

**Reprint  
as at 1 January 2008**



**Reserves and Other Lands Disposal  
Act 1958**

Public Act    1958 No 108  
Date of assent    2 October 1958  
Commencement    2 October 1958

**Contents**

	Page
Title	3
1 Short Title	3
2 Validating an agreement between the Cornwall Park Trustees and the Auckland Hospital Board in respect of the Board's occupancy of part of Cornwall Park [ <i>Repealed</i> ]	3
3 Authorising the Ashburton County Council to transfer funds from its Reserve Account to its General Account	3
4 Vesting certain land in Her Majesty the Queen as an addition to the Rakaunui Domain	4
5 Vesting certain land in Her Majesty as a public utility reserve	5
6 Vesting the Porangahau Cemetery Reserve in Her Majesty the Queen as Crown land subject to the Land Act 1948	6
7 Vesting certain land held by the Campbell Trust in Her Majesty the Queen as an addition to the Riwaka Memorial Domain	7

---

**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.**

8	Validating an agreement entered into between the Napier City Council and the Crown in respect of bonds under the Land Subdivision in Counties Act 1946	9
9	Declaring certain endowment land vested in the Wairau Harbour Board to be subject to the provisions of the Land Subdivision in Counties Act 1946	10
10	Revoking the reservation over certain land in the Waitakere and Titirangi Survey Districts and vesting it in the Auckland Centennial Memorial Park Board	11
11	Validating a lease in favour of the Colonial Ammunition Company Limited	13
12	Section 24 of the Reserves and Other Lands Disposal Act 1949 (as to certain abandoned lands in the Coromandel County) amended	14
13	Provision with respect to acceptance of surrender of lease by Public Trust	17
14	Vesting certain land in the Christchurch City Council	19
15	Authorising the Governor-General to proclaim certain lands in the Westland County and Fiord County to be Crown land	21
16	Declaring certain land in the Whakatane County to be vested in Her Majesty as Crown land subject to the provisions of the Land Act 1948	24
17	Vesting certain land in the University of Otago as an addition to an endowment	25
18	Authorising the Otago Hospital Board to transfer certain land in the City of Dunedin to the University of Otago	26
19	Declaring lands subject to the Forests Act 1949 to be Crown land subject to the Land Act 1948	27
20	Vesting the Clevedon public hall site in the Manukau County Council as a public reserve	28
21	Special provisions enabling the control of the Waihi Drainage Area to be transferred to the Tauranga County Council <i>[Repealed]</i>	30
22	Validating an agreement between the Lower Hutt City Council and the Hutt Park Committee	30
23	Vesting certain lands in the Corporation of the City of Wellington	31

---

**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 1958.

**2 Validating an agreement between the Cornwall Park Trustees and the Auckland Hospital Board in respect of the Board's occupancy of part of Cornwall Park**

*[Repealed]*

Section 2: repealed (with effect on 16 December 1968), on 24 October 1969, by section 10(2) of the Reserves and Other Lands Disposal Act 1969 (1969 No 131).

**3 Authorising the Ashburton County Council to transfer funds from its Reserve Account to its General Account**

Whereas pursuant to section 31 of the Reserves and Domains Act 1953 it is provided that all money received by way of rent, royalty, or otherwise in respect of any dealing with any public reserve (not being a domain) shall, where the reserve is vested in an administering body or an administering body has been appointed to control and manage the reserve, be held by the administering body and applied for the purposes of that Act:

And whereas it is desirable to authorise the Ashburton County Council (in this section referred to as the **Council**) to establish a Reserves Account as from 1 April 1958:

And whereas it is further desired that the Council be authorised to transfer from the Reserves Account to its General Account such sum or sums as the Council in its sole discretion thinks fit:

And whereas there is no provision to enable transfers of money from the Reserves Account to the General Account and it is desirable that such a provision be made:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Reserves and Domains Act 1953, the Counties Act 1956, or any other Act or rule of law, the Council may, as at 1 April 1958, open a Reserves Account and there shall be payable into that account

from that date all money from time to time derived by the Council from the administration of any public reserve (not being a domain) vested in or under the control and management of the Council as provided by section 31 of the Reserves and Domains Act 1953.

- (2) Where, in the opinion of the Council, the money in the Reserves Account for the time being is more than is reasonably necessary to enable the Council to carry out its functions in accordance with the provisions of the Reserves and Domains Act 1953, the Council may transfer from the Reserves Account to its General Account such money as the Council in its sole discretion thinks fit.

#### **4 Vesting certain land in Her Majesty the Queen as an addition to the Rakaunui Domain**

Whereas the land described in subsection (3) is the site of a hall used by the residents of the district of Rakaunui:

And whereas the certificate of title for the land is in the name of the Rakaunui Hall Company Limited which is now non-existent:

And whereas it is desirable that the said land and the hall situated thereon continue to be available for public use, and it is the wish of the people of the district that the land be vested in Her Majesty as an addition to the Rakaunui Domain:

Be it therefore enacted as follows:

- (1) The land described in subsection (3) is hereby declared to be vested in Her Majesty as a public domain subject to the provisions of Part 3 of the Reserves and Domains Act 1953 and to form part of the Rakaunui Domain under the control of the Rakaunui Domain Board but otherwise freed and discharged from any trusts or restrictions heretofore affecting the said land.
- (2) The District Land Registrar for the Wellington Land Registration District is hereby authorised and directed to cancel the certificate of title for the said land 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 Sections 13 and 14, Rakaunui Village, situated in Block I, Owahanga Survey District, containing 2 roods, more or less, and being all the land comprised and described in certificate of title, Volume 97, folio 108, Wellington Registry.

**5 Vesting certain land in Her Majesty as a public utility reserve**

Whereas the land described in subsection (3) is vested in David Oliver Winter, Maurice Vivian Humphreys, and Clive Winter, of Clifton, near Takaka, Uno Joseph Bartlett, of Motupipi, and Robert William Gardiner Thorpe, of Takaka, all farmers, as joint tenants (in this section referred to as the **registered proprietors**):

And whereas the registered proprietors hold the said land upon the trust for the sole use and benefit of the Clifton Literary and Scientific Institute and the Clifton Horticultural Society as set out in a certain deed of conveyance dated 19 December 1870, and registered in the Deeds Register Office at Nelson, under Number 12572:

And whereas the Clifton Horticultural Society no longer exists and it is the wish of the Clifton Literary and Scientific Institute to wind up its affairs:

And whereas the trusts created by the said deed of conveyance have been carried out and the Clifton Literary and Scientific Institute is going out of existence and is desirous of transferring the said land to the Crown but has no power to do so:

And whereas the Crown is prepared to accept the land as a public utility reserve until such time as the Clifton residents request its return for such use as they may wish:

Be it therefore enacted as follows:

- (1) The land described in subsection (3) is hereby declared to be no longer under the control of the Clifton Literary and Scientific Institute and to be no longer vested in the said registered proprietors, and the said land is hereby vested in Her Majesty as a public utility reserve subject to the provisions of the Re-

serves and Domains Act 1953 to be held until such time as a public meeting of the Clifton residents request its return for such use as they may wish.

- (2) The District Land Registrar for the Land Registration District of Nelson 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) The land to which this section relates is particularly described as follows:

All that area in the Nelson Land District, Golden Bay County, containing by admeasurement 14 perches and seven-tenths of a perch, more or less, being part of Section 63, Town of Clifton, situated in Block VII, Waitapu Survey District, and being all of the land comprised and described in certificate of title, Volume 72, folio 46, Nelson Registry.

#### **6 Vesting the Porangahau Cemetery Reserve in Her Majesty the Queen as Crown land subject to the Land Act 1948**

Whereas by a Warrant dated 15 January 1879, and published in the *Gazette* of the 16th day of that month, the land described in subsection (3) (hereinafter referred to as the **said land**) was permanently reserved as a cemetery:

And whereas by a Warrant dated 12 October 1893 and published in the *Gazette* of the 19th day of that month the control and management of the said land was vested in the then Porangahau Road Board, the functions of which are now administered by the Patangata County Council:

And whereas, following the loss of land transfer records in the Napier earthquake of 1931, a reconstructed title to the said land was issued, following application, to the Waiapu Board of Diocesan Trustees, a body duly incorporated under the Charitable Trusts Act 1957, under the Land Transfer (Hawke's Bay) Act 1931:

And whereas it was subsequently found that the said land had been gazetted as a cemetery reserve and the control and management thereof was vested in the Patangata County Council: And whereas the Waiapu Board of Diocesan Trustees, for the purpose of rectifying the error, subsequently transferred the

said land to the Chairman, Councillors, and Inhabitants of the County of Patangata as trustees for a cemetery reserve:

And whereas the Patangata County Council is desirous of having the trust and reservation revoked so that the said land may be used for housing purposes and it is desirable that the said land be declared Crown land subject to the Land Act 1948:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act or rule of law, the land described in subsection (3) is hereby declared to be no longer vested in the Chairman, Councillors, and Inhabitants of the County of Patangata for a cemetery reserve and the said land is hereby vested in Her Majesty the Queen as Crown land subject to the Land Act 1948, freed and discharged from all trusts, reservations, and restrictions heretofore affecting the same.
- (2) The District Land Registrar for the Land Registration District of Hawke's Bay 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) The land to which this section relates is particularly described as follows:

All that area in the Hawke's Bay Land District, Patangata County, being Town Sections 63, 64, 65, 66, 67, 68, 69, 70, and 71, Porangahau, situated in Block XII, Porangahau Survey District, containing 2 acres 1 rood, more or less, and being all the land comprised and described in certificate of title, Volume 56, folio 45, Hawke's Bay Registry.

**7 Vesting certain land held by the Campbell Trust in Her Majesty the Queen as an addition to the Riwaka Memorial Domain**

Whereas the land firstly described in subsection (4) was by deed of conveyance dated 27 September 1852, and registered in the Deeds Register Office at Nelson under Number 4098, vested in trustees of Riwaka School known as the Campbell Trust (in this section referred to as the **trustees**) for the purpose of erecting a certain building or schoolhouse or for use

as a school ground and also as a place of meeting for public worship and for other purposes of the inhabitants of Riwaka:

And whereas since that date there has been no formal change of trustees registered and the land is at present controlled by a group of local residents who are recognised as the Campbell Trust:

And whereas a dwelling has been erected on the said land and the trusts created by the said deed of conveyance have been carried out and certain funds have accumulated in connection with the said trust:

And whereas certain recreational facilities constructed and erected on an adjoining recreation reserve known as the Riwaka Memorial Domain encroach onto the trust land:

And whereas it is desirable that the trust land should be added to the Riwaka Memorial Domain:

And whereas the trustees have no power of sale but are desirous of transferring the said land, building, improvements, and accumulated funds to the Crown so that they can be added to, form part of, and be used on the Riwaka Memorial Domain:

And whereas it is desirable and expedient to make provision accordingly:

Be it therefore enacted as follows:

- (1) The land firstly described in subsection (4) together with the building and other improvements thereon and funds accumulated in respect thereof are hereby declared to be no longer under the control of the Campbell Trust and to be no longer vested in the trustees of Riwaka School, and the said land, building, improvements, and accumulated funds are hereby vested in Her Majesty the Queen freed and discharged from all trusts, reservations, and restrictions heretofore affecting the same but subject to the provisions of subsection (3).
- (2) The District Land Registrar for the Land Registration District of Nelson 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) The land firstly and secondly described in subsection (4) is hereby declared to be a public domain to be known as the Riwaka Memorial Domain, subject to the provisions of Part 3



of the Reserves and Domains Act 1953 and the building, improvements, and accumulated funds are declared to be and to form part of the assets of the Riwaka Memorial Domain Board.

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

Firstly, all that area in the Nelson Land District being Section 281, formerly part Section 52, District of Riwaka, situated in Block X, Kaiteriteri Survey District, containing 3 acres and 23 perches and eight-tenths of a perch, more or less, and being all of the land comprised and described in deeds index, Volume 5, folio 885, Nelson Registry.

Secondly, all that area in the Nelson Land District being Sections 4 and 5, Block X, Kaiteriteri Survey District, containing 2 roods 9 perches and four-tenths of a perch, more or less.

**8 Validating an agreement entered into between the Napier City Council and the Crown in respect of bonds under the Land Subdivision in Counties Act 1946**

Whereas under an agreement with the Napier Harbour Board (in this section referred to as the **Board**) the Napier City Council (in this section referred to as the **Council**) planned the subdivision, development, and layout for light industrial purposes of part of the Ahuriri Lagoon owned by the Board:

And whereas the agreement was made pursuant to the Napier Harbour Board and Napier Borough Enabling Act 1945:

And whereas the land concerned was then situated in the Hawke's Bay County and it was agreed that on completion of certain roading works the said land would be included within the boundary of the City of Napier:

And whereas the Council proposed to set aside from the subdivisions some 6 acres as a reserve contribution in terms of the Land Subdivision in Counties Act 1946:

And whereas the Marewa and Onekawa Parks vested in the Council and situated within the city boundaries and in close proximity to the subdivided industrial land adequately serve the recreational needs of that and surrounding localities:

And whereas, instead of a reserve contribution, the Crown agreed to accept bonds from the Council securing payment of

money accruing in respect of the subdivisions and assessed in terms of the Land Subdivision in Counties Act 1946:

And whereas the bonds provide that, on production of satisfactory evidence that the Council has either before or after the date of the bond expended on the development of Onekawa Park, or after 11 November 1949, expended on the development of Marewa Park, an agreed sum in respect of both parks, then the bond shall be void and of no effect but otherwise shall remain in full force and effect:

And whereas there is no statutory authority to give effect to this provision and it is desirable and expedient that provision be made accordingly:

Be it therefore enacted as follows:

Notwithstanding anything to the contrary in the Land Subdivision in Counties Act 1946 or in any other Act or rule of law, Her Majesty the Queen and the Council shall be deemed to have and to have had all powers and authority necessary to enter into and execute the said bonds, and the same are hereby confirmed and validated and declared binding in law in all respects and to have full force and effect according to their tenor.

**9 Declaring certain endowment land vested in the Wairau Harbour Board to be subject to the provisions of the Land Subdivision in Counties Act 1946**

Whereas the land described in subsection (3) is vested in the Wairau Harbour Board (in this section referred to as the **Board**) pursuant to section 79 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1910 as an endowment for harbour purposes without power of sale:

And whereas the Board is desirous of subdividing portion of the endowment area to provide sections for leasing as holiday cottage sites:

And whereas, in accordance with the Land Subdivision in Counties Act 1946, the Board will be required to provide from each subdivision such reserve areas and lay out such roads as are necessary to comply with the provisions of that Act:

And whereas it is doubtful if there is any statutory authority to enable the Board to divest itself of such areas and it is desirable that provision be made accordingly:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act or rule of law, all the provisions of the Land Subdivision in Counties Act 1946 shall be deemed to apply to the land vested in the Board for harbour purposes without power of sale (being the land described in subsection (3)) as though that land was held by the Board in fee simple without any restriction as to sale.
- (2) The District Land Registrar for the Land Registration District of Marlborough 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.
- (3) The land to which this section relates is more particularly described as follows:

All those areas in the Marlborough Land District, Marlborough County, containing by admeasurement 540 acres, more or less, being that piece of land shown on the public map of Cloudy Bay Survey District as Wairau Harbour Board Endowment in Blocks IV, VIII, and XII, Cloudy Bay Survey District, and also Section 1, Block XVII, Cloudy Bay Survey District, being all the land comprised and described in certificate of title, Volume 17, folio 146, Marlborough Registry: as the same is more particularly delineated on the plan marked L and S 25/820, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

**10 Revoking the reservation over certain land in the Waitakere and Titirangi Survey Districts and vesting it in the Auckland Centennial Memorial Park Board**

Whereas pursuant to subsection (5) of section 16 of the Land Act 1924 and section 13 of the Land Subdivision in Counties Act 1946, the lands firstly, secondly, and thirdly described in subsection (3) were vested in Her Majesty as foreshore re-

serves and the lands fourthly and fifthly described in subsection (3) were vested in Her Majesty as recreation reserves:

And whereas these reserves are adjacent to or in the vicinity of the Auckland Centennial Memorial Park:

And whereas it is desirable that these reserves should be vested in the Auckland Centennial Memorial Park Board established under the provisions of section 3 of the Auckland Centennial Memorial Park Act 1941:

Be it therefore enacted as follows:

- (1) The reservations over the lands described in subsection (3) are hereby revoked and the said lands are hereby vested in the Auckland Centennial Memorial Park Board and shall be held and administered by that Board for the purposes of a scenic park under and subject to the provisions of the Auckland Centennial Memorial Park Act 1941.
- (2) The District Land Registrar for the Land Registration District of Auckland 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) The lands to which this section relates are particularly described as follows:

Firstly, all that area in the North Auckland Land District, being Lot 15, DP 21141, being part Allotment 97, Parish of Waitakere, situated in Block III, Waitakere Survey District, containing 1 acre and 6 perches, more or less, being part of the land comprised and described in certificate of title, Volume 516, folio 12, Auckland Registry: as shown on the plan marked L and S 4/36A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

Secondly, all that area in the North Auckland Land District, being Lot 4, DP 27625, being part Wekatahi Block, situated in Block III, Waitakere Survey District, containing 1 acre 1 rood and 30 perches, more or less, being part of the land comprised and described in certificate of title, Volume 642, folio 55, Auckland Registry: as shown on the plan marked L and S 4/36B, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

Thirdly, all that area in the North Auckland Land District, being Lot 7, DP 34474, being part Allotment 97, Parish of Waitakere, situated in Block III, Waitakere Survey District, containing 2 acres and 15 perches, more or less, being the balance of the land comprised and described in certificate of title, Volume 516, folio 16, Auckland Registry: as shown on the plan marked L and S 4/36C, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

Fourthly, all that area in the North Auckland Land District, being Lot 14, DP 21141, being part Allotment 97, Parish of Waitakere, situated in Block III, Waitakere Survey District, containing 14 acres 2 roods 6 perches and five-tenths of a perch, more or less, being part of the land comprised and described in certificate of title, Volume 516, folio 12, Auckland Registry: as shown on the plan marked L and S 4/36D, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

Fifthly, all that area in the North Auckland Land District, being Lot 272, DP 24221, being part Allotment 27, Parish of Waikomiti, situated in Block VI, Titirangi Survey District, containing 17 acres 2 roods and 25 perches, more or less, being part of the land comprised and described in certificate of title, Volume 490, folio 29, Auckland Registry: as shown on the plan marked L and S 4/36E, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

#### **11 Validating a lease in favour of the Colonial Ammunition Company Limited**

Whereas by section 104 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1917, the Governor-General was authorised and empowered to cancel the lease issued to the Colonial Ammunition Company Limited (in this section referred to as the **Company**) under the powers conferred by section 5 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1907:

And whereas the said section 104 further provided for the issue of a new lease to the Company on the same terms and conditions but over an increased area:

And whereas a new lease was duly granted to the Company:

And whereas it was subsequently agreed that the Company would exchange part of the land included in the new lease for other land and would also grant to the Crown access and quarrying rights over portion of the leased land:

And whereas, in terms of this agreement, the deed of lease has been cancelled and a new deed of lease dated 22 August 1958 issued incorporating the terms and conditions of the cancelled lease and other additional conditions to give effect, where necessary, to the said agreement:

And whereas a copy of the said lease has been deposited in the Head Office of the Department of Lands and Survey, at Wellington, as Auckland Deed No 5439:

And whereas it is expedient that the said lease should be authorised and validated:

Be it therefore enacted as follows:

Notwithstanding anything to the contrary in any Act or rule of law, Her Majesty the Queen and the Company shall be deemed to have had all powers and authority necessary to enter into and execute the said deed of lease dated 22 August 1958, and deposited as aforesaid, and the same is hereby confirmed and validated and declared binding in all respects and shall have full force and effect according to its tenor.

**12 Section 24 of the Reserves and Other Lands Disposal Act 1949 (as to certain abandoned lands in the Coromandel County) amended**

Whereas by section 24 of the Reserves and Other Lands Disposal Act 1949 (in this section referred to as the **said section**) the Governor-General was authorised to proclaim certain lands in the Coromandel County, South Auckland Land District, to be Crown land subject to the provisions of the Land Act 1948:

And whereas it was further provided that the Land Settlement Board constituted under the Land Act 1948 shall determine

any claims for compensation made by the registered proprietor or licensee or any other person having any estate or interest in any land to which any such Proclamation relates:

And whereas it is desirable that all Proclamations issued pursuant to the said section should be noted against the title to all land affected thereby:

And whereas it is desirable that the Land Settlement Board should, in its discretion, be enabled to delegate to an independent person or authority all powers necessary to give full effect to the provisions of the said section:

And whereas provision should be made in respect of the payment of rates by owners or bona fide occupiers of land affected by any Proclamation that may be issued as aforesaid:

And whereas it is desirable that the provisions of the said section be extended to include other lands:

Be it therefore enacted as follows:

- (1) The said section is hereby amended by omitting from the preamble the words “and in the area of Crown land adjacent to Coromandel Township known as the Kauri Block”, and substituting the words “and in other areas of land in Blocks I, II, V, and VI, Coromandel Survey District”.
- (2) The said section is hereby further amended by repealing subsection (4), and substituting the following subsection:  
“(4) This section relates to all land laid off as roads, whether or not the same have been legalised, and to all land in respect of which residence site or business site or special claim licences under the Mining Act 1926, or Crown grants, have heretofore been issued, and which are situated in the townships of Kingstone, Kapanga, Wynyardton, Wynyardton North, Bay View, Belleville, or Buffalo, or in any other areas of land in Blocks I, II, V, and VI of the Coromandel Survey District.”
- (3) The said section is hereby further amended by adding after subsection (4) (as substituted by subsection (2)) the following subsections:  
“(5) The District Land Registrar for the Auckland Land Registration District and the appropriate Mining Registrar in the Hauraki Mining District shall, on the issue of any Proclamation pursuant to this section, make such entries in any relevant

register or other record book and do all such other things as may be necessary to give effect to any such Proclamation.

- “(6) Notwithstanding anything to the contrary in any Act or rule of law, the Land Settlement Board may delegate all necessary powers and functions for the purpose of administering the said section to a person to be known as the Coromandel Land Claims Authority (in this section referred to as the **Authority**) whether that person is an officer of the Public Service or otherwise. Any delegation pursuant to this section may, in the sole discretion of the Land Settlement Board, extend to all such acts, things, and matters as are necessary to confer on the Authority the powers required to carry out the provisions of this section and of the Land Act 1948 as if the delegation had been made pursuant to and in accordance with section 15 of the Land Act 1948.
- “(7) Where any land is proclaimed Crown land under this section, the Crown shall not become liable for any general or special rates levied against that land pursuant to the Rating Act 1925 or any other Act and nothing herein shall be construed to affect in any way the liability of any occupier of any part or parts of the said land in respect of the payment of the rates pending disposal of the land or any part of it pursuant to the Land Act 1948.
- “(8) Any compensation money awarded by the Authority in respect of lands proclaimed Crown land pursuant to this section shall, on the application of the Coromandel County Council, and in the discretion of the Authority, have deducted therefrom such amounts as the Authority shall decide as reasonable for rates owing, in any case not exceeding the total of 3 years’ liability for rates based on the valuation roll current at the time of the application by the said County Council, and any money so deducted may be paid to the said County Council in full satisfaction.
- “(9) In addition to the deduction of money as provided in subsection (8), the Authority may, in his discretion, deduct such further money for the costs of any compensation hearings or for any expenses in connection therewith, and in any disposal of lands proclaimed Crown land may likewise, in addition to the purchase price payable, decide what title fees, survey costs,



and other costs or expenses shall be payable by any purchaser, lessee, or licensee.

- “(10) Any land proclaimed Crown land subject to the provisions of the Land Act 1948 pursuant to any Proclamation issued under subsection (1) may, according to the terms of the Proclamation, be vested in Her Majesty either freed and discharged from all leases, licences, encumbrances, liens, easements, or other restrictions, or subject to such leases, licences, encumbrances, liens, easements, or other restrictions as may be set out in the Proclamation.”

### **13 Provision with respect to acceptance of surrender of lease by Public Trust**

Whereas the memorandum of lease, copy of which is contained in Schedule 3 of the Auckland Education Reserves Act 1912, does not expire until the year 1975:

And whereas the lessee has requested the Public Trustee to accept a surrender of the said lease at a consideration to be agreed upon:

And whereas the Public Trustee does not possess statutory or other authority enabling him to accept such a surrender:

And whereas for the purpose of payment of the consideration to be agreed upon for the surrender of the said lease the Public Trustee desires to resort to the reserve created pursuant to subsection (3) of section 16 of the Reserves and Other Lands Disposal Act 1940:

And whereas, upon the said lease being surrendered, improvements will require to be carried out to the building erected upon the land comprised in the said lease in order that various tenancies of parts thereof may be granted:

And whereas the Public Trustee may require to borrow money for the purpose of defraying the cost of the said improvements or for other improvements which the Public Trustee may from time to time consider expedient in respect of the land described in Schedule 1 of the Auckland Education Reserves Act 1912:

Be it therefore enacted as follows:

- (1) Public Trust may accept a surrender of the said lease at such consideration and on such terms and conditions as are ap-

- proved by the Minister of Education, and for any such purpose may resort, whether by way of realisation, mortgage, charge, or otherwise, to the reserve created pursuant to subsection (3) of section 16 of the Reserves and Other Lands Disposal Act 1940 or any part of the said reserve in order to pay the amount of any such consideration or part thereof.
- (2) Public Trust, may, with the prior approval of the Minister of Education, raise such sum as Public Trust considers necessary for payment of any portion of the consideration payable in respect of the surrender of the said lease, and may with the like approval raise and expend such sums as Public Trust considers necessary from time to time to enable such improvements and development work to be carried out in connection with the land described in Schedule 1 of the Auckland Education Reserves Act 1912 as Public Trust thinks fit.
- (3) Any sum raised under subsection (2) may be raised either—
- (a) by being advanced out of the Common Fund of the Public Trust Office, pursuant to the provisions of section 39 of the Public Trust Office Act 1957; or
  - (b) by being borrowed by Public Trust on the security of the said land or any part thereof, and Public Trust may execute such mortgage or other document as may be required by the lender and enter into such covenants and agreements as may be agreed upon between the lender and Public Trust.
- (4) Any sum so raised may be repaid by such instalments as Public Trust from time to time thinks fit out of the income arising from the said land.
- (5) For the purpose of securing payment of any sum so raised, whether under subsection (3)(a) or (b), the lender has the power of sale in clause 13 of Part 1 of Schedule 2 of the Property Law Act 2007.
- (6) Despite subsection (5),—
- (a) a notice under sections 119 and 120 of the Property Law Act 2007 is not required if the advance is under subsection (3)(a):
  - (b) the period of notice required by sections 119 and 120 of the Property Law Act 2007 may be modified or

extended by agreement between Public Trust and the lender if the advance is under subsection (3)(b).

Section 13 heading: amended, on 1 January 2008, by section 364(1) of the Property Law Act 2007 (2007 No 91).

Section 13(1): amended, on 1 January 2008, by section 364(1) of the Property Law Act 2007 (2007 No 91).

Section 13(2): amended, on 1 January 2008, by section 364(1) of the Property Law Act 2007 (2007 No 91).

Section 13(3)(b): amended, on 1 January 2008, by section 364(1) of the Property Law Act 2007 (2007 No 91).

Section 13(4): amended, on 1 January 2008, by section 364(1) of the Property Law Act 2007 (2007 No 91).

Section 13(5): replaced, on 1 January 2008, by section 364(1) of the Property Law Act 2007 (2007 No 91).

Section 13(6): inserted, on 1 January 2008, by section 364(1) of the Property Law Act 2007 (2007 No 91).

#### **14 Vesting certain land in the Christchurch City Council**

Whereas the Mayor, Councillors, and Citizens of the City of Christchurch (in this section referred to as the **Council**) by memorandum of transfer dated 26 September 1956, and registered in the Land Registry Office, at Christchurch, under Number 446361, acquired title to the land firstly described in subsection (4), the said memorandum of transfer being expressed to be in pursuance of section 305 of the Municipal Corporations Act 1954:

And whereas the certificate of title to the said land shows that it is held by the Council for the purposes of the said section 305:

And whereas the Council actually acquired the said land out of funds from its General Account for the purposes of a site for pensioners' cottages and later reimbursed that account from loan money raised for the Champion Street Pensioners' Cottages:

And whereas the certificate of title does not show that the land is held under the proper trusts and it is desirable that this should be done:

And whereas the Council is now desirous of disposing of such portion of the said land as is secondly described in subsection (4):

And whereas it is desirable and expedient that proper effect be given to the aforesaid acquisition and disposition:

Be it therefore enacted as follows:

- (1) The reservation for the purposes of section 305 of the Municipal Corporations Act 1954 of the land firstly described in subsection (4) is hereby cancelled and the said land is hereby declared to be vested in the Mayor, Councillors, and Citizens of the City of Christchurch in pursuance of the Municipal Corporations Act 1954, for the purpose of the Champion Street Pensioners' Cottages but otherwise freed and discharged from all trusts, restrictions, and reservations heretofore affecting the same.
- (2) Notwithstanding anything to the contrary in the Municipal Corporations Act 1954 or any other Act or rule of law, the land secondly described in subsection (4) may be disposed of by the Council on such terms and conditions as it thinks fit and the purchase money from any such sale shall be applied for the purchase of land for pensioners' cottages or in reduction of the Champion Street Pensioners' Cottages Loan liability.
- (3) The District Land Registrar for the Land Registration District of Canterbury 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 land to which this section relates is particularly described as follows:

Firstly, all that area in the Canterbury Land District, City of Christchurch, being Lot 59, DP 1630, and being part Rural Section 287, situated in Block XI, Christchurch Survey District, containing 1 rood 36 perches and five-tenths of a perch, more or less, and being all the land comprised and described in certificate of title, Volume 209, folio 167, Canterbury Registry.

Secondly, all that area in the Canterbury Land District, City of Christchurch, being Lot 1, DP 19398, and being part Rural Section 287, situated in Block XI, Christchurch Survey District, containing 24 perches, more or less, and being part of

the land comprised and described in certificate of title, Volume 209, folio 167, Canterbury Registry.

**15 Authorising the Governor-General to proclaim certain lands in the Westland County and Fiord County to be Crown land**

Whereas the lands described in subsection (7) (in this section referred to as the **said lands**) are adjacent to or have been laid off as townships and land either granted in fee simple, reserved, taken up under residence site, or business site, or special claim licences issued under the Mining Act 1926:

And whereas many of the owners and licensees of these lands cannot be traced and the lands are unoccupied and have been abandoned;

And whereas the said lands adjoin and are surrounded by either permanent State forest land or national park land and it is desirable that they should be resumed by Her Majesty and should be set aside for permanent State forest or national park purposes, but subject to the rights of the owners and licensees thereof or their beneficiaries or successors in title to claim compensation as hereinafter provided:

And whereas when the said lands were subdivided various roads were laid off:

And whereas most of these roads have never been used as such and will not be so used in the future:

And whereas it is expedient that special provision be made to enable the said lands and roads to be vested in Her Majesty as Crown land to enable them to be added to the adjoining State forest or national park, as the case may be:

Be it therefore enacted as follows:

- (1) The Governor-General may, by Proclamation, from time to time declare that the said lands and the said roads (legal or otherwise), or any portion thereof to which this section relates, shall, as from a date to be specified in that behalf in any such Proclamation, be deemed to be vested in Her Majesty as Crown land subject to the provisions of the Land Act 1948, and every such Proclamation shall have effect according to its tenor.

- (2) Any roads or portions of roads (legal or otherwise), the subject of any Proclamation under subsection (1) shall, on the issue of the Proclamation, be deemed to be closed, freed and discharged from all rights of the public thereover as a public highway, as from the date specified in the Proclamation.
- (3) Before exercising any of the powers conferred on him by this section, the Governor-General shall cause not less than 3 months' notice of his intention so to do to be given in the *Gazette* and in such newspaper or newspapers as he thinks fit.
- (4) If at any time within 5 years after the date specified in any Proclamation issued under this section the registered proprietor or licensee or any other person having any estate or interest in any land to which the Proclamation relates adduces satisfactory evidence of title to or interest in that land, he shall be entitled to claim compensation for his interest therein. The amount of compensation shall in every case be determined by the Land Settlement Board, and on any such determination shall, without further appropriation than this section, be paid out of the Land Settlement Account established under the provisions of the Land Act 1948:  
provided that in no case shall the amount of compensation awarded under this section exceed the unimproved value, as determined by the said Board, of the land as at the date specified in the Proclamation affecting the same, together with the value as at that date and as determined by the said Board of any improvements then existing on the land and effected by the claimant or at his expense.
- (5) This section applies to all land laid off as roads or streets whether or not the same have been legalised, and to all land in respect of which residence site or business site or special claim licences under the Mining Act 1926, or Crown grants, have heretofore been issued.
- (6) The District Land Registrar for the Land Registration District of Westland and the District Land Registrar for the Land Registration District of Southland and the appropriate Mining Registrars are hereby authorised and directed to make such entries in the register books or other records and to do all such other things as may be necessary to give effect to the provisions of this section.

(7) The lands to which this section relates are more particularly described as follows:

(a) all those areas in the Westland Land District, Westland County, being—

Firstly, Rural Section 2012, Block XV, Waimea Survey District, containing 10 acres 2 roods, more or less, being all the land comprised and described in certificate of title, Volume 6, folio 194, Westland Registry.

Secondly, Rural Section 1457, Block XV, Waimea Survey District, containing 5 acres 1 rood and 36 perches, more or less, being all of the land comprised and described in certificate of title, Volume 3, folio 889, Westland Registry.

Thirdly, Rural Section 1579, Block XV, Waimea Survey District, containing 11 acres and 6 perches, more or less, being all of the land comprised and described in certificate of title, Volume 5, folio 1481, Westland Registry.

Fourthly, Rural Section 1456, Block XV, Waimea Survey District, containing 5 acres 1 rood and 30 perches, more or less, being all of the land comprised and described in certificate of title, Volume 3, folio 892, Westland Registry.

Fifthly, Reserve 243, Block XV, Waimea Survey District, containing 2 acres, more or less, being all of the land comprised and described in certificate of title, Volume 29, folio 71 (limited), Westland Registry.

Sixthly, Reserve 192, Block XV, Waimea Survey District, containing 1 acre, more or less, being all of the land comprised and described in certificate of title, Volume 29, folio 68 (limited), Westland Registry.

Seventhly, Reserve 419, Town of Goldsborough, Block XV, Waimea Survey District, containing 25 acres, more or less.

As the same are more particularly shown on the plan marked L and S 10/98/90, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red:

- (b) all that area in the Southland Land District, Fiord County, containing 21 acres, more or less, being all that part of the Town of Cromarty situated in Block VI, Preservation Survey District; as the same is more particularly delineated on the plan marked L and S 4/300M, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged blue.

**16 Declaring certain land in the Whakatane County to be vested in Her Majesty as Crown land subject to the provisions of the Land Act 1948**

Whereas under the authority of section 70 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1924, and pursuant to an Order in Council dated 29 June 1925, and published in the *Gazette* of 9 July of that year, the land described in subsection (2), together with other land, was vested in the Corporation of the Chairman, Councillors, and Inhabitants of the County of Whakatane for tree planting purposes:

And whereas the said land is no longer required for tree planting purposes and it is desirable that it should be declared Crown land subject to the Land Act 1948:

Be it therefore enacted as follows:

- (1) The vesting of the land described in subsection (2) in the Corporation of the Chairman, Councillors, and Inhabitants of the County of Whakatane for tree planting purposes is hereby revoked and the said land is hereby vested in Her Majesty as Crown land available for disposal under the Land Act 1948, freed and discharged from all trusts, reservations, and restrictions heretofore affecting the same.
- (2) The land to which this section relates is particularly described as follows:

All that area in the South Auckland Land District, Whakatane County, being part of Section 3, Block VI, Rangitaiki Upper Survey District, containing 200 acres and 7 perches, more or less: as shown on the plan marked L and S 9/1425, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (SO Plan 39316).



**17 Vesting certain land in the University of Otago as an addition to an endowment**

Whereas by the Otago University Reserves Vesting Act 1893 an area of 100 000 acres of land known as the Benmore Runs was vested in the University of Otago (in this section referred to as the **University**) as an endowment for the University:

And whereas by section 87 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1915 and section 94 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1917 authority was given to effect certain exchanges in respect of the endowment lands which have been given effect to:

And whereas the land described in subsection (3) (in this section referred to as the **said land**) was excluded from the endowment lands:

And whereas for the better utilisation thereof it is desirable to again include the said land in the said endowment which surrounds it:

And whereas the Council of the University has agreed to such inclusion:

Be it therefore enacted as follows:

- (1) The land described in subsection (3) is hereby vested in the University as a reserve for an endowment for the University and is hereby declared to be subject to the provisions of the Otago University Reserves Vesting Act 1893 and the Otago University Reserves Act 1904.
- (2) The District Land Registrar for the Otago Land Registration District shall deposit such plans, accept such documents for registration, and do all such other things as may be necessary to give effect to the provisions of this section and shall, on application of the University, issue a certificate of title for the said land.
- (3) The land to which this section relates is more particularly described as follows:  
All that area in the Otago Land District being Section 1, Block XVI, Benmore Survey District, containing 10 acres, more or less (SO Plans 255 and 3341).

**18 Authorising the Otago Hospital Board to transfer certain land in the City of Dunedin to the University of Otago**

Whereas the land described in subsection (4) is held by the Otago Hospital Board (in this section referred to as the **Board**) for an estate in fee simple in trust as a site for a hospital for infectious diseases:

And whereas there are erected on the land buildings known as the Logan Park Hospital:

And whereas the land and buildings have been used for some years by the University of Otago for the residential accommodation of certain students of the University:

And whereas the Board is desirous of transferring the land and buildings to the University of Otago without consideration but has no power to do this and it is desirable that the transfer be authorised:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Hospitals Act 1957, or in any other Act or rule of law, the Board is hereby authorised and empowered to transfer the land described in subsection (4) to the University of Otago without consideration.
- (2) On the registration of a transfer pursuant to subsection (1), the said land shall vest in trust in the University of Otago for the purposes of the University as part of the site of the University but otherwise freed and discharged from all trusts, reservations, and restrictions heretofore affecting the said land.
- (3) The District Land Registrar for the Land Registration District of Otago is hereby authorised and directed to accept such documents for registration, to deposit such plans, to make such entries in the register book, 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 Otago Land District, City of Dunedin, being part of Section 51, Block IX, North Harbour and Blueskin Survey District, containing by admeasurement 3 acres and 2 roods, more or less, and being all the land comprised and described in certificate of title, Volume 236, folio 184, Otago

Registry: as shown on the plan marked L and S 6/8/102A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (SO Plan 6046).

**19 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 that area in the North Auckland Land District being part Allotment 26, Whakapaku Parish, situated in Block II, Whangaroa Survey District, containing 57 acres and 1 rood, more or less: as shown on the plan marked L and S 36/2169, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (SO Plan 40639).

Secondly, all that area in the North Auckland Land District being Section 20, Block VII, Hokianga Survey District, containing 637 acres, more or less: as shown on the plan marked L and S 22/1450/457, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (SO Plan 13933).

Thirdly, all that area in the North Auckland Land District being part of the land set apart as permanent State forest by Proclamation dated 31 October 1892, and published in the *Gazette* of 10 November of that year at page 1491, and being also part of the land known as Allotment 317, Waipu Parish, situated in Block V, Waipu Survey District, containing 67 acres, more or less: as shown on the plan marked L and S 10/91/69, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

Fourthly, all that area in the South Auckland Land District being part of the land set apart as permanent State forest by Proclamations published in the *Gazette* dated 3 October 1935, at page 2736, and the *Gazette* dated 4 October 1951, at page 1457, and being also parts Whangamata No 6 Block, part Section 10, Block IV, Ohinemuri Survey District, part Section 1, Block VIII, Ohinemuri Survey District, and Section 1, Block I, Waihi North Survey District, containing 2 665 acres 2 roods 9 perches, more or less: as shown on the plan marked L and S 36/2377, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (SO Plan 38898).

Fifthly, all that area in the Nelson Land District, being part of Sections 1 and 3, Block VII, Maruia Survey District, containing 87 acres and 3 roods, more or less: as shown on the plan marked L and S 22/320, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (SO Plans 8704 and 10027).

Sixthly, all that area in the Southland Land District being part of the land set apart as permanent State forest by Proclamation dated 24 February 1886, and published in the *Gazette* of 4 March of that year at page 253, and being also the land known as Section 443, Block V, Forest Hill Hundred, containing 95 acres 2 roods and 26 perches, more or less: as shown on the plan marked L and S 10/113/1, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red (SO Plan 3921).

Seventhly, all that area in the Southland Land District, containing by admeasurement 62 acres, more or less, situated in Block VI, Gap Survey District, being that part of State Forest Reserve Number 22 as shown on Survey Office Plan 6525: as the same is also shown on the plan marked L and S 8/10/62A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.

**20 Vesting the Clevedon public hall site in the Manukau County Council as a public reserve**

Whereas the land described in subsection (4), known as the Clevedon public hall site (in this section referred to as the

**said land**), was by deed of conveyance dated 13 April 1877, and registered in the Deeds Register Office at Auckland under Number 56501, vested, without power of sale, in certain trustees as a site for a public hall, reading room, and library to be occupied and used by the inhabitants of the then Wairoa Highway District:

And whereas the said Clevedon public hall has now outlived its usefulness and is no longer safe and in its present condition cannot be relicensed in accordance with the provisions of the Counties Act 1956:

And whereas a new hall and amenities are now required and the Manukau County Council (in this section referred to as the **Council**) is desirous of erecting a new hall and amenities on condition that the said land is vested in the Council:

And whereas doubts have arisen as to whether, in accordance with the terms of their trust, the trustees have power to dispose of the said land to the Council:

And whereas it is desirable that provision be made to enable the said land to be vested in the Council as a public reserve for a public hall and other amenities for the Clevedon residents subject to the Reserves and Domains Act 1953:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act or rule of law, the land described in subsection (4) is hereby declared to be vested in the Corporation of the Chairman, Councillors, and Inhabitants of the County of Manukau subject to the existing liabilities thereover to be held as a reserve for the purposes of a public hall, reading rooms, library, and Plunket rooms for the Clevedon residents subject to the provisions of the Reserves and Domains Act 1953 but otherwise freed and discharged from the trusts, reservations, and restrictions heretofore affecting the same, and the Council is hereby empowered, out of the County Fund Account or out of money to be borrowed or otherwise available for the purpose, to pay off and discharge the said liabilities.
- (2) All furnishings, chattels, and effects pertaining to the present Clevedon public hall, library, and reading room, and all money held in connection therewith, shall be and are hereby vested in

the Council and shall be applied by the Council towards or used for the new public hall, library, and reading room, and the trustees or any other persons having the present control and management thereof are hereby authorised and directed to deliver up the same to the Council.

- (3) The District Land Registrar for the Land Registration District of Auckland 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 North Auckland Land District, being part Allotment 9, Parish of Wairoa, situated in Block VII, Wairoa Survey District, containing 3 roods, more or less, and being all of the land comprised and described in certificate of title, Volume 523, folio 178, Auckland Registry (limited as to parcels).

**21 Special provisions enabling the control of the Waihi Drainage Area to be transferred to the Tauranga County Council**

*[Repealed]*

Section 21: repealed, on 29 June 1988, by section 209(1) of the Rating Powers Act 1988 (1988 No 97).

**22 Validating an agreement between the Lower Hutt City Council and the Hutt Park Committee**

Whereas section 16 of the Reserves and Other Lands Disposal Act 1957 validated a certain deed made between the Hutt Park Committee, a body corporate constituted by the Hutt Park Act 1907 (in this section referred to as the **Committee**), and the Mayor, Councillors, and Citizens of the City of Lower Hutt acting by and through the Lower Hutt City Council (in this section referred to as the **Council**), a copy of which is deposited in the Head Office of the Department of Lands and Survey, at Wellington, as Wellington Deed Number 1714:

And whereas the said deed did not include all the lands intended to be transferred by the Committee to the Council:

And whereas a further deed dated 1 September 1958 has accordingly been executed by the said parties to give full effect to their intentions:

And whereas a copy of this deed is deposited in the Head Office of the Department of Lands and Survey, at Wellington, as Wellington Deed Number 1719:

And whereas it is expedient that this deed be authorised and validated:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act or in any rule of law the said Wellington Deed Number 1719 is hereby declared to be and to have always been deemed to be valid and binding in all respects and of full force and effect according to its tenor and the Council and the Committee shall be deemed to have and to have had all powers and authorities necessary to enter into and execute the said deed and to do all things necessary to enter into and execute the said deed and to do all things requisite for the carrying out of the terms and conditions thereof and to execute the necessary documents to give effect thereto.
- (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, and to do all such other things as may be necessary to give effect to the provisions of this section and to the provisions of the said Wellington Deed Number 1719.

### **23 Vesting certain lands in the Corporation of the City of Wellington**

Whereas the land firstly described in subsection (7) is vested in the Mayor, Councillors, and Citizens of the City of Wellington (in this section referred to as the **Corporation**) in trust as to one part for an aerodrome and general aviation purposes, as to a second part for a pleasure ground, and as to a third part for municipal purposes subject as to certain parts to certain rights reserved to the Minister of Defence by section 9 of the Wellington City Empowering and Amendment Act 1929:

And whereas the land secondly described in subsection (7) is vested in the Corporation in trust for recreation purposes and for the purposes of a recreation ground:

And whereas the land thirdly described in subsection (7) is vested in the Corporation in trust for the purposes of a recreation ground:

And whereas the land fourthly described in subsection (7) is vested in the Corporation in trust for the purposes of a pleasure ground:

And whereas the land fifthly described in subsection (7) is vested in Her Majesty the Queen for defence purposes:

And whereas the lands described in subsection (8) are vested in the Corporation for an estate in fee simple:

And whereas it is desirable that all the lands described in subsection (7) be vested in the Corporation freed and discharged from all trusts, reservations, and restrictions:

And whereas it is desirable that the Corporation be authorised to lease, let, or licence all or any part of the said lands or any buildings or parts of buildings or installations or parts thereof erected thereon or to be erected thereon upon such terms and conditions as the Corporation may think fit:

And whereas it is desirable that the Corporation be authorised to lease, let, or licence all or any part of any other lands or any buildings or parts of buildings or installations or parts thereof erected thereon or to be erected thereon which may become vested in the Corporation as hereinafter provided upon such terms and conditions as the Corporation may think fit:

Be it therefore enacted as follows:

- (1) Section 9 of the Wellington City Empowering and Amendment Act 1929 is hereby repealed.
- (2) The vesting as aforesaid of the lands firstly, secondly, thirdly, and fourthly described in subsection (7) is hereby cancelled and the said lands are hereby declared to be vested in the Corporation freed and discharged from all trusts, reservations, and restrictions heretofore affecting the same.
- (3) The vesting as aforesaid of the land fifthly described in subsection (7) is hereby cancelled and the land is hereby declared to be vested in the Corporation freed and discharged from all



trusts, reservations, and restrictions heretofore affecting the same.

- (4) Notwithstanding any of the provisions of the Municipal Corporations Act 1954 or any other Act or rule of law relating to the leasing, letting, or licensing of land, buildings, and installations, the Corporation may lease, or let, or licence all or any part of the lands described in subsections (7) and (8) or any buildings or parts of buildings or installations or parts thereof erected thereon or to be erected thereon upon such terms and conditions as the Corporation thinks fit.
- (5) The provisions of subsection (4) may at any time be applied by Order in Council, with the consent of the Minister of Lands, to all or any part of any other lands in the vicinity of the Wellington Airport and including any areas reclaimed or to be reclaimed in connection therewith and which may become vested in the Corporation.
- (6) The District Land Registrar for the Land Registration District of Wellington is hereby authorised to deposit such plans, to accept such documents for registration, to make all 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.
- (7) The lands referred to in subsections (2) and (3) are particularly described as follows:

Firstly, all that area of land in the Wellington Land District, City of Wellington, being parts of Section 8, Evans Bay District, and parts of Sections 13, 14, and 15, Watts Peninsula District, parts of the land being also parts of Lots 2, 3, 4 and parts shown as “proposed road” on Deposited Plan No 1808, Lots 5 and 6 and parts of Lots 1 and 4 on Deposited Plan No 2456, Lot 2 and part of Lot 1 on Deposited Plan No 2481, containing 115 acres, approximately, and being part of the land comprised and described in certificate of title, Volume 428, folio 268, Wellington Registry.

Secondly, all that area of land in the Wellington Land District, City of Wellington, being parts of Section 8, Evans Bay District, containing 2 acres 1 rood and 30 perches, approximately, and being part of the land comprised and described in certificate of title, Volume 484, folio 245, Wellington Registry.

Thirdly, all that area of land in the Wellington Land District, City of Wellington, being part of Section 8, Evans Bay District, and being all the land shown coloured pink on a plan deposited in the office of the Chief Surveyor at Wellington as No 19629, containing 4 acres 3 roods 10 perches and thirty-nine hundredths of a perch, more or less, and being all the land comprised and described in certificate of title, Volume 449, folio 42, Wellington Registry.

Fourthly, all that area of land in the Wellington Land District, City of Wellington, being part of Section 8, Evans Bay District, and being part of the land shown coloured pink on a plan deposited in the office of the Chief Surveyor for the Wellington Land District as No 19879, containing 10 perches, approximately, and being part of the land comprised and described in certificate of title, Volume 484, folio 226, Wellington Registry.

Fifthly, all that area of land in the Wellington Land District, City of Wellington, being the street closed by Proclamation 3133, and being the land coloured red, blue, and yellow on a plan deposited in the office of the Chief Surveyor for the Wellington Land District as No 19718, containing 2 acres 1 rood 2 perches and six-hundredths of a perch more or less.

- (8) The lands vested in the Corporation in fee simple and referred to in subsection (4) are more particularly described as follows:

Firstly, all that area of land in the Wellington Land District, City of Wellington, being part of Section 8, Evans Bay District, being Lot 2 on Deposited Plan No 8866, containing 1 acre 1 rood 35 perches and forty-six hundredths of a perch, more or less, and being also the whole of the land in certificate of title, Volume 488, folio 60, Wellington Registry.

Secondly all that area of land in the Wellington Land District, City of Wellington, being part Section 13, Watts Peninsula District, containing 2 acres 3 perches and fourteen-hundredths of a perch, more or less, being all of the land comprised in certificate of title, Volume 778, folio 26, Wellington Registry.

Thirdly all that area of land in the Wellington Land District, City of Wellington, being part Section 8, Evans Bay District, containing 9 perches and seventy-nine hundredths of a perch,

more or less, and being the balance of the land in certificate of title, Volume 272, folio 70, Wellington Registry.

- (9) All the said pieces of land described in subsections (7) and (8) are more particularly shown on a plan marked L and S 6/11/167, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon edged red.
-

**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 1958. It incorporates all the amendments to the Act as at 1 January 2008, 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)*

Property Law Act 2007 (2007 No 91): section 364(1)

Rating Powers Act 1988 (1988 No 97): section 209(1)

Reserves and Other Lands Disposal Act 1969 (1969 No 131): section 10(2)

---