

**Reprint
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**Reserves and Other Lands Disposal
Act 1968**

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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, vesting, and other disposition of certain reserves, Crown land, and other land, 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 1968.

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

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

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

Be it therefore enacted as follows:

- (1) The setting apart of the land described in subsection (2) as permanent State forest land is hereby revoked, and the said land is hereby declared to be Crown land subject to the Land Act 1948.

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

Firstly, all that area of land in the North Auckland Land District, containing 493 acres and 3 roods, more or less, being parts Section 1S and part Sections 4S and 7S, Puketi Settlement, and part Mokau Block, situated in Block XV, Kaeo Survey District; as more particularly shown on SO Plan 46003 lodged in the office of the Chief Surveyor at Auckland, and thereon edged red.

Secondly, all that area of land in the North Auckland Land District, containing 45 acres and 8 perches, more or less, being part allotments 63, 70, and W 11, Waioneke Parish, situated in Block X, Okaka Survey District; as more particularly shown on SO Plan 45501 lodged in the office of the Chief Surveyor at Auckland, and thereon edged red.

Thirdly, all those areas of land in the North Auckland Land District, being Allotments 153, 154, and 167, Maungatapere Parish, situated in Block XV, Purua Survey District and Block VI, Tangihua Survey District, containing 1 966 acres, more or less (SO Plans 20391 and 26043); and also the State forest described in the *Gazette* published for the year 1906 at page 1429 (part of which comprises part Maungakaramea Block), situated in Block XIV, Purua Survey District, and Block V, Tangihua Survey District, containing 883 acres, more or less; as more particularly shown on the plan marked L and S 10/91/46A, deposited in the head office of the Department of Lands and Survey at Wellington, and thereon edged red.

Fourthly, all that area of land in the South Auckland Land District, containing 5 acres 2 roods 27 perches, more or less, being part Section 10, Block IV, Ohinemuri Survey District, and part Whangamata No 6 Block, situated in Block VIII, Ohinemuri Survey District; as more particularly shown on SO Plan 43471 lodged in the office of the Chief Surveyor at Hamilton, and thereon edged red.

Fifthly, all that area of land in the South Auckland Land District, containing 216 acres, 1 rood, and 28 perches and one-tenth of a perch, more or less, being parts Rangitoto A 31A and B 3A Blocks, situated in Block XIV, Ranginui Survey District; as more particularly shown on SO Plans 43449 and

43450 lodged in the office of the Chief Surveyor at Hamilton, and thereon edged red.

Sixthly, all that area of land in the South Auckland Land District, containing 104 acres 2 roods and 35 perches, more or less, being part Allotment 27, Waipa Parish, situated in Blocks VI and VII, Newcastle Survey District; as more particularly shown on SO Plan 44609 lodged in the office of the Chief Surveyor at Hamilton, and thereon edged red.

Seventhly, all that area of land in the South Auckland Land District, containing 22 acres and 28 perches, more or less, being part allotment 676, Taupiri Parish, situated in Block VII, Hapuakohe Survey District; as more particularly shown on SO Plan 44518 lodged in the office of the Chief Surveyor at Hamilton, and thereon edged red.

Eighthly, all that area of land in the South Auckland Land District containing 39 acres, 1 rood, and 29 perches, more or less, being parts Sections 79 and 81, Block VIII, Katikati Survey District; as more particularly shown on SO Plan 44318 lodged in the office of the Chief Surveyor at Hamilton, and thereon edged red.

Ninthly, all that area of land in the South Auckland Land District, containing 8 acres, 3 roods, and 35 perches, more or less, being part Section 73, Block VIII, Katikati Survey District; as more particularly shown on SO Plan 44600 lodged in the office of the Chief Surveyor at Hamilton, and thereon edged red.

Tenthly, all that area of land in the South Auckland Land District containing 100 acres, more or less, being part Runanga 2A Block, situated in Block VIII, Maruanui Survey District, being part of the land comprised and described in certificate of title, Volume 395, folio 185, South Auckland Land Registry; as more particularly shown on SO Plan 44585 lodged in the office of the Chief Surveyor at Hamilton, and thereon edged red.

Eleventhly, all that area of land in the South Auckland Land District, containing 7 acres, 2 roods, and 27 perches, more or less, being part section 5, Block XIII, Whitianga Survey District, being part of the land comprised and described in certificate of title, Volume 315, folio 142, South Auckland Land

Registry; as more particularly shown on SO Plan 20912 lodged in the office of the Chief Surveyor at Hamilton, and thereon edged red.

Twelfthly, all those areas of land in the South Auckland Land District, containing 45 acres, 1 rood, and 30 perches, more or less, being parts Whangamata No 3 Block, situated in Block IV, Ohinemuri Survey District; as more particularly shown on the plan marked L and S 36/2556 deposited in the head office of the Department of Lands and Survey at Wellington, and thereon edged red (SO Plan 44193).

Thirteenthly, all those areas of land in the Wellington Land District, containing 186 acres, 1 rood, and 32 perches, more or less, being Section 4, Block III, Mangawhero Survey District (SO Plan 15008) and Section 20, Block XIV, Ngamatea Survey District (SO Plan 15095).

Fourteenthly, all that area of land in the Wellington Land District, containing 44 acres and 2 roods, more or less, being Section 47, Block XVI, Apiti Survey District (SO Plan 13548).

Fifteenthly, all that area of land in the Westland Land District, containing 4 661 acres, more or less, being part Reserve 1683 situated in Blocks X and XI, Karangarua Survey District; as more particularly shown on the plan marked L and S 4/26A deposited in the head office of the Department of Lands and Survey at Wellington, and thereon edged red.

3 Disposition of Greymouth Racecourse Reserve

Whereas the land firstly described in subsection (5) (in this section referred to as the **first land**) was reserved for the purposes of a racecourse by an Order in Council dated 11 December 1872 and published in the *Gazette* of that year at pages 901 and 902:

And whereas the first land was vested in a board of trustees known as the Trustees of the Greymouth Racecourse Reserve by the Greymouth Racecourse Reserve Act 1878 subject to the provisions of that Act:

And whereas the land secondly described in subsection (5) (in this section referred to as the **second land**) was added to the Greymouth Racecourse Reserve and vested in the board of

trustees by section 7 of the Reserves and Other Lands Disposal Act 1930:

And whereas the board of trustees, the Greymouth Jockey Club Incorporated (in this section referred to as the **club**), and Her Majesty the Queen have agreed that the Greymouth Racecourse Reserve should be declared Crown land subject to the Land Act 1948 and that it be then sold by Her Majesty to the club:

And whereas it is desirable that, on the sale to the club, the ownership of the money and other personal property belonging to the board of trustees in respect of the reserve should be vested in the club:

Be it therefore enacted as follows:

- (1) The first and second land is vested in Her Majesty the Queen as Crown land subject to the Land Act 1948, but otherwise freed from all trusts, reservations, and restrictions, for the purpose of enabling the land to be sold to the club pursuant to the provisions of that Act.
- (2) All money received from the sale of the land as aforesaid shall be paid into the Works and Trading Account and shall be applied in accordance with the provisions of section 78 of the Reserves and Domains Act 1953 for the purchase, improvement, or development of recreation reserves as provided in paragraph (c) of subsection (1) of that section.
- (3) All the money and other personal property held by the board of trustees for the benefit of the racecourse established and operated on the reserve is hereby vested in Her Majesty the Queen freed and discharged from all trusts and restrictions. On the land being sold as aforesaid, all the money and personal property shall, without further authority than this subsection, vest in the club absolutely.
- (4) The following enactments are hereby repealed:
 - (a) the Greymouth Racecourse Reserve Act 1878:
 - (b) section 7 of the Reserves and Other Lands Disposal Act 1930.
- (5) The land to which this section relates is particularly described as follows:

Firstly, all that area of land in the Westland Land District, containing 79 acres, more or less, being Reserve 34 situated in Block IX, Arnold Survey District, and being part of the land comprised and described in certificate of title, Volume 2B, folio 824, Westland Land Registry, as shown on SO Plan 3516 lodged in the office of the Chief Surveyor at Hokitika, and thereon coloured pink.

Secondly, all those areas of land in the Westland Land District, containing 94 acres, 3 roods, and 32 perches, more or less, being Reserve 96 situated in Block IX, Arnold Survey District, as shown on SO Plan 3527 lodged in the office of the Chief Surveyor at Hokitika, and thereon coloured pink, and Reserve 1004 situated in Block IX, Arnold Survey District, as shown on SO Plan 2804 lodged in the office of the Chief Surveyor at Hokitika, and thereon coloured red and edged blue; and being parts of the land comprised and described in certificate of title, Volume 2B, folio 824, Westland Land Registry.

4 Adding a closed cemetery to the Hillersden Domain

Whereas the land described in subsection (4) was reserved for the purposes of a public cemetery by a warrant dated 27 March 1915 and published in the *Gazette* of that year at page 2197:

And whereas there were no burials in the cemetery:

And whereas, by the Hillersden Cemetery Closing Order 1966 (published in the *Gazette* on 21 December 1966 at page 2230) the cemetery was directed to be closed and the control and management of the cemetery was declared to be vested in the Marlborough County Council:

And whereas by virtue of subsection (2) of section 53 of the Burial and Cremation Act 1964 the land became vested in the Chairman, Councillors, and Inhabitants of the County of Marlborough:

And whereas the council has requested that the land be added to the Hillersden Domain which the council administers in its capacity as the domain board:

And whereas subsection (2) of section 43 of the said Burial and Cremation Act prohibits the sale, lease, or other disposition of closed cemeteries:

And whereas it is desirable that the land be added to the Hillersden Domain:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Burial and Cremation Act 1964 or in any other Act, the vesting of the land in the Chairman, Councillors, and Inhabitants of the County of Marlborough is hereby cancelled; and the land is hereby vested in Her Majesty the Queen as a public domain subject to Part 3 of the Reserves and Domains Act 1953, but otherwise freed and discharged from all trusts, reservations, and other restrictions.
- (2) The land shall form part of the Hillersden Domain and shall be administered by the domain board for the time being appointed to administer the domain.
- (3) The Hillersden Cemetery Closing Order 1966 is hereby consequentially revoked.
- (4) The land to which this section relates is more particularly described as follows:

All that area of land in the Marlborough Land District containing 4 acres, 1 rood, and 9 perches, more or less, being section 13, Block IV, Mount Olympus Survey District (SO Plan 1139).

5 Vesting certain land in the Corporation of the County of Marlborough as a reserve for esplanade purposes

Whereas the land firstly described in subsection (2) (in this section referred to as the **first land**) is part of an area of land which was vested by the Havelock Harbour Board Act 1905 in the now defunct Havelock Harbour Board:

And whereas the land secondly described in subsection (2) (in this section referred to as the **second land**) was vested in the said Havelock Harbour Board as an endowment by section 70 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1913:

And whereas, by the Marlborough Harbour Board Order 1965, the first and second land became vested in the Marlborough Harbour Board:

And whereas the land thirdly described in the said subsection (2) (in this section referred to as the **third land**) is a scenic

reserve administered by Her Majesty the Queen subject to the Reserves and Domains Act 1953:

And whereas the first and second land is no longer required by the Marlborough Harbour Board and the third land is no longer required as a reserve for scenic purposes:

And whereas it is desirable and expedient to vest the first, second, and third land in the Chairman, Councillors, and Inhabitants of the County of Marlborough (in this section referred to as the **corporation**) as a reserve for the purposes of an esplanade to provide public access to the Kaituna River:

And whereas Her Majesty, the Marlborough Harbour Board, and the corporation have all agreed to the vesting:

Be it therefore enacted as follows:

- (1) The first, second, and third land is hereby vested in the corporation and shall be held in trust by it as a reserve for the purposes of an esplanade subject to the Reserves and Domains Act 1953, but otherwise freed and discharged from all trusts, reservations, and restrictions.
- (2) The land to which this section relates is particularly described as follows:

Firstly, all that area of land in the Marlborough Land District containing 6 acres, more or less, being part Harbour Board Endowment situated in Block XII, Wakamarina Survey District, as shown on SO Plan 4862 lodged in the office of the Chief Surveyor at Blenheim, and thereon edged red.

Secondly, all that area of land in the Marlborough Land District containing 1 acre and 1 rood, more or less, being part Section 28, Block XII, Wakamarina Survey District, as shown on SO Plan 4862, lodged in the office of the Chief Surveyor at Blenheim, and thereon edged red, and being part of the land comprised and described in certificate of title, Volume 20, folio 60, Marlborough Land Registry.

Thirdly, all that area of land in the Marlborough Land District containing 5 perches, more or less, being part Lot 1 on Deposited Plan numbered 1247, being part section 46, Mahakipawa Registration District, situated in Block XII, Wakamarina Survey District, as shown on SO Plan 4862, lodged

in the office of the Chief Surveyor at Blenheim, and thereon edged red.

6 Application of money received by trustees under the Havelock Commonage Act 1905

Whereas the management of the Havelock Commonage is vested in trustees under the Havelock Commonage Act 1905: And whereas section 6 of that Act provides for the application of money received by the trustees for the improvement and beautifying of the commonage:

And whereas section 16 of the Reserves and Other Lands Disposal Act 1933 authorised the trustees, with the consent of the Minister of Lands, to make grants to the Waitahuna Domain Board:

And whereas it is no longer considered necessary for the trustees to obtain the approval of the Minister of Lands as aforesaid:

And whereas the trustees desire wider powers of expenditure: And whereas it is in the interests of the inhabitants of the Town of Havelock (now known as Waitahuna) that wider powers be granted:

Be it therefore enacted as follows:

- (1) The Havelock Commonage Act 1905 is hereby amended by repealing section 6, and substituting the following section:

“6 Application of money received by trustees under the Havelock Commonage Act 1905

- “(1) Any money received by the trustees in respect of rents, the issue of licences, licence fees, or profits from the said land may be applied for all or any of the following objects and for no other object:

“(a) for the improvement or beautifying of the said land or any other land held in trust for the inhabitants of the Town of Havelock:

“(b) for the construction, maintenance, repair, and improvement of stream protection works in or about the town:

“(c) for the erection, maintenance, and repair of street lighting in or about the town:

- “(d) for the improvement, maintenance, repair, and development of—
 - “(i) the Waitahuna Domain:
 - “(ii) any cemetery, school, sports ground, or social or sports clubroom, established for the benefit of the inhabitants of the town or a substantial number of them:
 - “(e) for the construction, development, improvement, maintenance, and repair of any other communal facility or amenity which is for the benefit of the inhabitants of the town generally.
- “(2) The trustees may from time to time make grants to any statutory or other body or person in order to facilitate the attainment of any object specified in subsection (1).”
- (2) Section 16 of the Reserves and Other Lands Disposal Act 1933 is hereby repealed.

7 Vesting certain land situated in the County of Cook in the Crown as domain and road

Whereas the land firstly and fourthly described in subsection (3) (in this section referred to as the **first** and **fourth land**) is vested in the Gisborne Harbour Board as an endowment subject to the provisions of the Gisborne Harbour Act 1905:

And whereas, by section 125 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1913, the land secondly described in the said subsection (3) (in this section referred to as the **second land**) is held by the Mayor, Councillors, and Citizens of the City of Gisborne (in this section referred to as the **corporation**) as a reserve for general utility purposes:

And whereas the land thirdly described in the said subsection (3) (in this section referred to as the **third land**) was acquired under section 88 of the Public Works Act 1894 and was vested in the corporation as from 21 April 1902 for the purposes of providing a site for a public abattoir by an Order in Council dated 4 March 1902 and published in the *Gazette* of that year at page 733:

And whereas the aforesaid land is not required by the board or the corporation for the purposes for which it is at present being held:

And whereas it is desirable that the first, second, and third land be vested in Her Majesty the Queen as a public domain, and that the fourth land be vested in Her Majesty as a public road:

And whereas the board and the Gisborne City Council have consented to these proposals:

Be it therefore enacted as follows:

- (1) The first, second, and third land is hereby vested in Her Majesty the Queen as a public domain subject to Part 3 of the Reserves and Domains Act 1953, but otherwise freed and discharged from all trusts, reservations, and restrictions.
- (2) The fourth land is hereby vested in Her Majesty the Queen as a public road, but otherwise freed from all other trusts, reservations, and restrictions.
- (3) The land to which this section relates is particularly described as follows:

Firstly, all that area of land in the Gisborne Land District containing 7 acres, 2 roods, and 14 perches, more or less, situated in Block VI, Turanganui Survey District, being part Gisborne Harbour Board foreshore as shown on the plan marked L and S 1/1593 deposited in the head office of the Department of Lands and Survey at Wellington, and thereon coloured purple (SO Plan 5679), and being part of the land comprised and described in certificate of title, Volume 14, folio 181, Gisborne Land Registry.

Secondly, all those areas of land in the Gisborne Land District containing 1 rood and 4 perches and seven-tenths of a perch, more or less, situated in Block VI, Turanganui Survey District, being part Awapuni 1A, 1F, and 2 Blocks, as shown on the plan marked L and S 1/1593 deposited in the head office of the Department of Lands and Survey at Wellington, and thereon coloured green (SO Plan 5679), and being part of the land comprised and described in certificate of title, Volume 39, folio 160, Gisborne Land Registry.

Thirdly, all that area of land in the Gisborne Land District containing 1 perch and three-tenths of a perch, more or less,

situated in Block VI, Turanganui Survey District, and being part Awapuni 1K Block, as shown on the plan marked L and S 1/1593 deposited in the head office of the Department of Lands and Survey at Wellington, and thereon coloured yellow (SO Plan 5679), and being part of the land comprised and described in certificate of title, Volume 39, folio 160, Gisborne Land Registry.

All the aforesaid parcels totalling 7 acres, 3 roods, and 20 perches, more or less (to be known hereafter as section 29, Block VI, Turanganui Survey District) are shown on the plan marked L and S 1/1593 deposited in the head office of the Department of Lands and Survey at Wellington, and thereon edged red (SO Plan 5679).

Fourthly, all that area of land in the Gisborne Land District containing 1 rood and 7 perches, more or less, situated in Block VI, Turanganui Survey District, being part Gisborne Harbour Board foreshore, as shown on the plan marked L and S 1/1593 deposited in the head office of the Department of Lands and Survey at Wellington, and thereon coloured burnt sienna (SO Plan 5679), and being part of the land comprised and described in certificate of title, Volume 14, folio 181, Gisborne Land Registry.

8 Vesting property belonging to the trustees of the Waikouaiti Athenaeum in the Corporation of the County of Waikouaiti

Whereas the land firstly described in subsection (6) (in this section referred to as the **first land**) was acquired by Henry Orbell, John Wallace Murdoch, and Robert Oxley, all of Waikouaiti, who subsequently became trustees of the Waikouaiti Athenaeum by section 3 of the Waikouaiti Athenaeum Land Act 1877 (in this section referred to as the **Act**):

And whereas the said section 3 provided that all lands, tenements, and hereditaments that were in any manner vested in the trustees should be vested in them for the purposes of the athenaeum:

And whereas the land secondly described in the said subsection (6) (in this section referred to as the **second land**) was subsequently acquired by the trustees:

And whereas the land thirdly described in the said subsection (6) (in this section referred to as the **third land**) was granted to the trustees by the then Governor of New Zealand pursuant to section 2 of the Act:

And whereas a hall and a library are at present situated on the first and second land and the hall and library are administered by the trustees for the time being appointed under the Act:

And whereas the trustees desire to transfer the hall and library to the Chairman, Councillors, and Inhabitants of the County of Waikouaiti (in this section referred to as the **corporation**) for the benefit of the inhabitants of the county but have no power to do so:

And whereas the Waikouaiti County Council has agreed to take over the assets and liabilities of the trustees and to administer those assets for the purposes of the hall and library:

Be it therefore enacted as follows:

- (1) The first and second land is hereby vested in the corporation for an estate in fee simple to be held as a public reserve for the purposes of the existing hall and library, or any hall or library which may hereafter be erected to replace the existing hall or library, subject to the Reserves and Domains Act 1953, but otherwise freed and discharged from all trusts, reservations, caveats, and other restrictions.
- (2) The third land is hereby vested in the corporation for an estate in fee simple as an endowment, without power of sale, for the benefit of the existing hall and library, or for the benefit of any public hall or library which may hereafter be erected to replace the existing hall or library. The third land shall be subject to all leases and tenancies presently affecting it, but shall otherwise be freed and discharged from all other trusts, reservations, and restrictions.
- (3) All money and personal property (including all choses in action and the benefit of all contracts and agreements) belonging to the trustees is hereby vested in the corporation freed and discharged from all trusts and restrictions.

- (4) All debts and other liabilities lawfully incurred by the trustees and existing on the passing of this Act shall hereafter be debts and liabilities of the corporation; and the corporation is hereby authorised to satisfy those debts and liabilities out of its general funds.
- (5) The Waikouaiti Athenaeum Land Act 1877 is hereby repealed.
- (6) The land to which this section relates is particularly described as follows:

Firstly all that area of land in the Otago Land District containing 25 perches and twenty-seven one-hundredths of a perch, more or less, being part Allotment 1A, Deeds Plan 91, being part section 16, Block VI, Hawkesbury Survey District, and being all the land comprised and described in certificate of title, Volume 268, folio 211 (limited as to parcels and title), Otago Land Registry.

Secondly, all that area of land in the Otago Land District containing 1 rood 23 perches and three-tenths of a perch, more or less, being part Allotments 1A and 2A, Deeds Plan 91, being part section 16, Block VI, Hawkesbury Survey District, and being all the land comprised and described in certificate of title, Volume 268, folio 210 (limited as to parcels and title), Otago Land Registry.

Thirdly, all that area of land in the Otago Land District containing 53 acres, 3 roods, and 10 perches, more or less, being Section 60, Block V, Hawkesbury Survey District, and being all the land comprised and described in certificate of title, Volume 61, folio 166, Otago Land Registry (SO Plan 589).

9 Declaring land to be vested in the Invercargill City Corporation as an endowment for its town hall and municipal offices

Whereas the land described in subsection (5) is vested in the Mayor, Councillors, and Citizens of the City of Invercargill (in this section referred to as the **corporation**) as a reserve for the purposes of a market place subject to the Reserves and Domains Act 1953:

And whereas pursuant to the Invercargill Reserves Leasing Act 1884 and the Invercargill Reserves Leasing Act 1884

Amendment Act 1899 the corporation is authorised to lease part of the reserve for terms not exceeding 21 years and the remainder of the reserve for terms not exceeding 14 years, in all cases without a right of renewal:

And whereas certain leases of parts of the reserve contain rights of renewal:

And whereas it is desirable that those rights be validated:

And whereas the Invercargill City Council has requested that the reserve should be declared to be an endowment for the benefit of the existing town hall and municipal offices (including any addition or extension thereto) and for the benefit of any town hall or municipal offices hereafter to be erected in their place:

And whereas the council has requested that it be given the same power of sale as it would have if it held the land as an endowment for the general purposes of the city:

And whereas it is desirable that, on the enactment of this section, the Invercargill Reserves Leasing Act 1884 and the Invercargill Reserves Leasing Act 1884 Amendment Act 1899 should be repealed:

Be it therefore enacted as follows:

- (1) The land described in subsection (5) is hereby declared to be vested in the corporation as an endowment for the benefit of the existing town hall and municipal offices (including any addition or extension thereto) and for the benefit of any town hall or municipal offices thereafter to be erected in their place, freed and discharged from all other trusts, reservations, and restrictions, but otherwise subject to all existing leases, easements, liens, encumbrances, and interests.
- (2) The provisions of subsection (4) of section 150 of the Municipal Corporations Act 1954, so far as they are applicable and with the necessary modifications, shall apply to the land as if it were an endowment for the general purposes of the city.
- (3) Any lease of any part of the land (including any lease which purports to be in renewal of any previous lease) which has not expired or otherwise been terminated before the passing of this Act, and all the provisions of any such lease, shall have effect as if the land described in the lease had been vested in the

corporation as an endowment as aforesaid at the time when the lease was executed.

- (4) The Invercargill Reserves Leasing Act 1884 and the Invercargill Reserves Leasing Act 1884 Amendment Act 1899 are hereby repealed.
- (5) The land to which this section relates is particularly described as follows:

All that area of land in the Southland Land District containing 1 acre, 3 roods, and 24 perches, more or less, being Sections 11 and 12, Block LXXVI, Town of Invercargill (City of Invercargill); part being also Lots 1, 2, 3, 4, 5, 6, and 7 on Deposited Plan numbered 2659, and being all the land comprised and described in certificate of title, Volume 131, folio 258, Southland Land Registry; part being Lots 1 and 2 on Deposited Plan numbered 163, and being all the land comprised and described in certificate of title, Volume 188, folio 104, Southland Land Registry; part being also Lot 3 on Deposited Plan numbered 163, and being all the land comprised and described in certificate of title, Volume 183, folio 21, Southland Land Registry; part being also Lots 4 and 5 on Deposited Plan numbered 163, and being all the land comprised and described in certificate of title, Volume A 2, folio 666; and the remainder being the balance of the said Section 12, and being the balance of the land comprised and described in certificate of title, Volume 75, folio 159, Southland Land Registry.

10 Membership of the Queen Elizabeth Park Domain Board
[Repealed]

Section 10: repealed, on 20 October 1972, by section 5(2)(b) of the Reserves and Other Lands Disposal Act 1972 (1972 No 124).

11 Authorising the Wellington Ladies' Christian Association to sell the Alexandra Home for Women and placing a reservation on certain other land acquired by the association

Whereas the land firstly described in subsection (5) (in this section referred to as the **first land**) is subject to the Reserves and Domains Act 1953:

And whereas, pursuant to the powers conferred on him by the Reserves and Domains Act 1953, the Minister of Lands, by notice dated 3 May 1955 and published in the *Gazette* of that year at page 771, defined and dedicated the first land as a site for a maternity home and a hospital under the name of the Alexandra Home for Women:

And whereas the Minister, by that notice, also vested the first land in the Wellington Ladies' Christian Association (a separate institution within the meaning of the Hospitals Act 1957) for the purposes of establishing and maintaining a maternity home and hospital thereon:

And whereas there is erected on the first land a maternity home and hospital under the name of the Alexandra Home for Women:

And whereas the association desires to sell the first land and apply the proceeds towards the provision on the land secondly described in subsection (5) (in this section referred to as the **second land**) of a home for unmarried mothers, or of accommodation for women, or of both, but, because of the provisions of the Reserves and Domains Act 1953 and the Hospitals Act 1957, the association has no power to do so:

And whereas it is desirable that the second land be declared to be held by the association as a reserve subject to the Reserves and Domains Act 1953 for the purposes of providing on the land a home for unmarried mothers or accommodation for women as aforesaid, and that, on completion of the sale of the first land, that land be no longer subject to the said Reserves and Domains Act:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Reserves and Domains Act 1953 or the Hospitals Act 1957 or in any other enactment or rule of law, the association may, without further authority than this section, sell the first land, either by private contract or otherwise, for cash or on such other terms as the association may in its discretion decide.
- (2) On completion of any such sale, the first land shall be freed and discharged from all trusts, reservations, and restrictions

(except the building line restrictions affecting it on the passing of this Act).

- (3) The second land is hereby declared to be held by the association as a reserve subject to the provisions of the Reserves and Domains Act 1953 for the purpose of providing a home for unmarried mothers or of providing accommodation for women generally, or for both those purposes; and the District Land Registrar for the Wellington Land Registration District is hereby directed to enter a memorial of the reservation on the certificate of title for the time being issued for the land.
- (4) The proceeds of any sale made pursuant to subsection (1), after providing for the costs and expenses of or incidental to the sale, may be applied by the association for the following purposes, and for no other purposes:
 - (a) for the provision on the second land of a home for unmarried mothers or of accommodation for women generally, or of both a home and accommodation:
 - (b) for the equipping, maintaining, repair, or improvement of any such home or accommodation.
- (5) The land to which this section relates is particularly described as follows:

Firstly, all that area of land in the Wellington Land District containing 3 roods and 37 perches and sixty-five one-hundredths of a perch, more or less, situated in Blocks X and XI, Port Nicholson Survey District, being Section 1195, Town of Wellington (City of Wellington), and being all the land comprised and described in certificate of title, Volume 740, folio 48, Wellington Land Registry (SO Plan 23307).

Secondly, all that area of land in the Wellington Land District containing 1 rood and 9 perches and seven-tenths of a perch, more or less, situated in Block XI, Port Nicholson Survey District, being part Section 964, Town of Wellington (City of Wellington), and being also Lots 1 and 2 on Deposited Plan numbered 4868, and being all the land comprised and described in certificate of title, Volume 427, folio 18, Wellington Land Registry.

12 Authorising the Queenstown Borough Council to lease part of the Queenstown Commonage

Whereas the Superintendent of the Province of Otago, by notice dated 5 January 1870 and published in the *Otago Provincial Gazette* of that year at page 2, made and dedicated certain land in the province of Otago as a reserve for use of the inhabitants of Queenstown as a commonage:

And whereas that commonage is vested in the Mayor, Councillors, and Citizens of the Borough of Queenstown (in this section referred to as the **corporation**), subject to the Queenstown Commonage Reserve Management Act 1876:

And whereas the land firstly and secondly described in subsection (5) (in this section referred to as the **first** and **second land**) is part of the aforesaid commonage:

And whereas by section 3 of the Queenstown Commonage Reserve Management Act 1876 the corporation has power to grant only yearly licences over the commonage for grazing purposes:

And whereas the Queenstown Borough Council desires to lease in the name and on behalf of the corporation the first land as a site for the establishment of a restaurant, guest accommodation, and other buildings, but has no power to do so:

And whereas the council also desires to grant to any lessee of the first land in the name and on behalf of the corporation such easements and other incorporeal hereditaments over the second land as may be necessary to facilitate the full use and enjoyment of the first land by the lessee and his invitees and licensees, but has no power to do so:

Be it therefore enacted as follows:

- (1) Notwithstanding the provisions of the Queenstown Commonage Reserve Management Act 1876 or of any other enactment or rule of law, the council in the name and on behalf of the corporation may from time to time, by private treaty or otherwise, lease all or any part of the first land, subject to the provisions of subsection (2), but otherwise on such terms and conditions as it thinks fit.

- (2) There shall be included or, if not included, implied in any lease entered into under subsection (1) a covenant by the lessee restricting him from using the site comprised in the lease otherwise than for the purposes of establishing and operating a restaurant, guest accommodation, and associated buildings.
- (3) Notwithstanding the provisions of the Queenstown Commonage Reserve Management Act 1876 or of any other enactment or rule of law, the council in the name and on behalf of the corporation may from time to time grant to any lessee of the first land as an appurtenance to his lease any easement or other incorporeal hereditament over any part of the second land to facilitate the full use and enjoyment of the first land by the lessee and his invitees and licensees.
- (4) For the purposes of this section the term **lessee** includes any executor, administrator, assignee, or underlessee of the lessee, and any person deriving title through or from any such executor, administrator, assignee, or underlessee.
- (5) The land to which this section relates is particularly described as follows:

Firstly, all that area of land in the Otago Land District, containing 2 acres, more or less, being Section 96 (formerly part Section 19), Block XX, Shotover Survey District (SO Plan 13443), and being part of the land comprised and described in certificate of title, Volume 109, folio 294, Otago Land Registry.

Secondly, all that area of land in the Otago Land District, containing 359 acres, 1 rood, and 14 perches and ninety-four one-hundredths of a perch, more or less, being part Section 19, Block XX, Shotover Survey District, and being part of the land comprised and described in certificate of title, Volume 109, folio 294, Otago Land Registry; as more particularly shown on the plan marked L and S 1/1103 deposited in the head office of the Department of Lands and Survey at Wellington, and thereon edged red.

13 Sale of endowment land in Foxton Beach Township

Whereas by section 21 of the Reserves and Other Lands Disposal Act 1956 and by section 9 of the Reserves and Other

Lands Disposal Act 1965 the land firstly described in subsection (18) was vested in the Chairman, Councillors, and Inhabitants of the County of Manawatu (in this section referred to as the **corporation**), subject to the provisions of the said section 21 and to all leases, liens, encumbrances, easements, and other restrictions affecting the endowment land at the commencement of that section:

And whereas, pursuant to subsection (8) of the said section 21, the Minister of Lands, by various notices published in the *Gazette*, vested the land secondly and thirdly described in subsection (18) of this section in the corporation as part of the endowment land, subject to the provisions of the said section 21 and to all leases, liens, encumbrances, easements, and other restrictions affecting the land at the date of the notices:

And whereas certain parts of the land described in the said subsection (18) have since been vested in the Crown or otherwise taken for various public purposes by proclamation, special order, or other instrument or by operation of law:

And whereas the Manawatu County Council is, by paragraph (d) of subsection (5) of the said section 21, empowered to enter into perpetually renewable leases for terms of 21 years of unleased parts of the endowment land, without the right to acquire the freehold of the land comprised in the leases:

And whereas the council is, by paragraph (c) of the said subsection (5), required, on or before the expiration of any lease of any part of the endowment land subsisting at the date of commencement of the said section 21, to grant perpetually renewable leases to the lessees of those subsisting leases, also without the right to acquire the freehold of the land comprised in the leases:

And whereas the council is, by paragraph (e) of the said subsection (5), empowered in specific cases, with the approval of the Minister of Lands, to enter into leases of any unleased part of the endowment land without a right of renewal:

And whereas many of the lessees of parts of the endowment land desire to acquire the freehold of the land comprised in their lease:

And whereas the council desires to sell the land so comprised to those lessees and to sell unleased parts of the endowment land, but has no power to do so:

And whereas it is desirable to empower the council to sell the endowment land as aforesaid and to provide for the council to apply the proceeds of sale for the provision of services and public amenities for the benefit of the inhabitants of Foxton Beach Township, and for the improvement, maintenance, and repair of any such services or amenities or any existing services or public amenities:

And whereas certain provisions of the said section 21 are now spent and it is desirable that they should be repealed:

Be it therefore enacted as follows:

- (1) For the purposes of this section, unless the context otherwise requires—

council means the Manawatu County Council

endowment land means the balance of the land firstly, secondly, and thirdly described in subsection (18) which is vested in the corporation at the passing of this Act

lease means a lease of any part of the endowment land granted by the corporation pursuant to paragraph (c) or paragraph (d) or paragraph (e) of subsection (5) of section 21 of the Reserves and Other Lands Disposal Act 1956.

- (2) This section shall apply in respect of the endowment land notwithstanding the provisions of the said section 21 or of Part 13 of the Counties Act 1956.
- (3) This section shall confer on every lessee whose lease is subsisting at the passing of this Act, and on every lessee who is hereafter granted a lease, while his lease remains current, a right to acquire the freehold of the land comprised in the lease on the terms prescribed by this section.
- (4) Where under this section a lessee gives notice of his desire to acquire the freehold of the land comprised in his lease, the rights and obligations of the lessee arising from the notice shall enure for the benefit of and be enforceable against him, his executors, administrators, and assigns to the like extent (but no further) as rights and obligations arising under a contract for a sale freely entered into between a lessor and a lessee; and, ac-

cordingly, in relation to matters arising out of any such notice, references in this section to the lessee shall, so far as the context permits, include his respective executors, administrators, and assigns.

- (5) Notwithstanding anything in subsection (4), the rights and obligations conferred on any lessee by that subsection shall be assignable with, but not capable of subsisting apart from, the lease of the land comprised in the lease; and if the lease of one part of that land is assigned without the benefit of the notice, or if the lease of one part of the land is assigned to or vests in any person without the lease of another part, the notice shall accordingly cease to have effect. In the event of any default by the council or the lessee in carrying out the obligations arising from any such notice, the other of them shall have the like rights and remedies as in the case of a contract freely entered into.
- (6) Where a lessee gives to the council written notice of his desire to purchase the freehold of the land comprised in his lease, then the council, in the name and on behalf of the corporation, shall be bound to make to the lessee, and the lessee to accept (at the price and on the terms prescribed by this section), a transfer of the land for an estate in fee simple absolute.
- (7) A lessee's notice under subsection (6) shall specify the name and address of the lessee and shall contain sufficient particulars to identify the property to which the right of acquisition extends.
- (8) The price payable for land acquired under subsection (6) shall be the aggregate of the following amounts:
 - (a) firstly, the amount which, at the time of the acquisition, the freehold of the land, if unencumbered by any mortgage or charge, might be expected to realise, had it been sold in the open market by a willing seller, without improvements (being improvements as defined in section 2 of the Valuation of Land Act 1951):
 - (b) secondly, the value as determined by the council of the fixtures and other improvements (if any) erected or carried out by the council, or any previous owner of the freehold, and not purchased by the lessee or by any lessee under a previous lease.

- (9) Where a lessee notifies the council that he desires to acquire the freehold of the land comprised in his lease, the council shall immediately assess the price to be paid in respect of the land in accordance with subsection (8), and shall then notify the lessee in writing of the price, including its constituent amounts.
- (10) Within 14 days of being notified of the council's assessment in accordance with subsection (9), the lessee may file an objection in the office of the Land Valuation Court nearest to the place where the land or any part of the land to which the objection relates is situated. On any such objection being filed, all the provisions of the Land Valuation Court Act 1948, and all the rules for the time being in force under that Act, so far as they are applicable, shall apply in respect of the objection as if it were an objection to which section 21 of that Act relates. If no such objection is filed within the said period, the assessment of the council shall be deemed to have been assented to by the lessee.
- (11) Not later than 2 months from the date of notification of the determination of the purchase price or from the date on which any objection to the determination is finally disposed of or is withdrawn, whichever is the later, the lessee shall pay to the council the purchase price, whereupon the council shall cause to be prepared and executed by the corporation a transfer of the land comprised in the lease to the lessee.
- (12) At any time before the execution of the transfer the lessee may give written notice to the council that he is unable or unwilling to acquire the freehold of the land comprised in his lease, and thereupon the notice given under subsection (6) shall cease to have effect; and he shall be liable to make such compensation as may be just to the council in respect of any work performed by it in assessing the purchase price and preparing the transfer or conveyance (if any).
- (13) Any transfer by the corporation transferring to any lessee the freehold of the land comprised in his lease shall provide for—
 - (a) unless the lessee agrees to the contrary, the land to have the benefit of such easements and other incorporeal hereditaments, and of such restrictive covenants, over other parts of land vested in the corporation, so far as the corporation is capable of granting or creating them, as are

- necessary to secure to the lessee as nearly as practicable the same rights as, immediately before the execution of the transfer, were available to him under his lease; and
- (b) unless the council or other person agrees to the contrary, the land to be subject to such easements and other incorporeal hereditaments, and to such restrictive covenants, for the benefit of other land as are necessary to secure to the corporation or other person interested in the other land as nearly as practicable the same rights as, immediately before the execution of the transfer, were available against the lessee under the lease.
- (14) The council shall from time to time spend the net proceeds from the sale or lease of any of the endowment land on the provision of services and public amenities for the benefit of the inhabitants of Foxton Beach Township, or on the improvement, maintenance, or repair of any such services and amenities, or on the improvement, maintenance, or repair of any existing services or public amenities. For the purposes of this subsection, the term **services** includes roads, road lighting, water supply, drainage, sewerage, and other public works.
- (15) Subject to the provisions of this section, the council may from time to time, in the name and on behalf of the corporation, sell for cash, by way of transfer, any of the endowment land which is for the time being vested in it and which is not for the time being subject to any lease.
- (16) Where any lessee or other person acquires the freehold of any part of the endowment land under this section, he shall, in addition to meeting the costs and expenses normally incurred by a purchaser in acquiring land, bear the reasonable costs of or incidental to any valuation, survey, and other expenses incurred by the council in respect of the transaction.
- (17) *Amendment(s) incorporated in the Act(s).*
- (18) The land to which this section relates is particularly described as follows:
Firstly, all those areas of land in the Wellington Land District being Sections 5, 6, and 7, Block I, Moutere Survey District, Lot 1 on Deposited Plan numbered 17622, and part Sections 268 and 270, Town of Foxton; as shown on the plan marked L

and S 22/2843, deposited in the head office of the Department of Lands and Survey at Wellington, and thereon coloured blue (SO Plan 23692).

Secondly, all those areas of land in the Wellington Land District being Sections 600 and 610, Town of Foxton, situated in Blocks I and II, Moutere Survey District (SO Plans 24143 and 24546).

Thirdly, all that area of land in the Wellington Land District being Section 3, Block II, Moutere Survey District (SO Plan 26064).

14 Providing for the control of the Kaitaia Drainage Area to be transferred to the Mangonui County Council

[Repealed]

Section 14: repealed, on 29 June 1988, by section 209(1) of the Rating Powers Act 1988 (1988 No 97).

Contents

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Notes**1 General**

This is a reprint of the Reserves and Other Lands Disposal Act 1968. The reprint incorporates all the amendments to the Act as at 29 June 1988, 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)*

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

Reserves and Other Lands Disposal Act 1972 (1972 No 124): section 5(2)(b)
