

# Reserves Amendment Act 1996

Public Act 1996 No 3  
Date of assent 13 March 1996

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## **An Act to amend the Reserves Act 1977**

**BE IT ENACTED** by the Parliament of New Zealand as follows:

### **1 Short Title and commencement**

- (1) This Act may be cited as the Reserves Amendment Act 1996, and shall be read together with and deemed part of the Reserves Act 1977 (hereinafter referred to as the principal Act).
- (2) Sections 2, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 21 of this Act shall come into force on the 1st day of July 1996.
- (3) Except as provided in subsection (2) of this section, this Act shall come into force on the day on which it receives the Royal assent.

### **2 Interpretation**

- (1) This subsection inserted the term **administering body**.
- (2) This subsection inserted the term **Certified aerodrome**.
- (3) This subsection inserted the terms **Concession** or **concession document** and **Concessionaire**.
- (4) This subsection inserted the terms **Lease** and **Licence**.
- (5) This subsection inserted the term **Permit**.

### **3 Classification of reserves**

*This section inserted s 16(2C) to (2H) of the principal Act.*

### **4 Vesting of reserves**

*This section inserted s 26(3) and (4) of the principal Act.*

**5 Unauthorised use of reserve**

- (1) This subsection repealed section 44(1) proviso para (f).
- (2) Section 3(6) of the Reserves Amendment Act 1981 is hereby consequentially repealed.

**6 New sections substituted**

- (1) This subsection substituted sections 48 and 48A of the principal Act.
- (2) The following enactments are hereby consequentially repealed:
  - (a) Section 16 of the Reserves Amendment Act 1979:
  - (b) The Reserves Amendment Act 1980:
  - (c) Section 2 of the Reserves Amendment Act 1981:
  - (d) Section 5 of the Reserves Amendment Act 1983.

**7 Taking or killing of fauna**

*This section amended s 50(3) of the principal Act.*

**8 Leasing powers in respect of recreation reserves (except farming, grazing, or afforestation leases)**

- (1) This subsection amended section 54 of the principal Act.
- (2) Section 98 of the Conservation Law Reform Act 1990 is hereby consequentially repealed.

**9 Leasing powers in respect of scenic reserves**

- (1) This subsection amended section 56 of the principal Act.
- (2) Section 99 of the Conservation Law Reform Act 1990 is hereby consequentially repealed.

**10 Leasing powers in respect of historic reserves**

- (1) This subsection amended section 58A of the principal Act.
- (2) Section 101 of the Conservation Law Reform Act 1990 is hereby consequentially repealed.

**11 Granting of concessions on reserves administered by Crown**

- (1) This subsection substituted section 59A of the principal Act.

- (2) The Reserves Amendment Act 1988 is hereby consequentially repealed.
- (3) Nothing in subsection (2) of this section affects the amendment effected by section 2(2) of the Reserves Amendment Act 1988.
- (4) Where any person lawfully occupied any reserve, other than a reserve vested in an administering body, at the commencement of this Act in accordance with any right lawfully granted on or before 1 April 1987 under any Act or any contract made on or before 1 April 1987 then, notwithstanding sections 17U or 17W of the Conservation Act 1987, as inserted by section 7 of the Conservation Amendment Act 1996, the Minister may grant a concession to that occupant for the area lawfully occupied by that occupant, but the extent of the activities authorised by any such concession shall be no greater than was lawfully exercised by the occupant.
- (5) Where any concession is granted under subsection (4) of this section to the occupant, any prior right given to the occupant to occupy the land shall be void and of no effect.
- (6) The provisions of section 17T(4) and (5) of the Conservation Act 1987 (as so inserted) shall not apply to any concession granted under subsection (4) of this section.

**12 Leasing of recreation reserves for farming, grazing, afforestation, or other purposes**

This section amended section 73 of the principal Act.

**13 Licences to occupy reserve temporarily**

This section amended section 74 of the principal Act.

**14 Relief of lessees and licensees of reserves**

This section amended section 92 of the principal Act.

**15 Offences on reserves**

This section amended section 94 of the principal Act.

**16 Form of leases and licences of reserves**

This section amended section 113 of the principal Act.

**17 Variation of covenants, terms, and conditions in leases and licences**

This section amended section 114 of the principal Act.

**18 Transfers, subleases, and mortgages**

This section amended section 114 of the principal Act.

**19 Special provisions as to reserves administered under Tourist and Health Resorts Control Act 1908**

This section amended section 122 of the principal Act.

**20 New Schedule 4 added**

*This section inserted Schedule 4 of the principal Act.*

**21 Transitional provisions relating to existing leases, etc**

(1) Every application made to the Minister, or to an administering body of a reserve controlled and managed by it, and made before the commencement of section 59A of the principal Act (as inserted by section 11 of this Act) for a lease, licence, permit, or easement under that Act shall,—

(a) Where the application has been publicly notified in accordance with section 119 of the principal Act, continue to be dealt with as if this Act had not been enacted:

(b) Where the application has not been publicly notified in accordance with section 119 of the principal Act, be dealt with under the said section 59A:

(c) Where the application is for a permit, or the application is for a lease or licence or an easement but does not require public notification under the principal Act, be dealt with under the said section 59A.

(2) Except as provided in section 17W of the Conservation Act 1987, section 59A of the principal Act (as so inserted) does not affect any lease, licence, permit, or easement granted before the commencement of that section, but that section shall apply to every renewal of such a lease, licence, permit, or easement.

**Schedule**

**New Schedule 4 added to principal Act**