The District Land Registrar for the Land Registration District of Westland is hereby authorised and directed to make such entries in the register books and to do all such other things as may be necessary to give effect to the provisions of this section.
- (4) The Westland County Council Enabling Act 1894 is hereby repealed.
- (5) The land to which this section relates is particularly described as follows:

All that area in the Westland Land District situated in Block XI, Kaniere Survey District, containing 3 roods and 13 perches, more or less, bounded as follows:

Commencing at a point 102.2 links bearing $69^{\circ}21'$ from the south-eastern corner of part of Lot 2, Deposited Plan 173, thence proceeding in a northerly direction by lines bearing $345^{\circ}40'$ for 192.5 links, $352^{\circ}44'$ for 478.0 links, $341^{\circ}10'$ for 572.1 links to the southernmost corner of part Reserve 913; thence northerly along the eastern boundary of the said part Reserve 913 for a distance of 70 links; thence easterly by a line bearing 110° for 140 links to the left bank of the Kaniere River; thence southerly along the said bank to a point due east of the point of commencement; thence on a bearing of 270° for 40.0 links to the point of commencement: as shown on the plan marked L and S 16/2239, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

11 Setting apart certain land for the purposes of Part 3 of the Coal Mines Act 1925

Whereas pursuant to the provisions of the State Coal Mines Act 1901, the Coal Mines Act 1905, and the Coal Mines Act 1908 respectively, a total area of 6 504 acres 2 roods and 38 perches of Crown land in the Nelson Land District was set apart for the purposes of the said Acts:

And whereas the said land has been known and is still known as the Seddonville State Coal Reserve (in this section referred to as the **reserve**):

And whereas from time to time certain areas of the reserve have by notice been exempted from the provisions of the said Acts and ceased to be subject thereto:

And whereas defects in the notices promulgated in the past dealing with the reserve have been discovered and doubts have arisen as to the correct description and boundaries of the land which now comprises the residue of the reserve:

And whereas it is desirable that these doubts be resolved, and that the land described in subsection (3) be set apart for the purposes of Part 3 of the Coal Mines Act 1925:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Coal Mines Act 1925 or in any other Act or rule of law, all notices affecting the reserve are hereby cancelled:
provided that the cancellation of the said notices shall not in any way affect any coal lease or any other rights granted by the Crown under the Coal Mines Act 1925 over any part of the reserve.
- (2) The land described in subsection (3) is hereby declared to be set apart under and subject to the provisions of Part 3 of the Coal Mines Act 1925.
- (3) The land to which subsection (2) relates is particularly described as follows:
All that area in the Nelson Land District situated in Block XV, Mokihinui Survey District, containing 20 acres 2 roods 6 perches and five-tenths of a perch, more or less, and bounded as follows:

Commencing at the easternmost corner of Section 70, Block XV, Mokihiui Survey District; thence towards the south-east by Halcyon Road, bearing $227^{\circ}06'$ for 812.1 links; thence towards the west by a right line bearing $347^{\circ}34'$ for 3 317.6 links; thence towards the north generally by the Mokihiui Road, bearing $97^{\circ}41'$ for 169.01 links and bearing $83^{\circ}53'$ for 242.9 links; thence towards the north-east by railway land, bearing $137^{\circ}06'$ for 591.4 links; thence towards the east by Halcyon Road, bearing $167^{\circ}34'$ for 2 311.2 links, to the point of commencement: as the same is more particularly shown on the plan marked L and S 22/5107, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

12 Special provisions relating to the St James Parish Hall at Mangere

Whereas by section 12 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1922, the Manukau County Council (in this section referred to as the **Council**) was empowered to lease to the Mangere Board of Trustees (in this section referred to as the **Board**) part of Section 48, Village of Mangere (in this section referred to as the **said land**) as a site for a parish hall:

And whereas, pursuant to the said section 12, the Council leased the said land to the Board on certain terms and under the authority of the said lease the Board erected on the said land the St James Parish Hall:

And whereas, by section 5 of the Reserves and Other Lands Disposal Act 1952, the said lease was declared to be terminated and extinguished and the said land and all buildings and other improvements thereon were declared to be vested in the Chairman, Councillors, and Inhabitants of the County of Manukau and the Secretary of the said Board was empowered to transfer and deliver to the Council any furnishings, chattels, and effects belonging to the Board upon such terms as may be mutually agreed upon:

And whereas, pursuant to the said section 5, the St James Parish Hall erected on the said land became vested in the

Council and the Board transferred to the Council the furnishings in the hall and certain money held by the Board:

And whereas the Board desires the said parish hall and the furnishings therein to be disposed of to it for removal purposes and has requested that all money held by the Council in its St James Hall Account be paid to the Board:

And whereas the Council is agreeable to this being done and it is desirable for provision to be made accordingly:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in section 5 of the Reserves and Other Lands Disposal Act 1952 or any other Act or rule of law, the Council is hereby authorised and empowered:
 - (a) to dispose of to the Board for removal purposes the St James Parish Hall erected on the said land together with the furnishings therein on such terms and conditions as may be mutually agreed upon by the Council and the Board:
 - (b) to transfer to the Board all money standing to the credit of the St James Hall Account in the books of the Council after deducting therefrom all charges and expenses incurred in the disposal of the said Parish Hall to the Board, and the receipt of the Board shall be a good and sufficient discharge to the Council.
- (2) On the disposal of the Parish Hall and the furnishings therein to the Board in accordance with this section, the hall and furnishings shall be deemed to be the property of the Board.

13 Declaring lands subject to the Forests Act 1949 to be Crown land subject to the Land Act 1948

Whereas the lands described in subsection (2) are set apart as permanent State forest under the Forests Act 1949:

And whereas it is desirable that they should be declared Crown land subject to the Land Act 1948:

Be it therefore enacted as follows:

- (1) The setting apart of the lands described in subsection (2) as permanent State forest is hereby revoked and the said lands

are hereby declared to be Crown land subject to the Land Act 1948.

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

Firstly, all those areas in the North Auckland Land District, being parts of Allotment 45, Kaitara Parish, situated in Blocks VII and XI, Purua Survey District, containing together 35 acres 3 roods 12 perches and nine-tenths of a perch, more or less: as shown on the plan marked L and S 58320C, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (SO Plan 38963).

Secondly, all that area in the North Auckland Land District, being part of the land set apart as permanent State forest by Proclamation dated 21 September 1938, and published in the *Gazette* of the 29th day of that month at page 2144, and being also the land now known as Section 13, Block VII, Mangonui Survey District, containing 10 acres and 25 perches, more or less: as shown on the plan marked L and S X/91/60, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (SO Plan 26157).

Thirdly, all that area in the Taranaki Land District, being part of Lot 9, DP 393, and being part of Pohokura Block, situated in Block XI, Ngatimaru Survey District, containing 101 acres 2 roods and 25 perches, more or less: as shown on the plan marked L and S 22/4119, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (SO Plan 8788).

Fourthly, all that area in the Hawke's Bay Land District, being Section 3 (formerly parts of Blocks 56, 73, 74, 75, and 76, Wakarara Crown Grant District), Block XI, Wakarara Survey District, containing 512 acres and 2 roods, more or less, being part of the land comprised and described in certificate of title, Volume 62, folio 216, Hawke's Bay Registry: as shown on the plan marked L and S X/93/9, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (SO Plan 2854).

Fifthly, all those areas in the Nelson Land District, being parts of Section 1 and part of Section 11, Block X, Motupiko Survey

District, containing together 336 acres and 30 perches, more or less: as shown on the plan marked L and S X/97/12, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (SO Plan 9934).

Sixthly, all those areas in the Nelson Land District, being Section 76, Square 4, and Sections 4, 5, 13, and 14, Block XV, Wai-iti Survey District, and Sections 2 and 22 to 27, Block XIV, Wai-iti Survey District, containing together 1 161 acres 2 roods and 33 perches, more or less: as shown on the plan marked L and S X/97/12A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (SO Plans 2973, 3188, 3189, 3560, 5081).

Seventhly, all that area in the Otago Land District, being part of Section 15, Block II, Naseby Survey District, containing 66 acres and 3 roods, more or less: as shown on the plan marked L and S 8/9/123, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (SO Plan 12038L).

Eighthly, all that area in the Otago Land District, being Lot 1, DP 8691, and being Sections 1 and 2, and part of Section 11, Block XV, Town of Tapanui, containing 2 roods 32 perches and fourteen one-hundredths of a perch, more or less, and being part of the land comprised and described in certificate of title, Volume 215, folio 256, Otago Registry: as shown on the plan marked L and S 6/1/67, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged green.

Ninthly, all that area in the Southland Land District, being Section 206 (formerly part of Section 7), Block XII, Waiau Survey District, containing 54 acres 1 rood and 25 perches, more or less, and being part of the land comprised and described in certificate of title, Volume 135, folio 105, Southland Registry: as shown on the plan marked L and S X/101/35A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (SO Plan 6299).

Tenthly, all that area in the Southland Land District, being Section 203 (formerly part of State forest Number 10) Block XI, Waiau Survey District, containing 501 acres 2 roods and 20 perches, more or less: as shown on the plan marked L and S

32/272, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (SO Plan 6300).

Eleventhly, all that area in the Southland Land District, being part of State forest Number 10 and part of Sections 4 and 41, Block XXI, Jacobs River Hundred, containing 675 acres, more or less: as shown on the plan marked L and S 22/2053, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (SO Plan 6335).

14 Validating a loan by the Strath Taieri Soldiers' Memorial Board and authorising the registration of a certain mortgage in favour of the Board

Whereas the Strath Taieri Soldiers' Memorial Board (in this section referred to as the **Board**) was appointed under the Reserves and Domains Act 1953 to have control of certain land in the Township of Middlemarch, Otago Land District, subject to the provisions of the said Act, as a site for a war memorial:

And whereas the Board has lent the sum of 800 pounds, and there has been executed in its favour a memorandum of mortgage dated 27 February 1956, from Robert Knowles, of Dunedin, company manager, over part Sections 49 and 50, Block XXIV, Town of Dunedin, together with right of way created by conveyance Number 103423, and being the whole of the land comprised and described in certificate of title, Volume 293, folio 98, Otago Registry (limited as to parcels), to secure the repayment of such sum:

And whereas the Board has no power to lend money and is not a body corporate:

And whereas there is thus no authority to register the said mortgage:

And whereas it is desirable and expedient that the Board's action be validated, and that provision be made for the registration of the said memorandum of mortgage and for any variations, exercise of power of sale, or discharge thereof:

Be it therefore enacted as follows:

- (1) The action of the Board in lending the said sum of 800 pounds and in taking as security for the repayment thereof a memo-

randum of mortgage in its favour is hereby confirmed and validated and declared to have been lawfully done, and the said mortgage is hereby declared to be of full force and effect according to its tenor.

- (2) The Board may by resolution vary the terms of the said memorandum of mortgage, or grant any discharge or partial discharge thereof.
- (3) For the purpose of giving effect to any variations, or of granting any discharge or partial discharge as aforesaid, or of exercising any power of sale under the mortgage, any documents which may require to be executed by the Board for such purpose may be lawfully executed if signed on behalf of the Board by the Chairman and any 2 other members thereof pursuant to a resolution of the said Board.
- (4) The District Land Registrar for the Land Registration District of Otago is hereby authorised and directed to accept for registration the said memorandum of mortgage, or any variation or discharge thereof, or any transfer of the land in the mortgage in exercise of the power of sale contained or implied therein, executed on behalf of the Board as aforesaid, and to make such entries in the register books and to do all such other things as may be necessary to give effect to the provisions of this section.

15 Altering the trusts under which certain land is vested in the Corporation of the City of Invercargill

Whereas the land firstly described in subsection (4) is vested in the Mayor, Councillors, and Citizens of the City of Invercargill (in this section referred to as the **Corporation**) for an estate in fee simple for the purpose of a public cemetery:

And whereas the said land adjoins the Invercargill Eastern Cemetery, but in view of the city's expansion in that direction and the fact that it is situated on the main access routes from the city the Corporation does not wish to retain the said land for cemetery purposes:

And whereas the land secondly described in subsection (4) forms portion of land vested in the Corporation in trust as an endowment in aid of city funds:

And whereas the said land secondly described is suitable for cemetery purposes, and the Corporation has requested that it be set aside for such purposes, and that the said land firstly described be freed from all existing trusts and reservations:

And whereas it is desirable and expedient to give effect to the wishes of the Corporation:

Be it therefore enacted as follows:

- (1) The land firstly described in subsection (4) is hereby declared to be vested in the Corporation subject to the Municipal Corporations Act 1954, but otherwise freed and discharged from all trusts, reservations, and restrictions heretofore affecting the same.
- (2) The land secondly described is hereby declared to be vested in the Corporation in trust for the purposes of a public cemetery subject to the Municipal Corporations Act 1954, but otherwise freed and discharged from all trusts, reservations, and restrictions heretofore affecting the same.
- (3) The District Land Registrar for the Land Registration District of Southland is hereby authorised and directed to make such entries in the register books, to register such instruments, and to do all such other things as may be necessary to give effect to the provisions of this section.
- (4) The land to which this section relates is particularly described as follows:

Firstly, all that area in the Southland Land District, being part of Section 42, Block II, Invercargill Hundred, containing 48 acres and 4 perches, more or less, and being all the land comprised and described in certificate of title, Volume 127, folio 66, Southland Registry: as shown on the plan marked L and S 2/645, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

Secondly, all that area in the Southland Land District, being part of Section 1, Block XXII, Invercargill Hundred, and being part of the land comprised and described in certificate of title, Volume 158, folio 25, Southland Registry, containing 28 acres more or less, subject to survey, and bounded as follows:

On the north by Mason Road for a distance of 900 links; on the east by other part of Section 1 for a distance of 3 112.7 links;

on the south by Lardner Road for a distance of 900 links; and on the west by Lot 1, DP 2991, for a distance of 3 112.7 links: as shown on the plan marked L and S 2/645A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged blue.

16 Vesting certain land in the Corporation of the Borough of Onehunga as a recreation reserve

Whereas section 92 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1910 vested in the Mayor, Councillors, and Citizens of the Borough of Onehunga (in this section referred to as the **Corporation**) all that area of tidal land known as the Basin, Onehunga (as more particularly described in subsection (4)) to be held by the Corporation subject to the Public Reserves and Domains Act 1908 and to certain special provisions:

And whereas the said section provided, *inter alia*, that if the whole or any portions of the said land were at any time required for public purposes then such land could be resumed by the Crown under certain conditions:

And whereas the certificate of title issued to the Corporation for the land is subject to this special provision:

And whereas the Corporation is developing the land for recreation purposes and wishes the said provision to be removed from its title:

And whereas the said provision is no longer required:

Be it therefore enacted as follows:

- (1) Notwithstanding the provisions of section 92 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1910, the land described in subsection (4) is hereby declared to be vested in the Corporation in trust for recreation purposes subject to the Reserves and Domains Act 1953, but otherwise freed and discharged from all trusts, reservations, and restrictions heretofore affecting the same.
- (2) The District Land Registrar for the Auckland Land Registration District is hereby authorised and directed to make such entries in the register books and to do all such other things as

may be necessary to give effect to the provisions of this section.

- (3) Section 92 of the Reserves and other Lands Disposal and Public Bodies Empowering Act 1910 is hereby repealed.
- (4) The land to which this section relates is particularly described as follows:

All that area in the North Auckland Land District, being Section 50 (the Basin), Town of Onehunga, situated in Block V, Otahuhu Survey District, containing 16 acres and 2 roods, more or less, and being all the land comprised and described in certificate of title, Volume 241, folio 137, Auckland Registry: as shown on the plan marked L and S 22/3818, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

17 Effecting exchanges of certain land in the Town of Opotiki

Whereas the land firstly and secondly described in subsection (6) is vested in the Mayor, Councillors, and Citizens of the Borough of Opotiki (in this section referred to as the **Corporation**) as an endowment in aid of borough funds:

And whereas the land firstly described is subject to an unregistered lease in favour of Peter Richard Warren, of Opotiki, pilot:

And whereas the Corporation desires to exchange the land firstly described for land owned in fee simple by the said Peter Richard Warren (being more particularly thirdly described in subsection (6)), who has given his consent thereto:

And whereas the Pakohai Tribal Committee desires to acquire the land secondly described as a marae site for the tribe, and has agreed with the Corporation to exchange therefor the land fourthly described in subsection (6), which is held by certain persons as trustees for the said Pakohai Tribal Committee:

And whereas it is desirable and expedient to give effect to the exchanges:

Be it therefore enacted as follows:

- (1) The vesting of the land firstly described in subsection (6) in the Corporation is hereby cancelled, and the said land is hereby declared to be vested in Peter Richard Warren, of Opotiki, pilot,

- for an estate in fee simple freed and discharged from all trusts, reservations, and restrictions heretofore affecting the same.
- (2) The vesting of the land secondly described in subsection (6) in the Corporation is hereby cancelled, and the said land is hereby declared to be vested in Kauri Mathews, of Opotiki, retired farmer, and Wairata Walker, wife of Isaac Walker, of Opotiki, farmer, for an estate in fee simple in trust for the Pakohai Tribal Committee, but otherwise freed and discharged from all trusts, reservations, and restrictions heretofore affecting the same.
 - (3) The vesting of the land thirdly described in subsection (6) in Peter Richard Warren, of Opotiki, pilot, for an estate in fee simple is hereby cancelled, and the said land is hereby declared to be vested in the Corporation for an estate in fee simple as an endowment in aid of borough funds.
 - (4) The vesting of the land fourthly described in subsection (6) in Kauri Mathews, of Opotiki, retired farmer, and Wairata Walker, wife of Isaac Walker, of Opotiki, farmer, for an estate in fee simple is hereby cancelled, and the said land is hereby declared to be vested in the Corporation for an estate in fee simple as an endowment in aid of borough funds, but otherwise freed and discharged from all trusts, reservations, and restrictions heretofore affecting the same.
 - (5) The District Land Registrar for the Land Registration District of Gisborne is hereby authorised and directed to make such entries in the register books and to do all such other things as may be necessary to give effect to the provisions of this section.
 - (6) The lands to which this section relates are particularly described as follows:

All those areas in the Gisborne Land District being—

Firstly, Allotment 222 of Section 1, Town of Opotiki, containing 1 rood, more or less, and being part of the land comprised and described in certificate of title, Volume 67, folio 132, Gisborne Registry.

Secondly, Allotments 220 and 221 of Section 1, Town of Opotiki, containing 2 roods, more or less, and being part of the land comprised and described in certificate of title, Volume 67, folio 132, Gisborne Registry.

Thirdly, Lot 6, DP 4047, being part of Allotment 357 of Section 2, Town of Opotiki, containing 34 perches and two-tenths of a perch, more or less, and being all the land comprised and described in certificate of title, Volume 111, folio 188, Gisborne Registry.

Fourthly, Lots 12 and 13, DP 9115 (AK), being part of Allotment 151 of Section 2, Town of Opotiki, containing 1 rood 24 perches and twenty-four one-hundredths of a perch, more or less, and being all the land comprised and described in certificate of title, Volume 97, folio 219, Gisborne Registry.

18 Special provisions relating to Lake Horowhenua

Whereas under the authority of the Horowhenua Block Act 1896, the Maori Appellate Court on 12 September 1898 made an Order determining the owners and relative shares to an area of 13 140 acres and 1 rood, being part of the Horowhenua XI Block:

And whereas the said area includes the Horowhenua Lake (as shown on the plan lodged in the office of the Chief Surveyor at Wellington under Number 15699), a 1 chain strip around the lake, the Hokio Stream from the outlet of the lake to the sea, and surrounding land:

And whereas certificate of title, Volume 121, folio 121, Wellington Registry, was issued in pursuance of the said Order:

And whereas by Maori Land Court Partition Order dated 19 October 1898 the lake was vested in trustees for the purposes of a fishing easement for all members of the Muaupoko Tribe who might then or thereafter own any part of the Horowhenua XI Block (in this section referred to as the **Maori owners**):

And whereas the minutes of the Maori Land Court relating to the said Partition Order recorded that it was also intended to similarly vest the 1 chain strip around the lake, the Hokio Stream from the outlet of the lake to the sea, and a 1 chain strip along a portion of the north bank of the said stream, but this was not formally done:

And whereas the Horowhenua Lake Act 1905 declared the lake to be a public recreation reserve under the control of a

Domain Board (in this section referred to as the **Board**) but preserved fishing and other rights of the Maori owners over the lake and the Hokio Stream:

And whereas by section 97 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1916 the said 1 chain strip around the lake was made subject to the Horowhenua Lake Act 1905, and control was vested in the Board:

And whereas subsequent legislation declared certain land adjoining the said 1 chain strip, and more particularly firstly described in subsection (13), to form part of the recreation reserve and to be under the control of the Board:

And whereas as a result of drainage operations undertaken some years ago on the said Hokio Stream the level of the lake was lowered, and a dewatered area was left between the margin of the lake after lowering and the original 1 chain strip around the original margin of the lake:

And whereas this lowering of the lake level created certain difficulties in respect of the Board's administration and control of the lake, and in view of the previous legislation enacted relating to the lake, doubts were raised as to the actual ownership and rights over the lake and the 1 chain strip and the dewatered area:

And whereas a Committee of Inquiry was appointed in 1934 to investigate these problems:

And whereas the Committee recommended that the title to the land covered by the waters of the lake together with the 1 chain strip and the said dewatered area be confirmed by legislation in ownership of the trustees appointed in trust for the Maori owners:

And whereas certain other recommendations made were unacceptable to the Maori owners, and confirmation of ownership and further appointment of a Domain Board lapsed pending final settlement of the problems affecting the lake:

And whereas by Maori Land Court Order dated 8 August 1951 new trustees were appointed for the part of Horowhenua XI Block in the place of the original trustees, then all deceased,

appointed under the said Maori Land Court Order dated 19 October 1898:

And whereas agreement has now been reached between the Maori owners and other interested bodies in respect of the ownership and control of the existing lake, the said 1 chain strip, the said dewatered area, the said Hokio Stream and the chain strip on a portion of the north bank of that stream, and certain ancillary matters, and it is desirable and expedient that provision be made to give effect to the various matters agreed upon:

Be it therefore enacted as follows:

- (1) For the purposes of the following subsections:

lake means that area of water known as Lake Horowhenua enclosed within a margin fixed by a surface level of 30 feet above mean low water spring tides at Foxton Heads

dewatered area means that area of land between the original margin of the lake shown on the plan numbered SO 15699 (lodged in the office of the Chief Surveyor, at Wellington) and the margin of the lake as defined aforesaid

Hokio Stream means that stream flowing from the outlet of the lake adjacent to a point marked as Waikiekie on plan numbered SO 23584 (lodged in the office of the Chief Surveyor, at Wellington) to the sea.
- (2) Notwithstanding anything to the contrary in any Act or rule of law, the bed of the lake, the islands therein, the dewatered area, and the strip of land 1 chain in width around the original margin of the lake (as more particularly secondly described in subsection (13)) are hereby declared to be and to have always been owned by the Maori owners, and the said lake, islands, dewatered area, and strip of land are hereby vested in the trustees appointed by Order of the Maori Land Court dated 8 August 1951 in trust for the said Maori owners.
- (3) Notwithstanding anything to the contrary in any Act or rule of law, the bed of the Hokio Stream and the strip of land 1 chain in width along a portion of the north bank of the said stream (being the land more particularly thirdly described in subsection (13)), excepting thereout such parts of the said bed of the stream as may have at any time been legally alienated

or disposed of by the Maori owners or any of them, are hereby declared to be and to have always been owned by the Maori owners, and the said bed of the stream and the said strip of land are hereby vested in the trustees appointed by Order of the Maori Land Court dated 8 August 1951 in trust for the said Maori owners.

- (4) Notwithstanding the declaration of any land as being in Maori ownership under this section, there is hereby reserved to the public at all times and from time to time the free right of access over and the use and enjoyment of the land fourthly described in subsection (13).
- (5) Notwithstanding anything to the contrary in any Act or rule of law, the surface waters of the lake together with the land firstly and fourthly described in subsection (13), are hereby declared to be a public domain subject to the provisions of Part 3 of the Reserves and Domains Act 1953:
provided that such declaration shall not affect the Maori title to the bed of the lake or the land fourthly described in subsection (13):
provided further that the Maori owners shall at all times and from time to time have the free and unrestricted use of the lake and the land fourthly described in subsection (13) and of their fishing rights over the lake and the Hokio Stream, but so as not to interfere with the reasonable rights of the public, as may be determined by the Domain Board constituted under this section, to use as a public domain the lake and the said land fourthly described.
- (6) Nothing herein contained shall in any way affect the fishing rights granted pursuant to section 9 of the Horowhenua Block Act 1896.
- (7) Subject to the provisions of this section, the Minister of Conservation shall appoint in accordance with the Reserves and Domains Act 1953 a Domain Board to control the said domain.
- (8) Notwithstanding anything to the contrary in the Reserves and Domains Act 1953, the Board shall consist of—
 - (a) 4 persons appointed by the Minister on the recommendation of the Muaupoko Maori Tribe:

- (b) 1 person appointed by the Minister on the recommendation of the Horowhenua County Council:
 - (c) 2 persons appointed by the Minister on the recommendation of the Levin Borough Council:
 - (d) the Director-General of Conservation, *ex officio*, who shall be Chairman.
- (9) Notwithstanding anything in the Land Drainage Act 1908, the Soil Conservation and Rivers Control Act 1941, or in any other Act or rule of law, the Hokio Drainage Board constituted pursuant to the said Land Drainage Act 1908 is hereby abolished, and all assets and liabilities of the said Board and all other rights and obligations of the said Board existing at the commencement of this Act shall vest in and be assumed by the Manawatu Catchment Board, and until the said Catchment Board shall have completed pursuant to the Soil Conservation and Rivers Control Act 1941 a classification of the lands previously rated by the said Drainage Board, the said Catchment Board may continue to levy and collect rates in the same manner as they have hitherto been levied and collected by the said Drainage Board.
- (10) The Manawatu Catchment Board shall control and improve the Hokio Stream and maintain the lake level under normal conditions at 30 feet above mean low water spring tides at Foxton Heads:
provided that before any works affecting the lake or the Hokio Stream are undertaken by the said Catchment Board, the prior consent of the Domain Board constituted under this section shall be obtained:
provided further that the said Catchment Board shall at all times and from time to time have the right of access along the banks of the Hokio Stream and to the lake for the purpose of undertaking any improvement or maintenance work on the said stream and lake.
- (11) The District Land Registrar for the Land Registration District of Wellington is hereby authorised and directed to deposit such plans, to accept such documents for registration, to make such entries in the register books, and to do all such other things as may be necessary to give effect to the provisions of this section.

- (12) The following enactments are hereby repealed:
- (a) the Horowhenua Lake Act 1905:
 - (b) section 97 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1916:
 - (c) section 64 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1917:
 - (d) section 53 of the Local Legislation Act 1926.

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

Firstly, all that area in the Wellington Land District, being Subdivision 38 and part of Subdivision 39 of Horowhenua 11B Block, situated in Block I, Waiopahu Survey District, containing 13 acres 3 roods and 37 perches, more or less, and being all the land comprised and described in certificate of title, Volume 165, folio 241, Wellington Registry: as shown on the plan marked L and S 1/220, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (SO Plan 15589).

Secondly, all that area in the Wellington Land District situated in Block XIII, Mount Robinson Survey District, Block II, Waitohu Survey District, and Block I, Waiopahu Survey District, containing 951 acres, more or less, being part of the land comprised and described in certificate of title, Volume 121, folio 121, Wellington Registry, and being more particularly the bed of the lake, the islands therein, the dewatered area, and the strip of land 1 chain wide around the original margin of the lake: as shown on the plan marked L and S 1/220A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged blue, and coloured orange and red respectively (SO Plan 23584).

Thirdly, all that area in the Wellington Land District situated in Block IV, Moutere Survey District, and Block II, Waitohu Survey District, containing 40 acres, more or less, being part of the land comprised and described in certificate of title, Volume 121, folio 121, Wellington Registry, and being more particularly the bed of the Hokio Stream together with a strip of land 1 chain wide along a portion of the north bank of the said stream: as shown on the plan marked L and S 1/220A, deposited in the Head Office, Department of Lands and Survey,

at Wellington, and thereon coloured blue and sepia respectively (SO Plan 23584).

Fourthly, all that area in the Wellington Land District situated in Block I, Waiopahu Survey District, being that portion of the dewatered area together with so much of the 1 chain strip of land herein secondly described as in each case fronts Subdivision 38, Horowhenua 11B Block, herein firstly described, and being parts of the land coloured orange and red respectively on the plan marked L and S 1/220A, deposited in the Head Office, Department of Lands and Survey, at Wellington (SO Plan 23584).

Section 18(7): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 18(8)(d): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

19 Authorising the Corporation of the Borough of Balclutha to sell portion of a public cemetery

Whereas the land described in subsection (6) was with other land vested in the Corporation of the Borough of Balclutha (in this section referred to as the **Corporation**) under the provisions of section 10 of the Reserves and Other Lands Disposal Act 1945 for the purpose of a public cemetery:

And whereas the said land is unsuitable and has never been used for cemetery purposes:

And whereas it is expedient that the Corporation should be empowered to sell 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 reservation for cemetery purposes of the land described in subsection (6) is hereby revoked, and the said land is hereby declared to be vested in the Corporation freed and discharged from all trusts, reservations, and restrictions heretofore affecting the same.
- (2) The Corporation is hereby empowered to sell the land described in subsection (6) or any part thereof by public auc-

tion, 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 Corporation may in its discretion decide, 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 subsection (6), 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 Corporation may utilise for street purposes any portion of the land described in subsection (6), and shall by special order declare to be a street any portion so used.
- (5) The District Land Registrar for the Land Registration District of Otago is hereby authorised and directed to make such entries in the register books, to deposit such plans, to accept such documents for registration, and to do all such other things as may be necessary to give effect to the provisions of this section.
- (6) The land to which this section relates is particularly described as follows:

All that area in the Otago Land District, being Lot 1, DP 8780, being part Cemetery Reserve situated in Block XVII, Town of Balclutha, containing 2 acres 2 roods 22 perches and five-tenths of a perch, more or less, and being part of the land comprised and described in certificate of title, Volume 319, folio 75, Otago Registry: as shown on the plan marked L and S 2/632, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged green.

20 Amending section 5(3) of the Paritutu Centennial Park Act 1938 in respect of certain lands adjacent to the park
[Repealed]

Section 20: repealed, on 21 September 1968, by section 7(1) of the Paritutu Centennial Park Act 1968 (1968 No 8 (L)).

21 Abolishing the Foxton Harbour Board and authorising the disposal of the said Board's endowment lands and other assets

Whereas the Foxton Harbour Board Act 1908 constituted a Harbour Board known as the Foxton Harbour Board (in this section referred to as the **Board**) for the Port of Foxton and endowed the Board with certain lands:

And whereas shipping has long ceased to use the Port of Foxton and the Board's function as a Harbour Authority has ceased to exist:

And whereas the Board has over the years subdivided into building lots certain of its endowment lands at Foxton Beach Township and has leased certain of those building lots:

And whereas there is no need for the maintenance of a Port at Foxton and it is desirable that the Board be abolished:

And whereas the Chairman, Councillors, and Inhabitants of the County of Manawatu (in this section referred to as the **Corporation**) have agreed under certain conditions to administer and control the Board's endowment lands at the Foxton Beach Township together with certain adjacent Crown land:

And whereas it is desirable and expedient that provision be made for:

- (a) the abolition of the Board;
- (b) the various matters agreed upon with the Corporation for the taking over of the Foxton Beach endowment lands and adjacent Crown land; and
- (c) the disposal of the balance of the Board's endowment lands and other assets:

Be it therefore enacted as follows:

- (1) Notwithstanding anything in the Harbours Act 1950, or in any other Act or rule of law, the Board constituted by the Foxton Harbour Board Act 1908 is hereby abolished, and all assets

and liabilities of the Board, excepting the foreshore and other endowment lands dealt with in this section, shall vest in and become assets and liabilities of the Crown, and the Minister of Marine, on behalf of the Crown, is hereby authorised to dispose of any such assets and discharge any such liabilities, and the said Minister is hereby further authorised to dispose of any money remaining after discharge of the said liabilities in such manner as he thinks fit.

- (2) The vesting in the Board as an endowment of the foreshore and other lands described in subsection (8) of the Foxton Harbour Board Act 1908, and of the lands described in subsections (5) and (6) of section 120 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1924, and of the land firstly described in subsection (12), is hereby cancelled, and the said foreshore is hereby vested in Her Majesty. The balance of the said lands shall be disposed of in accordance with the provisions of this section:
provided that nothing in this section shall be deemed to affect the validity of any dealing with any part of the said land before the date of the commencement of this section in accordance with the terms and conditions under which it was held before that date.
- (3) For the purpose of dealing with the land secondly described in subsection (12) (in this section referred to as the **endowment area**), the Corporation is hereby declared to be a leasing authority within the meaning of the Public Bodies Leases Act 1908.
- (4) Notwithstanding the provisions of section 58 of the Land Act 1948 and subject to subsection (6), the endowment area is hereby declared to be vested in the Corporation as an endowment subject to the provisions of this section, and subject also to all leases, liens, encumbrances, easements, and other restrictions heretofore affecting the land.
- (5) The terms under which the endowment area is vested in the Corporation shall be as follows:
- (a) the Corporation shall pay to the Crown for the endowment area an amount, not exceeding 40,000 pounds, determined by the Minister of Lands in that behalf, and any such amount shall be payable, free of interest, over

a period of 12 years by equal annual instalments, the first of the instalments being payable on 1 December 1957:

(b) *[Repealed]*

(c) the Corporation shall, on the expiry of current leases of the endowment area, or, by agreement with the lessees, before expiry, grant to all lessees of subdivisions of the endowment area perpetually renewable leases for a term of 21 years:

provided also that any such subdivisions shall be subject to the provisions of the Land Subdivision in Counties Act 1946:

(d) where any part of the endowment area is, at the commencement of this section, unalienated, any subdivisions of that land may be leased by the Corporation on perpetually renewable leases, for a term of 21 years:

provided also that any such subdivisions shall be subject to the provisions of the Land Subdivision in Counties Act 1946:

(e) notwithstanding the provisions of paragraphs (c) and (d), the Corporation may, in specific cases and with the approval of the Minister of Lands, grant leases of any part of the endowment area for a fixed non-renewable term but otherwise in accordance with the provisions of those paragraphs. The Corporation shall take such steps as may be necessary to ensure that any lease under paragraph (c) or paragraph (d) are registerable under the Land Transfer Act 1952, but any lease granted under this paragraph may or may not be registerable under that Act:

(f) *[Repealed]*

(g) in the event of the Foxton Beach Township being created a borough, the transfer of the endowment area from the Corporation to the borough and the terms and conditions of the transfer shall be a matter for consideration and determination by the Local Government Commission in accordance with the Local Government Commission Act 1953.

- (6) *[Repealed]*
- (7) If default is made by the Corporation in complying with the provisions of this section, the Governor-General may, by Order in Council, cancel the vesting of the endowment area in the Corporation subject to such terms and conditions as he thinks fit and, upon the publication in the *Gazette* of any such Order in Council, the land shall be deemed to be Crown land subject to the provisions of the Land Act 1948.
- (8) The Minister of Lands may, subject to agreement with the Corporation, by notice in the *Gazette* vest in the Corporation any other Crown land which in his opinion should be included in the endowment area and any land so vested in the Corporation shall be subject to the provisions of this section, and the Minister of Lands may, with the consent of the Corporation, by notice in the *Gazette*, declare that any part of the endowment land shall no longer be subject to the provisions of this section and shall be Crown land subject to the Land Act 1948.
- (9) The land thirdly described in subsection (12) is hereby declared to be Crown land subject to the provisions of the Land Act 1948 and subject also to all leases, liens, encumbrances, easements, and other restrictions heretofore affecting the same.
- (10) The District Land Registrar for the Land Registration District of Wellington is hereby authorised and directed to accept such documents for registration, to deposit such plans, to make such entries in the register books, and to do all such other things as may be necessary to give effect to the provisions of this section.
- (11) The following enactments are hereby repealed:
- (a) the Foxton Harbour Board Act 1908:
 - (b) section 88 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1910:
 - (c) the Foxton Harbour Board Amendment Act 1917:
 - (d) section 51 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1921:
 - (e) section 120 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1924.

(f) *[Repealed]*

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

All those areas in the Wellington Land District being—

Firstly, all that area situated in Block I, Moutere Survey District, containing 94 acres, more or less, being Lot 1 on Deposited Plan Number 17622 and being part of the land comprised and described in certificate of title, Volume 662, folio 42, Wellington Registry: as shown on the plan marked L and S 22/2843, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red (SO Plan 23692).

Secondly, all those areas situated in Block I, Moutere Survey District, being Section 5, containing 106 acres and 2 roods, more or less; Section 6, estimated to contain about 48 acres, more or less; Section 7, estimated to contain about 90 acres, more or less, and being part of the land in certificate of title, Volume 662, folio 42, Wellington Registry; Lot 1 on Deposited Plan Number 17622, containing 94 acres, more or less, and being part of the land comprised and described in certificate of title, Volume 662, folio 42, Wellington Registry; part Section 270 of the Township of Foxton, containing 224 acres 1 rood and 16 perches, more or less, and being part of the land comprised and described in certificates of title, Volume 662, folio 42, and Volume 518, folio 188, Wellington Registry; and part Section 268 of the Township of Foxton, containing 101 acres 1 rood 5 perches and fifty-eight hundredths of a perch, more or less, and being part of the land comprised and described in certificate of title, Volume 518, folio 188, Wellington Registry: as shown on the plan marked L and S 22/2843, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon coloured blue (SO Plan 23692).

Thirdly, all that area situated in Block I, Mount Robinson Survey District, containing 342 acres and 7 perches, more or less, being part Section 332 of the Township of Carnarvon and being part of the land comprised and described in certificate of title, Volume 518, folio 188, Wellington Registry: as shown on the plan marked L and S 22/2843, deposited in the Head

Office, Department of Lands and Survey, at Wellington, and thereon coloured orange (SO Plan 23692).

(13) This section shall come into force on 16 November 1956.

Section 21(5)(b): repealed, on 17 December 1968, by section 13(17)(a) of the Reserves and Other Lands Act 1968 (1968 No 130).

Section 21(5)(c) first proviso: repealed, on 17 December 1968, by section 13(17)(b) of the Reserves and Other Lands Act 1968 (1968 No 130).

Section 21(5)(d) first proviso: repealed, on 17 December 1968, by section 13(17)(c) of the Reserves and Other Lands Act 1968 (1968 No 130).

Section 21(5)(f): repealed, on 17 December 1968, by section 13(17)(d) of the Reserves and Other Lands Act 1968 (1968 No 130).

Section 21(6): repealed, on 28 October 1965, by section 9(10) of the Reserves and Other Lands Disposal Act 1965 (1965 No 120).

Section 21(11)(f): repealed, on 19 November 1971, by section 11(2) of the Harbours Amendment Act (No 2) 1971 (1971 No 58).

Contents

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Notes

1 *General*

This is a reprint of the Reserves and Other Lands Disposal Act 1956. The reprint incorporates all the amendments to the Act as at 1 April 1987, 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)*

Conservation Act 1987 (1987 No 65): section 65(1)

Harbours Amendment (No 2) Act 1971 (1971 No 58): section 11(2)

Reserves and Other Lands Act 1968 (1968 No 130): section 13(17)

Paritutu Centennial Park Act 1968 (1968 No 8 (L)): section 7(1)

Reserves and Other Lands Disposal Act 1965 (1965 No 120): section 9(10)