

**Reprint  
as at 7 August 2020**



## **Reserves and Other Lands Disposal Act 1949**

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#### **Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**This Act is administered by Land Information New Zealand.**

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**An Act to provide for the sale, reservation, and other disposition of certain reserves, Crown lands, endowments, and other lands, to validate certain transactions, and to make provision in respect of certain other matters**

**1 Short Title**

This Act may be cited as the Reserves and Other Lands Disposal Act 1949.

**2 Adjusting the boundary between portion of the Waikato–Thames Railway and certain freehold land, and validating certain certificates of title**

Whereas by a Proclamation dated 17 December 1881 and registered in the Land Registry Office at Auckland as Number 607 (in this section referred to as the **Proclamation**), certain land in the City of Hamilton was taken for the purpose of the Waikato–Thames Railway:

And whereas in January 1904 certain adjoining land was subdivided, and the subdivisional plan thereof deposited in the said Land Registry Office as Number 3198:

And whereas the various lots on the said plan have been sold and certificates of title over them have been issued to various purchasers in accordance with the plan:

And whereas it has subsequently been discovered that the common boundary between the land included in the Proclamation and that shown on the plan is not correct and that certain land shown on the plan as freehold land is also included in the Proclamation as railway land and certain freehold land not included in the plan but shown as adjoining railway land was not included in the Proclamation and is not in fact railway land:

And whereas to rectify the position it is desirable and expedient to amend the boundary of the land taken by the Proclamation so that the said boundary coincides with the boundary of the land included in the plan:

Be it therefore enacted as follows:

- (1) The south-eastern boundary of the land taken by the Proclamation, commencing from the point of intersection of the said boundary with River Road in the City of Hamilton and continuing in a north-easterly direction to its point of intersection with Heaphy Terrace in the same city, shall be deemed to be and to have always been that shown as the north-western boundary on the said plan as redefined by later surveys and shown on plans deposited in the Land Registry Office at Auckland under Numbers 3978, 7000, 13040, 14251, and 28995.
- (2) The certificates of title issued in accordance with the said plan are hereby validated and declared to have been properly issued.
- (3) The District Land Registrar of 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 Validating a certain payment made by the Moana Domain Board**

Notwithstanding anything to the contrary in the Local Authorities (Members' Contracts) Act 1934 or in any other Act, the payment of 65 pounds made during the financial year ending on 31 March 1950 by the Moana Domain Board to William Williams, of Moana, in respect of a contract carried out by him while a member of the Board is hereby validated and declared to have been lawfully made by the Board and to have been lawfully received by the said William Williams, who shall not be deemed to have been disqualified for continuing to hold office as a member of the Board by reason of his being concerned or interested in the contract in respect of which the said sum of 65 pounds was paid, nor shall he be deemed to have committed any offence by reason of having done any act as a member of the Board while concerned or interested in the said contract.

### **4 Amending the description of the land referred to in section 22 of the Reserves and Other Lands Disposal Act 1948**

*Amendment(s) incorporated in the Act(s).*

**5 Declaring Part Section 226, Town of Wellington, to be Crown land available for disposal under the Land Act 1948**

Whereas the land described in subsection (2) is vested in the Governor-General of the Dominion of New Zealand in fee simple for public purposes of the said Dominion, but is not Crown land within the meaning of the Land Act 1948:

And whereas a school has been erected upon the said land and it is desirable and expedient that it should be reserved for a site for a public school:

And whereas it is first necessary to declare the said land to be Crown land subject to the Land Act 1948:

Be it therefore enacted as follows:

- (1) The land described in subsection (2) is hereby declared to be Crown land subject to the Land Act 1948.

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

All that area in the City of Wellington, in the Wellington Land District, containing by admeasurement 1 rood 7 perches and twelve-hundredths of a perch, more or less, being Part Section 226, Town of Wellington, bounded as follows: commencing at a point on the northern side of Buckle Street, being the westernmost corner of Section 233, Town of Wellington; thence westerly along the northern side of Buckle Street for a distance of 153.53 links; thence along right lines bearing 23°16'10", distance 135.12 links, bearing 117°24', distance 1.54 links, bearing 23°56', distance 58.17 links, and bearing 113°12'10", distance 150.23 links, to the western boundary of Section 233, Town of Wellington; and thence southerly along that boundary 193.26 links to the point of commencement, be all the aforesaid linkages a little more or less: as the same is more particularly delineated on the plan marked L and S 48623, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

**6 Amending the description of the land referred to in section 34 of the Reserves and Other Lands Disposal Act 1948**

*Amendment(s) incorporated in the Act(s).*

**7 Cancelling the reservation over a recreation reserve in the Waikomiti Parish and declaring the land to be a scenic reserve**

Whereas the land described in subsection (2) is a recreation reserve subject to Part 1 of the Public Reserves, Domains, and National Parks Act 1928 and is vested as such in His Majesty the King:

And whereas it is unsuitable and has never been used for the purpose of public recreation, but it is desirable that the said land should be declared to be a scenic reserve subject to the provisions of the Scenery Preservation Act 1908:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Public Reserves, Domains, and National Parks Act 1928, the reservation for recreation purposes over the land described in subsection (2) is hereby cancelled and the said land is hereby declared to be a scenic reserve subject to the provisions of the Scenery Preservation Act 1908.
- (2) The land to which this section relates is more particularly described as follows:  
All that area in the North Auckland Land District, Waitemata County, containing by admeasurement 3 acres 1 rood 33 perches and three-tenths of a perch, more or less, being Lot 28 on a plan deposited in the Land Registry Office at Auckland under Number 33024, and being part of Allotment 26, Waikomiti Parish, and being part of the land comprised and described in certificate of title, Volume 766, folio 232, Auckland Registry.

## **8 Declaring certain land in Taramarama Survey District, Hawke's Bay Land District, to be Crown land**

Whereas the certificate of title to the land described in subsection (4) (in this section referred to as the **said land**) cannot be traced, and the ownership of the said land cannot definitely be ascertained:

And whereas the said land is at present unoccupied:

And whereas the Crown is desirous of acquiring the said land for the purpose of adding it to the holding of the adjoining Crown tenant:

And whereas diligent search has been made by public advertisement and private inquiry for the purpose of ascertaining the rightful owner of the said land, but without result:

And whereas it is desirable and expedient to vest the said land in the Crown and to make provision for payment of compensation for it in the event of a valid claim being made:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary contained in the Land Transfer Act 1915 or in any other Act or in any rule of law, the land described in subsection (4) is hereby declared to be Crown land subject to the provisions of the Land Act 1948.
- (2) In the event of any claim to the ownership of the said land being proved to the satisfaction of the District Land Registrar for the Land Registration District of Hawke's Bay, the Minister of Lands shall, on receipt of advice from the District Land Registrar, accordingly and without further appropriation than this section, pay to the claimant from the Land Settlement Account a sum not exceeding 35 pounds in full compensation for the said land, and it is hereby further declared that no action at law for possession or for rent or for trespass or for mesne profits or for any other cause whatever shall, after the passing of this Act, be available to the claimant or to any other person in respect of ownership, before the passing of this Act, of the said land.

- (3) The District Land Registrar for the Land Registration District of Hawke's Bay is hereby empowered and directed to accept such documents for registration, 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 more particularly described as follows:  
All that area in the Hawke's Bay Land District, in the County of Wairoa, containing by admeasurement 7 acres 1 rood and 34 perches, more or less, being Aranui 1A Block, situated in Block XVI, Taramarama Survey District, and being all the land in file R 8873, Hawke's Bay Registry: as the same is more particularly delineated on the plan marked L and S 21/149/1074, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

## **9 Repealing certain Acts affecting the Little River Domain and reconstituting the said Domain**

Whereas by an Order in Council dated 30 April 1947 and published in the *Gazette* of 8 May 1947 a Domain Board was appointed to control the land comprising the Little River Domain, more particularly described in subsection (4):

And whereas pursuant to the provisions of the Little River Domain Board Act 1911, as amended by section 76 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1913, the land described in subsection (5) of this section was vested in His Majesty upon trust for a recreation reserve and the Little River Domain Board was appointed trustee of the said reserve and was also constituted trustee of the land it already controlled as a Domain Board:

And whereas the said Board is desirous of expending money from its Domain Account on the recreation reserve which it controls only as trustee, but has no statutory power to do so:

And whereas the said recreation reserve is contiguous to the said Little River Domain and it is desirable and expedient to add the said reserve to the said domain:

And whereas by the provisions of the Little River Domain Board Empowering Act 1898, the Little River Domain Board was authorised and empowered to sell certain portions of the said domain, and it is now no longer necessary that the said provision should remain in force:

Be it therefore enacted as follows:

- (1) The Little River Domain Board Empowering Act 1898, the Little River Domain Board Act 1911, and section 76 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1913 are hereby repealed.
- (2) The lands described in subsections (4) and (5) are hereby declared to be recreation reserves subject to Part 2 of the Public Reserves, Domains, and National

Parks Act 1928 and are hereby constituted as the Little River Domain under the control of the Little River Domain Board.

- (3) The District Land Registrar of 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 lands referred to in the Order in Council of 30 April 1947 and published in the *Gazette* of 8 May 1947 appointing the Little River Domain Board are particularly described as follows:

All those areas in the Canterbury Land District, being—

Firstly, part of Lot 4, Block III of Maori Reserve 887, Wairewa, situated in Block XIII, Pigeon Bay Survey District, and Block II, Akaroa Survey District; area, 6 acres 3 roods 12 perches and four-tenths of a perch, more or less. (SO 1332L):

Secondly, Reserve 3729, situated in Block XIII, Pigeon Bay Survey District; area, 3 acres 2 roods 6 perches, more or less. (SO 1542L):

Thirdly, Reserve 1649, situated in Block XIII, Pigeon Bay Survey District; area, 62 acres 2 roods, more or less. (SO 2754L):

Fourthly, Reserve 4128, situated in Block II, Akaroa Survey District; area, 1 rood 2 perches and seven-tenths of a perch, more or less. (SO 5994):

Fifthly, Reserve 4280, situated in Block II, Akaroa Survey District; area, 8 perches and two-tenths of a perch, more or less. (SO 8147):

Sixthly, Reserve 4430, situated in Block II, Akaroa Survey District; area, 3 perches and four-tenths of a perch, more or less. (SO 8147):

As the same are more particularly delineated on the plan marked L and S 1/204A, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

- (5) The land vested in His Majesty upon trust for a recreation reserve and referred to in subsection (2) is particularly described as follows:

All that area in the Canterbury Land District, being Lot 3B, Block III, of Maori Reserve 887, Wairewa, situated in Block XIII, Pigeon Bay Survey District; area, 4 acres 1 rood 13 perches, more or less (SO 8146): as the same is more particularly delineated on the plan marked L and S 1/204B, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered green.

**10 Declaring certain closed streets in the Borough of Rotorua to be vested in His Majesty the King, and constituting the areas recreation reserves and**

**bringing them under the provisions of the Tourist and Health Resorts Control Act 1908**

Whereas the lands described in subsection (2) are closed streets situated in the Borough of Rotorua and were closed by the Rotorua Borough Council (in this section referred to as the **Council**) under the provisions in that behalf contained in the Municipal Corporations Act 1920:

And whereas the said lands are vested in fee simple in the Corporation of the Borough of Rotorua:

And whereas it is desired by the said Council that the said lands should be vested in His Majesty the King as recreation reserves subject to the provisions of the Tourist and Health Resorts Control Act 1908 and included in a lease to the Rotorua Golf Club:

Be it therefore enacted as follows:

- (1) The lands described in subsection (2), being the closed streets hereinbefore referred to, are hereby declared to be vested in His Majesty the King as recreation reserves subject to Part 1 of the Public Reserves, Domains, and National Parks Act 1928 and to be subject to the provisions of the Tourist and Health Resorts Control Act 1908.
- (2) The parcels of land to which this section relates are more particularly described as follows:

All those areas in the South Auckland Land District, Borough of Rotorua, containing by admeasurement 2 acres 1 rood, more or less, being Sections 123 and 124, Suburbs of Rotorua: as the same are more particularly delineated on the plan marked L and S 22/2657A, deposited in the Head Office of the Department of Lands and Survey, at Wellington, and thereon bordered red.

**11 Cancelling the reservation over the Parnassus Domain, and constituting other land as a domain in lieu thereof**

Whereas the land firstly described in subsection (3) is a recreation reserve subject to Part 2 of the Public Reserves, Domains, and National Parks Act 1928, and is known as the Parnassus Domain and is under the control of the Parnassus Domain Board appointed by Order in Council dated 9 March 1949 and published in the *Gazette* of 10 March 1949:

And whereas the land has never been used for recreation purposes:

And whereas it is desirable that the reservation over the said land should be cancelled and the land declared Crown land subject to the provisions of the Land Act 1948:

And whereas it is desirable that certain Crown land, secondly described in subsection (3), should be provided for the recreational needs of the district in lieu of the existing domain and constituted as a public domain:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Public Reserves, Domains, and National Parks Act 1928, the reservation for the purpose of public recreation and the setting apart under Part 2 of the said Act over the land firstly described in subsection (3), being the Parnassus Domain, are hereby cancelled, and the said land is hereby declared to be Crown land available for disposal under the Land Act 1948, and the District Land Registrar for the Land Registration District of Canterbury is hereby authorised and directed to cancel the certificate of title for the said land.
- (2) The land secondly described in subsection (3) is hereby declared to be reserved for recreation purposes and set apart under Part 2 of the Public Reserves, Domains, and National Parks Act 1928 under the name of the Parnassus Domain, subject to the control of the Parnassus Domain Board appointed by Order in Council as aforesaid.
- (3) The lands to which this section relates are particularly described as follows:

Firstly, all that area in the Canterbury Land District, situated in Block I, Cheviot Survey District, containing by admeasurement 5 acres 3 roods and 17 perches, more or less, being Reserve 4439, and being also described as Lot 1 on a plan deposited in the Land Registry Office at Christchurch under Number 12043, being part of Section 1, Square 88, Amuri, and being all the land comprised and described in certificate of title, Volume 471, folio 45, Canterbury Registry: as the same is more particularly delineated on the plan marked L and S 1/429B, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered green.

Secondly, all that area in the Canterbury Land District, situated in Block I, Cheviot Survey District, containing by admeasurement 5 acres 2 roods and 33 perches, more or less, being Reserve 4560, formerly Part Lot 6 on a plan deposited in the Land Registry Office at Christchurch under Number 2160, being Part Section 1, Square 88, Amuri: as the same is more particularly delineated on the plan marked L and S 1/429C, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red. (SO plan 8124.)

## **12 Providing for registration of an easement affecting certain railway land near Otaki**

Whereas by Proclamation dated 29 October 1929, and registered in the Land Registry Office at Wellington as Number 1969, His Majesty the King took part of Lot 2, Deposited Plan 3527, of Waopukatia 1A East No 7 and part of Section 13, Kaingaraki No 2 and No 3, containing in all 2 acres 3 roods 1 perch and eighty-three hundredths of a perch, more or less, for railway purposes:

And whereas by Proclamation dated 26 March 1943, and registered in the Land Registry Office at Wellington as Number 3320, His Majesty the King took parts of Kaingaraki No 2 (Section 13) and of Kaingaraki No 3, containing 10 acres 2 roods and 28 perches, more or less, for railway purposes:

And whereas the Mayor, Councillors, and Citizens of the City of Wellington (in this section referred to as the **Council**) are the owners of Lot 1 on Deposited Plan No 4014, being part of the Maititikura Block and all the land in certificate of title, Volume 254, folio 208, Wellington Registry:

And whereas the Council had, appurtenant to the said land, a drainage easement over the land contained in the aforesaid Proclamations:

And whereas it has been agreed between the Crown and the Council that the Crown grant to the Council, in satisfaction of its claim for compensation, a drainage easement over the lands taken by the said Proclamations:

And whereas there is no certificate of title issued for the lands against which an easement can be registered as the servient tenement under the Land Transfer Act 1915:

Be it therefore enacted as follows:

- (1) The Crown may grant a drainage easement to the Council over the lands taken by the said Proclamations.
- (2) The District Land Registrar of the Land Registration District of Wellington is hereby authorised and empowered to register the said easement upon certificate of title, Volume 254, folio 208, Wellington Registry, and make such entries in the register book as shall be necessary to give effect to the provisions of this section.

**13 Revoking the reservation for cemetery purposes over Allotment 96C, Mahurangi Parish, and making special provision for the application of the proceeds of the sale thereof**

Whereas the land referred to in subsection (3) is reserved for a site for a cemetery:

And whereas the said land is not suitable for the purposes for which it is reserved and no interments have ever been made therein:

And whereas the Rodney County Council (in this section referred to as the **Council**) has requested that the area be sold and the proceeds of sale applied towards the purchase of land more suitable for cemetery purposes:

And whereas it is desirable that provision should be made accordingly:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act, the reservation for cemetery purposes over the land described in subsection (3) is hereby revoked and the said land is hereby declared to be Crown land subject to the Land Act 1948.
- (2) The moneys received from the sale of the said land shall, without further appropriation than this section, be paid out of the Land Settlement Account and applied towards the purchase of other land in the Rodney County more suitable for cemetery purposes, and any land so purchased shall be deemed to vest in His Majesty the King in trust as a site for a cemetery.

- (3) The land to which this section relates is more particularly described as follows:  
All that area in the North Auckland Land District, County of Rodney, situated in Block VI, Mahurangi Survey District, containing by admeasurement 9 acres 3 roods and 4 perches, more or less, being Allotment 96C of the Parish of Mahurangi: as the same is more particularly delineated on the plan marked L and S 2/400, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.

#### **14 Amending section 18 of the Reserves and Other Lands Disposal Act 1940**

Whereas by section 18 of the Reserves and Other Lands Disposal Act 1940, His Majesty the King was authorised to lease the Ngahina Wharf to the Paeroa Borough Council, subject to the terms and conditions therein specified, at an annual rental of 260 pounds:

And whereas, on account of changing conditions of water transport, the revenue derived from the wharf does not justify the annual rental hereinbefore referred to:

Be it therefore enacted as follows:

- (1) Section 18 of the Reserves and Other Lands Disposal Act 1940 is hereby amended as follows:
- (a) by omitting from subsection (2) the words “at a rental of 260 pounds per annum, and”:
  - (b) by adding the following subsection:
- (4) The rent payable under any lease granted under subsection (2) shall be such sum or sums as may from time to time be agreed upon between the Minister and the Council:
- provided that the Minister may accept the maintenance of the wharf by the Council and the free use thereof for all purposes by His Majesty in lieu of rental to such extent as may be agreed.
- (2) This section shall be deemed to have come into force on 1 June 1947.

#### **15 Repeal of Pahiatua County Council Empowering Act 1902**

The Pahiatua County Council Empowering Act 1902 is hereby repealed.

#### **16 Changing the purpose of the reservation over land vested in the Ngaruawahia Library Trustees to a reserve as an endowment in aid of the Library funds and provisions incidental thereto**

Whereas the land described in subsection (5) is vested in the trustees for the Ngaruawahia Public Library, Incorporated (in this section referred to as the **trustees**), in trust as a site for a public library:

And whereas the reserve has never been used as a site for a library, but has been leased and the moneys derived therefrom applied towards maintenance of a library erected on other land:

And whereas, by the provisions of section 69 of the Local Legislation Act 1930, the trustees were authorised to lease the land for a period of 50 years on the terms and conditions specified therein:

And whereas, pursuant to the provisions of the said section, the trustees granted a lease dated 1 May 1931 over the said reserve in favour of Eliza Grant for a term of 50 years from 22 September 1925, the said lease being registered in the Land Registry Office at Auckland under Number 14632:

And whereas a substantial building was erected on the said land by the said Eliza Grant:

And whereas the said Eliza Grant died on or about 28 October 1936 and her estate and interest in the said memorandum of lease is now vested in the executors of her last will (in this section referred to as the **lessee**):

And whereas a public library has been erected on an area of land owned by the Ngaruawahia Borough Council, but is managed and controlled by the trustees:

And whereas the funds derived from the leasing of the reserve vested in the trustees have been expended by them upon the library erected on the land owned by the Ngaruawahia Borough Council:

And whereas it is desirable and expedient to make more adequate provision for the management of the library by changing the purpose of the reservation over the reserve to a reserve as an endowment in aid of the funds of the Ngaruawahia Public Library and to authorise the application of the moneys derived from the leasing of the endowment reserve to the upkeep and development of the Ngaruawahia Public Library erected on the land owned by the Borough Council:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in any Act or rule of law, the vesting in the trustees of the land described in subsection (5) in trust as a site for a public library is hereby cancelled and the purpose of the reservation over the said reserve is hereby changed to a reserve as an endowment in aid of the funds of the Ngaruawahia Public Library, and the said reserve is hereby vested in the trustees upon trust for that purpose.
- (2) The trustees are hereby authorised and empowered to accept the surrender of the lease existing over the said reserve at the date of the passing of this Act and to grant to the lessee, their successors or assigns, a lease of the said land for a term of 26 years commencing from 22 September 1949, at such annual rental as may be approved by the trustees with a perpetual right of renewal for successive terms not exceeding 21 years at a rent to be determined by a valuation made in accordance with the provisions of Schedule 2 of the Public Bodies' Leases Act 1908:

provided that nothing in this subsection shall derogate from the provisions of the Servicemen's Settlement and Land Sales Act 1943.

- (3) The expenditure of the moneys received by the trustees prior to the passing of this Act on the maintenance of the existing library is hereby validated and declared to have been lawfully made, and the trustees are hereby authorised to expend the income derived from the leasing of the endowment reserve hereby created in maintaining the library erected on the land owned by the Ngaruawahia Borough Council or in paying the wages of any library employees or in maintaining the said endowment reserve.
- (4) The District Land Registrar for the Land Registration District of Auckland is hereby authorised and directed to register such instruments and to make such entries in his register book as may be necessary to give effect to the provisions of this section.
- (5) The land to which this section relates is particularly described as follows:  
All that area in the South Auckland Land District, situated in Block VII, Newcastle Survey District, containing by admeasurement 25 perches, more or less, being Allotment 48 of the Town of Newcastle, and being the whole of the land comprised and described in certificate of title, Volume 20, folio 299, Auckland Registry.

**17 Cancelling the vesting in the Foxton Borough Council of certain land held upon trust for a public park and other purposes and vesting the said land in the Manawatu Racecourse Board of Trustees in trust for racecourse purposes**

Whereas, pursuant to the provisions of the Foxton Reserves Act 1878, the land described in subsection (3) (in this section referred to as the **said land**) was vested in the Foxton Borough Council upon trust for a public park and recreation ground and rifle range for the inhabitants of Foxton and its vicinity:

And whereas the said land adjoins land vested in the Manawatu Racecourse Board of Trustees in trust as a racecourse and for purposes connected therewith and leased to the Foxton Racing Club, Incorporated:

And whereas the said land has for many years been used for a parking place on race days:

And whereas the Foxton Borough Council wishes to make the said land available to the racing club to permit it to be developed as a car park and to allow stables to be erected on it, but has no power to do so:

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

Be it therefore enacted as follows:

- (1) The vesting upon trust for a public park, recreation ground, and rifle range for the inhabitants of Foxton and its vicinity in the Foxton Borough Council of the land described in subsection (3) is hereby cancelled and the said land is hereby declared to be vested in the Manawatu Racecourse Board of Trustees incorporated under the Wellington Provincial Ordinance intituled the Manawatu Race-

course Act 1869, upon trust as a reserve for a racecourse and for purposes connected therewith.

- (2) The District Land Registrar for the Land Registration District of Wellington is hereby authorised and directed to make such entries in the register books, to deposit such plans, to accept such documents for registration, and to do all such other things as may be necessary to give effect to the provisions of this section.

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

All that area in the Wellington Land District, Borough of Foxton, situated in Block I, Mount Robinson Survey District, containing by admeasurement 13 acres 3 roods 14 perches and three-tenths of a perch, more or less, being Lot 1 on a plan lodged for deposit in the Land Registry Office at Wellington under Number 14623, being part of Section 410, Township of Foxton, and being part of the land comprised and described in certificate of title, Volume 314, folio 66, Wellington Registry.

**18 C cancelling the vesting of certain endowment reserves in the Havelock Athenaeum and declaring the said reserves to be Crown land**

Whereas the land described in subsection (3) was reserved as an endowment for an athenaeum at Havelock:

And whereas by the provisions of the Havelock Athenaeum and Mechanics Institute Incorporation Act 1877, the said land was vested in a body corporate constituted as the Havelock Athenaeum:

And whereas certificates of title for the said land have been issued in the name of the Crown in trust as a reserve for an endowment for an athenaeum at Havelock:

And whereas the Havelock Athenaeum has ceased to function and there are no surviving trustees:

And whereas the purpose for which the endowment was created has come to an end and the land is now required for other purposes:

Be it therefore enacted as follows:

- (1) The vesting of the land described in subsection (3) in the Havelock Athenaeum is hereby cancelled and the reservation as an endowment for an athenaeum at Havelock over the said land is hereby revoked and the said land is hereby declared to be Crown land subject to the provisions of the Land Act 1948.
- (2) The District Land Registrar for the Land Registration District of Otago is hereby authorised and directed to cancel the certificates of title in the name of the Crown 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 those areas in the Otago Land District, Tuapeka County, containing by admeasurement 1 acre 2 roods and 4 perches, more or less, being Sections 3, 4,

and 5, Block XXVII, and Sections 4, 5, 6, and 7, Block XIX, Town of Have-lock, and being the whole of the land comprised and described in certificates of title, Volume 46, folios 29 and 101, Otago Registry.

**19 Amending provisions as to disposal of income of Auckland Education Reserves**

*Amendment(s) incorporated in the Act(s).*

**20 Making provision in respect of certain reserves vested in the Patea Borough Council**

Whereas pursuant to the provisions of the Patea Borough Council Empowering Act 1930, the Patea Borough Council (in this section referred to as the **Council**) was authorised and empowered to lease the reserves firstly and secondly described in subsection (3):

And whereas the land firstly described in the said subsection (3) is suitable for recreation purposes and it is desirable to add the land to the Patea Domain and the Council is willing to make the land available free of cost for that purpose but has no power to do so:

And whereas there is a shortage of suitable building sites in the Borough of Patea and the Council is desirous of making the reserve secondly described in the said subsection (3) available for subdivision and sale for building sites but has no statutory authority in that behalf:

And whereas the reserves thirdly described in the said subsection (3) have been sold by the Council and certificates of title have been issued in the names of the various purchasers but the Council had no power of sale over the said reserves, and it is desirable and expedient to ratify the sales and validate the certificates of title already issued:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Patea Borough Council Empowering Act 1930 or in any other Act, the following provisions shall apply:
  - (a) the land firstly described in subsection (3) is hereby declared to be a recreation reserve, to be subject to the provisions of Part 2 of the Public Reserves, Domains, and National Parks Act 1928 and to be added to and form part of the Patea Domain under the control of the Patea Domain Board but otherwise freed and discharged from the trusts and restrictions heretofore affecting the same:
  - (b) the Council is hereby authorised and empowered to sell the lands secondly described in subsection (3) as if they were included in Schedule 2 of the said Patea Borough Council Empowering Act 1930, and for the purposes of any such sales the said lands shall be deemed to be included in the said Schedule 2:

- (c) the sale by the Council of the lands thirdly described in subsection (3) is hereby confirmed and validated and declared to have been lawfully made and the certificates of title issued in the names of the purchasers thereof are hereby validated.
- (2) The District Land Registrar of the Land Registration District of Taranaki is hereby authorised and directed to deposit such plans, accept such instruments for registration, 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 more particularly described as follows:

All those areas in the Taranaki Land District, Borough of Patea, being—

Firstly, 6 acres 1 rood 8 perches and four-tenths of a perch, more or less, being Sections 8 to 25 inclusive, and part Sections 4, 6, and 7, Block XXXIX, Town of Patea, and being the balance of the land comprised and described in certificate of title, Volume 1, folio 248, Taranaki Registry: as the same are more particularly delineated on the plan lodged in the office of the Chief Surveyor at New Plymouth under Number SO 8365, and thereon bordered red.

Secondly, 3 acres, more or less, being Sections 1 to 12 inclusive, Block XLI, Town of Patea, and being the whole of the land comprised and described in certificate of title, Volume 1, folio 258, Taranaki Registry: as the same are more particularly delineated on the plan lodged in the office of the Chief Surveyor at New Plymouth under Number SO 7722, and thereon coloured red.

Thirdly, 1 acre 1 rood 3 perches and one-tenth of a perch, more or less, being Lots 1, 2, 3, 5, and 6 on a plan deposited in the Land Registry Office at New Plymouth under Number 3361, and being Sections 1 and 5 and Part Sections 2, 3, 4, 6, and 7, Block XXXIX, Town of Patea: as the same are also shown on a plan lodged in the office of the Chief Surveyor at New Plymouth under Number 8365, and thereon bordered green.

## 21 **Changing the purpose of the trust on which certain land is vested in the Whangaroa County Council**

Whereas by a deed of trust dated 2 April 1881 (in this section referred to as the **principal deed**) the land described in subsection (4) was vested in certain trustees to be used as a site for a church for the accommodation of all persons residing in the Whangaroa district:

And whereas by a further deed of trust dated 20 December 1915, the principal deed was varied so that the land became vested in the Chairman, Councillors, and Inhabitants of the County of Whangaroa (in this section referred to as the **Council**) on the same trusts as in the principal deed:

And whereas the property is not now being used for church purposes nor will it be required for those purposes in the future and has fallen into disrepair and there is no money available to repair it:

And whereas the Council is desirous of having the area vested in it in trust as a site for a public hall and has given adequate public notice of its intention to seek legislative provision accordingly and no objections have been received:

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

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary contained in any Act or rule of law the deeds of trust dated 2 April 1881 and 20 December 1915, respectively, are hereby rescinded and declared to be null and void.
- (2) The land described in subsection (4) is hereby declared to be set apart as a site for a public hall subject to Part 1 of the Public Reserves, Domains, and National Parks Act 1928 and to be vested in trust in the Council for that purpose.
- (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 more particularly described as follows:  
All that area in the North Auckland Land District, situated in Block VII, Whangaroa Survey District, containing by admeasurement 38 perches and four-tenths of a perch, more or less, being part of Allotment 52, Parish of Kaeo, and being the whole of the land comprised and described in certificate of title, Volume 764, folio 252, Auckland Registry, limited as to parcels.

## **22 Authorising burial of Mother Mary Aubert in land of Home of Compassion, Island Bay**

- (1) Notwithstanding anything to the contrary in the Cemeteries Act 1908 or in any other Act, the burial of the body of Suzanne Aubert, known as Mother Mary Joseph Aubert, formerly Superior-General of an Order in the Holy Roman Catholic Church known as the Sisters of Compassion, may be lawfully made in the land described in subsection (5).
- (2) The body of the said Suzanne Aubert may, after due notice to the authorities of the Karori Cemetery, be exhumed and reburied in the said land.
- (3) The body of no other person shall be buried in the said land.
- (4) Sections 83 to 89 and section 91 of the Cemeteries Act 1908 shall apply to the said land as if it were a burial ground under that Act, and as if the Wellington City Council were the managers thereof.
- (5) The said land is particularly described as follows:  
All that land the property of the Mother Aubert Home of Compassion Trust Board situated at Island Bay, in the City of Wellington, containing by admeasurement sixty-four hundredths of a perch, more or less, being part of Lot 580 on a plan deposited in the Land Registry Office at Wellington under Number

817, being part of Section 5, Town District, and being part of the land comprised and described in certificate of title, Volume 148, folio 115, Wellington Registry: as the same is more particularly delineated on the plan marked L and S 13/244/1, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red. (SO plan 21959.)

**23 Changing the purpose of the trusts on which certain land is vested in the Wanganui City Council**

Whereas by a deed of trust dated 8 February 1911, a copy of which is deposited in the Land Registry Office at Wellington as Number 222, made between David Peat, of Wanganui, farmer, of the one part, and the Mayor, Councillors, and Burgesses of the Borough of Wanganui of the other part, the land described in subsection (3) (in this section referred to as **Peat Park**) was declared to be vested in the Corporation of the Borough of Wanganui upon trust as a place for the recreation and enjoyment of the children attending primary schools in the Borough of Wanganui:

And whereas by the Wanganui City Council Vesting and Empowering Act 1924, the trust affecting the land described in subsection (4), being part of Peat Park, was cancelled and the said land was declared to be vested in the Corporation of the City of Wanganui (in this section referred to as the **Corporation**), upon trust for the purposes of public recreation and instruction:

And whereas by section 6 of the Wanganui City Council Vesting and Empowering Act 1924, it was provided that the 5 parcels of land described in subsection (5), being at that time municipal reserves vested in the Corporation, should be held by the Corporation as places for the recreation, enjoyment, pleasure, and instruction of the children of the inhabitants of the City of Wanganui:

And whereas representations were made to the Corporation to restore to Peat Park the land described in subsection (4), and the said land was so restored under the provisions of section 2 of the Wanganui City Council Vesting and Empowering Amendment Act 1942:

And whereas, under the provisions of the said Act the land firstly described in subsection (5) was revested in the Corporation for the purposes for which it was held prior to the passing of the Wanganui City Council Vesting and Empowering Act 1924:

And whereas it is now desired to revest the lands secondly, thirdly, fourthly, and fifthly described in subsection (5) in the Corporation as endowments in aid of the city funds:

Be it therefore enacted as follows:

- (1) The lands secondly, thirdly, fourthly, and fifthly described in subsection (5) are hereby declared to be revested in the Corporation as endowments in aid of the city funds.

- (2) The District Land Registrar for the Land Registration District of Wellington is hereby authorised and empowered to make such entries in the register books and to register such instruments and to do all such other things as may be necessary to give effect to the provisions of this section.

- (3) The land originally comprising Peat Park is more particularly described as follows:

All that area in the Wellington Land District, City of Wanganui, containing by admeasurement 13 acres 2 roods 29 perches and five-tenths of a perch, more or less, being part of Sections 17 and 18, on the plan of the Right Bank of the Wanganui River and comprising Lots 19 to 28, 43 to 52, 83 to 93, 101 to 104, and 108, and parts of Lots 82, 105, and 107, all on a plan deposited in the Land Registry Office at Wellington under Number 260; and also other part of the said Section 17 on the plan of the Right Bank of the Wanganui River, bounded by the said Lots 19 and 52 and 2 public streets, and being the whole of the land comprised and described in certificate of title, Volume 202, folio 174, Wellington Registry.

- (4) The portion of Peat Park over which the original trust was cancelled and which was vested in the Corporation of the Borough of Wanganui upon trust for public recreation by the Wanganui City Council Vesting and Empowering Act 1924 is more particularly described as follows:

All that area in the Wellington Land District, City of Wanganui, containing by admeasurement 7 acres 1 rood 38 perches and two-tenths of a perch, more or less, being part of Sections 17 and 18 on the plan of the Right Bank of the Wanganui River and being Lots 43 to 52, 83 to 93, and Lot 108 and parts of Lots 82 and 107, on the plan deposited in the Land Registry Office at Wellington under Number 260; and also other part of the said Section 17 on the plan of the Right Bank of the Wanganui River bounded by Lots 19 and 52 on the said deposited plan and by 2 public streets, and being part of the land comprised and described in certificate of title, Volume 202, folio 174, Wellington Registry.

- (5) The 5 parcels of land which by section 6 of the Wanganui City Council Vesting and Empowering Act 1924, were declared to be held by the Corporation as places for the recreation, enjoyment, pleasure, and instruction of the children of the inhabitants of the City of Wanganui are more particularly described as follows:

All those areas in the Wellington Land District, City of Wanganui, being—

Firstly, that area containing by admeasurement 1 acre 3 roods 10 perches, more or less, being Lots 2, 3, and 4 and parts of Lots 1, 5, and 6 on a plan deposited in the Land Registry Office at Wellington under Number 1120, being part of Reserve J, Town of Wanganui, and being part of the land comprised and described in certificate of title, Volume 21, folio 111, Wellington Registry: Bounded on the north-west by Dublin Street, commencing at a distance of

21.21 links from the junction of Dublin and Pitt Streets, 370 links; on the north by other part of the said Lot No 5, 100 links; on the north-east by Somme Parade, commencing at a distance of 90 links from the junction of Dublin Street and Somme Parade, 765 links; on the south-east by other part of the said Lot 1, 28 links; on the south-west by Pitt Street, commencing at a distance of 45 links from the junction of Somme Parade and Pitt Street, 676 links; and on the west by other part of the said Lot No 6, 30 links.

Secondly, that area containing by admeasurement 2 acres 1 rood, more or less, being Lots 12 to 21 of Block XXI on the plan of the Town Belt Reserve: Bounded on the north-west by Handley Street, 427 links; on the north-east by the Wanganui Racecourse, 502 links; on the south-east by Anson Street, 472 links; and on the south-west by Carlton Avenue, 500 links.

Thirdly, that area containing by admeasurement 2 roods 14 perches and five-tenths of a perch, more or less, being Lot 56 of Block XXII on the plan of the Town Belt Reserve: Bounded on the south-east by Queen's Drive, 267.4 links; on the north-east by the Wanganui Racecourse, 320.9 links; on the west by other part of the said Block XXII, 260 links; and on the south by Liffiton Street, 164.5 links.

Fourthly, that area containing by admeasurement 1 acre and 20 perches, more or less, being part of Sections E and F of Block XII, on the plan of the Town Belt Reserve: Bounded, commencing at a point on the south-eastern side of Parsons Street in line with the south-western side of Kent Street, on the north-east by other part of the said Section F, 194 links; on the south-east by other portions of the said Block XII, 542 links; on the south-west by other part of the said Section E, 220 links; and on the north-west by Parsons Street, 541 links.

Fifthly, that area containing by admeasurement 2 acres, more or less, being Lots B and G of Block XVI, on a plan of the Town Belt Reserve.

#### **24 Authorising the Governor-General to proclaim certain lands in the Coromandel County to be Crown land**

Whereas certain lands in the Coromandel County, South Auckland Land District, in the 7 townships of Kingstone, Kapanga, Wynyardton, Wynyardton North, Bay View, Belleville, and Buffalo, and in other areas of land in Blocks I, II, V, and VI, Coromandel Survey District have been either granted in fee simple or have been taken up under residence site or business site or special claim licences issued in terms of the Mining Act 1926:

And whereas many of the owners and licensees cannot be traced and their lands have been abandoned:

And whereas certain of the said lands are occupied and it is not possible to perfect the titles of the occupiers:

And whereas for the better planning of the district it is desirable that the said lands or portions thereof should be resumed by His Majesty and disposed of as

Crown land, but subject to the rights of the owners or licensees thereof to claim compensation as hereinafter provided:

And whereas when the said 7 townships were subdivided various strips of land were laid off as roads:

And whereas some of these roads are legal and others have never been legalised:

And whereas most of them have never been used as roads and will not be required as roads in the future:

And whereas it is expedient that special provision be made to enable them to be vested in His Majesty as Crown land:

Be it therefore enacted as follows:

- (1) The Governor-General may by Proclamation from time to time declare that the lands (inclusive of roads, legal or otherwise), or any portion of the lands 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 His Majesty as Crown land subject to the provisions of the Land Act 1948, and every such Proclamation shall have effect according to its tenor:

provided that the Land Settlement Board established under the provisions of the Land Act 1948 may in disposing of any lands vested in His Majesty under this section give preference to the application of any person who may be in bona fide occupation of any such land at the date specified in the Proclamation affecting the same.

- (2) 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 such newspaper or newspapers as he thinks fit.
- (3) 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 his title to or interest in that land he shall be entitled to claim compensation for his interest therein. The amount of any such 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.

- (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.
- (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) *[Repealed]*
- (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.

Section 24: amended, on 2 October 1958, by section 12(1) of the Reserves and Other Lands Disposal Act 1958 (1958 No 108).

Section 24(4): replaced, on 2 October 1958, by section 12(2) of the Reserves and Other Lands Disposal Act 1958 (1958 No 108).

Section 24(5): inserted, on 2 October 1958, by section 12(3) of the Reserves and Other Lands Disposal Act 1958 (1958 No 108).

Section 24(6): inserted, on 2 October 1958, by section 12(3) of the Reserves and Other Lands Disposal Act 1958 (1958 No 108).

Section 24(6): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 24(7): repealed, on 1 July 2003, by section 138(1) of the Local Government (Rating) Act 2002 (2002 No 6).

Section 24(8): inserted, on 2 October 1958, by section 12(3) of the Reserves and Other Lands Disposal Act 1958 (1958 No 108).

Section 24(9): inserted, on 2 October 1958, by section 12(3) of the Reserves and Other Lands Disposal Act 1958 (1958 No 108).

Section 24(10): inserted, on 2 October 1958, by section 12(3) of the Reserves and Other Lands Disposal Act 1958 (1958 No 108).

## **25 Cancellling the vesting of certain lands in the Mayor, Councillors, and Burgesses of the Borough of Gore and declaring them to be vested in His Majesty the King and to form part of the Gore Domain**

Whereas the lands described in subsection (3) are vested in the Mayor, Councillors, and Burgesses of the Borough of Gore (in this section referred to as the **Corporation**) in trust without power of sale as a municipal endowment:

And whereas the said lands are no longer required by the Corporation for the purpose for which it holds them, and it is desirable that they should be vested in His Majesty as an addition to the Gore Domain, being a public domain subject to Part 2 of the Public Reserves, Domains, and National Parks Act 1928 and controlled by the Gore Borough Council acting as the Gore Domain Board:

And whereas the Corporation is agreeable to the vesting, but has no power to transfer the said lands to the Crown:

And whereas it is desirable that provision should be made for the vesting in the Crown for the purposes aforesaid:

Be it therefore enacted as follows:

- (1) The vesting of the lands described in subsection (3) in the Corporation in trust without power of sale as a municipal endowment is hereby cancelled and the said lands are hereby declared to be vested in His Majesty as recreation reserves, to be subject to Part 2 of the Public Reserves, Domains, and National Parks Act 1928 and to form part of the Gore Domain under the control of the Gore Borough Council, but otherwise freed and discharged from all trusts, reservations, and restrictions heretofore affecting the said lands.
- (2) The District Land Registrar of the Land Registration District of Southland 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 more particularly described as follows:

All those areas in the Southland Land District, situated in the Borough of Gore, and containing by admeasurement 3 acres 1 rood 5 perches and nine-tenths of a perch, more or less, being Lots 3 to 15 on a plan deposited in the Land Registry Office at Invercargill under Number 2971, being part of Block F, Town Belt Reserve, Town of Gore, and being part of the land comprised and described in certificate of title, Volume 137, folio 30, Southland Registry: as the same are more particularly delineated on the plan marked L and S 1/393, deposited in the Head Office of the Department of Lands and Survey, at Wellington, and thereon bordered red.

**26 Cancellling the reservations over an endowment in aid of borough funds and over certain recreation reserves vested in the Hampden Borough Council and declaring the lands concerned to be Crown land**

Whereas the land firstly described in subsection (3) is vested in the Mayor, Councillors, and Burgesses of the Borough of Hampden (in this section referred to as the **Corporation**) for an endowment in aid of the borough funds:

And whereas the lands secondly described in the said subsection (3) are vested in the Corporation in trust as reserves for recreation purposes:

And whereas the land firstly described is no longer required for the purpose for which it is held by the Corporation:

And whereas the land secondly described has never been used for recreation purposes and is not required for those purposes:

And whereas the Corporation is agreeable to the revocation of the vesting of the said lands in it and to their being declared Crown land, subject to the provisions of the Land Act 1948:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Public Reserves, Domains, and National Parks Act 1928 or in any other Act or in any rule of law, the vesting of the lands firstly and secondly described in subsection (3) in the Corporation is hereby cancelled and the said lands are hereby declared to be Crown land subject to the provisions of the Land Act 1948, freed and discharged from all reservations, trusts, and restrictions heretofore affecting the said lands.
- (2) The District Land Registrar of the Land Registration District of Otago is hereby authorised and directed to make such entries in the register books, to cancel such certificates of title, 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 Otago Land District, situated in the Borough of Hampden, containing 1 rood, more or less, being Section 18, Block LIV, Town of Hampden, and being part of the land comprised and described in certificate of title, Volume 147, folio 21, Otago Registry.
- Secondly, all that area in the Otago Land District, situated in the Borough of Hampden, containing by admeasurement 2 acres 2 roods, more or less, being Sections 1, 2, 3, 4, 17, and 20, Block LIV, and Sections 12, 13, 14, and 15, Block LX, Town of Hampden (SO Plan 299 TN).

**27 Amending section 14 of Hauraki Plains Act 1926**

*[Repealed]*

Section 27: repealed, on 1 December 1961, by section 14(12)(c) of the Reserves and Other Lands Disposal Act 1961 (1961 No 128).

**28 Authorising the Timaru City Council to sell certain land as a site for a kindergarten**

Whereas the land described in subsection (4) is vested in the Mayor, Councilors, and Citizens of the City of Timaru (in this section referred to as the **Council**) for the purposes of Part 27 of the Municipal Corporations Act 1933:

And whereas it is desirable that the said land should be used as a site for a free kindergarten, but the Council has no power to dispose of it for that purpose:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Municipal Corporations Act 1933 or in any other Act, the Council is hereby authorised and empowered to sell the land described in subsection (4) either to His Majesty or, with the consent of the Minister of Education, to the Timaru Free Kindergarten Association, Incorporated, as and for a site for a kindergarten and freed and discharged from the provisions of the said Part 27 of the Municipal Corporations Act 1933.
- (2) Any sale authorised by the last preceding subsection may be for cash, or upon such terms and conditions as the Council may in its discretion decide, and the net proceeds from any such sale shall be applied by the Council towards repayment to the Housing Loan out of which funds were provided for the purchase of the said land.
- (3) The District Land Registrar of the Land Registration District of Christchurch 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.
- (4) The land to which this section relates is particularly described as follows:
- All that area in the Canterbury Land District, situated in the City of Timaru, containing by admeasurement 1 rood 1 perch and three-tenths of a perch, more or less, being Lots 33 and 34 on a plan lodged for deposit in the Land Registry

Office at Christchurch under Number 14008, and being part of Rural Section 1730, and being part of the land comprised and described in certificates of title, Volume 477, folio 234, and Volume 480, folio 14, Canterbury Registry: as the same is more particularly delineated on the plan marked L and S 6/6/926, deposited in the Head Office of the Department of Lands and Survey, at Wellington, and thereon bordered red.

**29 Declaring portion of a public domain to be a street and another portion of the said domain to be vested in the Corporation of the City of Wellington as a pleasure ground**

Whereas the lands firstly and secondly described in subsection (3) together form a public domain vested in the Crown subject to the provisions of Part 2 of the Public Reserves, Domains, and National Parks Act 1928:

And whereas it is desirable that the portion of the said domain firstly described in the said subsection should be vested in the Corporation of the City of Wellington (in this section referred to as the **Corporation**) as a pleasure ground subject to the Municipal Corporations Act 1933:

And whereas the portion of the said domain secondly described in the said subsection (3) is used as a street and it is desirable to declare the said portion to be a street:

Be it therefore enacted as follows:

- (1) The reservation as a public domain over the lands firstly and secondly described in subsection (3) is hereby cancelled.
- (2) The land firstly described in the said subsection is hereby declared to be vested in the Corporation as a pleasure ground subject to the provisions of the Municipal Corporations Act 1933, and the land secondly described in the said subsection is hereby declared to be a street.
- (3) The lands to which this section relates are more particularly described as follows:

All those areas in the Wellington Land District, City of Wellington, being—

Firstly, that area containing 30 perches and forty-one hundredths of a perch, more or less, being part of Reserve 3, Town of Wellington: as the same is more particularly delineated on the plan lodged in the office of the Chief Surveyor at Wellington under Number 21963, and thereon bordered orange.

Secondly, that area containing 2 perches and thirty-five hundredths of a perch, more or less, being part of Reserve 3, Town of Wellington: as the same is more particularly delineated on the plan lodged in the office of the Chief Surveyor at Wellington under Number 21963, and thereon bordered blue.

**30 Amending section 35 of the Reserves and Other Lands Disposal Act 1948**

*Amendment(s) incorporated in the Act(s).*

**31 Provision with respect to dissolution of Milton Athenaeum and vesting of real and personal property in Corporation of the Borough of Milton**

Whereas the trustees of the Milton Athenaeum were incorporated by the Milton Athenaeum Reserve Act 1876:

And whereas the land firstly described in subsection (7) is held by the trustees for the purposes of the Milton Athenaeum:

And whereas the land secondly described in subsection (7) is held by the trustees in trust as an endowment for the said Athenaeum by virtue of the provisions of the said Act, and of section 22 of the Reserves Disposal and Exchange Act 1895:

And whereas the Athenaeum has not functioned fully for some considerable time and there are no surviving trustees resident in the locality:

And whereas the Corporation of the Borough of Milton (in this section referred to as the **Corporation**) is willing to undertake the future control and management of the Athenaeum for the purposes of a public library provided the property and assets of the said Athenaeum are vested in it:

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

Be it therefore enacted as follows:

- (1) The land firstly described in subsection (7) is hereby vested in the Corporation for an estate in fee simple and shall be held by the Corporation as a public reserve for a public library in the said borough freed and discharged from the trusts heretofore affecting the same.
- (2) The land secondly described in subsection (7) is hereby vested in the Corporation for an estate in fee simple as an endowment without power of sale subject to all existing leases and tenancies affecting the said land, provided that all moneys received therefrom shall be expended by the Corporation for library purposes.
- (3) All personal property of whatsoever nature, including all choses in action and the benefit of all contracts and agreements and all rights and powers exercisable thereunder or pertaining thereto belonging to the trustees, are hereby vested in the Corporation freed from all trusts and reservations heretofore affecting the same, and all debts and other liabilities lawfully incurred by the trustees and existing on the passing of this section shall hereafter be debts and liabilities of the Corporation, and the Corporation is hereby authorised and empowered to meet the said debts and liabilities out of its general fund.
- (4) The solicitor for the Athenaeum, or any other person holding any personal property on behalf of the Athenaeum, is hereby authorised and directed to deliver such personal property to the Corporation, and a receipt therefor under the hand of the Town Clerk of the Borough of Milton shall be sufficient discharge from all liability for the said personal property and shall indemnify the said solicitor or other person from any action at law.

- (5) The District Land Registrar for the Land Registration District of Otago is hereby authorised and empowered to register such documents, make such entries in the register books, and to do all such other things as may be necessary to give effect to the provisions of this section.
- (6) The Milton Athenaeum Reserve Act 1876 and section 22 of the Reserves Disposal and Exchange Act 1895 are hereby repealed, and the Athenaeum and body corporate are hereby dissolved.
- (7) The land to which this section relates is more particularly described as follows:  
All those areas in the Otago Land District, being—  
Firstly, that area in the Borough of Milton containing 4 perches and forty-four hundredths of a perch, more or less, being part Allotment 93, Block X, on a plan deposited in the Deeds Registry Office at Dunedin under Number 11, being part of Section 132, Block XVI, Tokomairiro Survey District, and being the whole of the land comprised and described in certificate of title, Volume 248, folio 288, Otago Registry, limited as to parcels and title.  
Secondly, that area containing 214 acres, more or less, being Sections 1, 2, and 3, Block XVII, Coast Survey District, and being the whole of the land comprised and described in certificate of title, Volume 112, folio 201, Otago Registry.

**32 Vesting part of the Albany Agricultural and Pastoral Showgrounds in the Crown as a public domain**

Whereas the land described in subsection (3) is vested in the Albany Fruit-growers' Association in trust for the purposes of agricultural showgrounds:

And whereas the association holds the said land and adjoining land subject to the duties and with the powers of a society under the Agricultural and Pastoral Societies Act 1908 pursuant to section 68 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1912:

And whereas the adjoining area of land is still used by the association for the purposes for which it is vested, and will continue to be so used:

And whereas the land described in the said subsection (3) is no longer required for the said purposes, but is suitable for a public domain:

And whereas the association has agreed to vest it in the Crown for that purpose, but has no power to do so:

And whereas it is desirable that the land should be vested in the Crown:

Be it therefore enacted as follows:

- (1) The vesting of the land described in subsection (3) in the Albany Fruitgrowers' Association is hereby cancelled and the said land is hereby declared to be vested in His Majesty the King as a recreation reserve and to be a public domain subject to Part 2 of the Public Reserves, Domains, and National Parks Act

1928, freed and discharged from the trusts, reservations, and restrictions heretofore affecting the said land.

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

All that area in the North Auckland Land District, situated in Block III, Waitemata Survey District, containing by admeasurement 9 acres 1 rood 4 perches and four-tenths of a perch, more or less, being portion of Lot 14 on a plan deposited in the Land Registry Office at Auckland under Number 17618, being portion of Allotment 76, Parish of Paremoremo, and being part of the land comprised and described in certificate of title, Volume 206, folio 231, Auckland Registry, the said land being more particularly shown bordered red on the plan numbered 35703, lodged in the office of the Chief Surveyor at Auckland.

### **33 Amending section 27 of the Reserves and Other Lands Disposal Act 1946**

Whereas by section 27 of the Reserves and Other Lands Disposal Act 1946, the Auckland Hospital Board (in this section referred to as the **Board**) was authorised to sell certain endowment land or any part thereof in the manner specified in the said section on condition that, before any of the said land should be disposed of, the Board would set aside and reserve for public purposes a strip of land adjoining the Onepoto Stream of such width as might be agreed upon between the Minister of Lands and the Board:

And whereas agreement has now been reached between the said Minister and the Board as to the location and width of the said reserve:

And whereas on a scheme plan of the proposed subdivision of the said land one of the lots in the subdivision was shown as a proposed access way and one of the lots was shown as a proposed right of way, and no power was conferred on the Board by the said section to sell the said lots:

And whereas the Northcote Borough Council has now approved of the plan of the subdivision of the said endowment land and there is sufficient legal access to the reserve for public purposes set aside by the Board without requiring the said 2 lots to be used as an access way and a right of way respectively, and it is desirable and expedient to authorise and empower the Board to dispose of the said 2 lots:

And whereas certain other land situated in the subdivision and forming part of the said endowment is held by the Board without power of sale, and it is desirable and expedient to authorise the Board to sell the said land:

Be it therefore enacted as follows:

Subsection (4) of section 27 of the Reserves and Other Lands Disposal Act 1946 is hereby repealed, and the following subsection substituted:

- (4) The land to which this section relates is particularly described as follows:
- All those areas in the North Auckland Land District, Block XII, Waitemata Survey District, being—
- Firstly, 9 acres 2 roods 17 perches and three-tenths of a perch, more or less, being Lots 1 to 24, Lots 26 to 31, and right of way on a plan deposited in the Land Registry Office at Auckland under Number 20403, and being portions of Allotments 14 and 15, Parish of Takapuna, and being the balance of the land comprised and described in certificate of title, Volume 531, folio 12, Auckland Registry.
- Secondly, 17 perches and seven-tenths of a perch, more or less, being Lot 25 on a plan deposited in the Land Registry Office at Auckland under Number 20403, being portion of Allotment 14, Parish of Takapuna, and being the whole of the land comprised and described in certificate of title, Volume 698, folio 134, Auckland Registry.

**34 Cancellling the reservation over a recreation reserve and parts of the Hutt Valley Domain and declaring the said lands to be set apart under Part 1 of the Housing Act 1919**

Whereas the land firstly described in subsection (3) is a recreation reserve vested in His Majesty the King under and subject to the provisions of Part 1 of the Public Reserves, Domains, and National Parks Act 1928:

And whereas the lands secondly and thirdly described in the said subsection (3) are portions of the Hutt Valley Domain under and subject to the provisions of Part 2 of the said Act:

And whereas all of the said lands are not required for recreation purposes and have never been used for those purposes:

And whereas the said lands are situated in residential areas and are all suitable building sites:

And whereas it is desirable that the said lands be set apart for housing purposes subject to the provisions of Part 1 of the Housing Act 1919:

Be it therefore enacted as follows:

- (1) The reservation for recreation purposes of the land firstly described in subsection (3) is hereby cancelled, and the said land is hereby declared to be vested in His Majesty the King for the purposes of Part 1 of the Housing Act 1919.
- (2) The reservation for recreation purposes and the setting apart under Part 2 of the Public Reserves, Domains, and National Parks Act 1928 as portions of the Hutt Valley Domain in respect of the lands secondly and thirdly described in subsection (3) are hereby cancelled, and the said lands are declared to be vested in His Majesty the King for the purposes of Part 1 of the Housing Act 1919.
- (3) The lands to which this section relates are particularly described as follows:
- All those areas in the Wellington Land District, City of Lower Hutt, being—

Firstly, that area containing 1 rood, more or less, being Lot 4 on a plan deposited in the Land Registry Office at Wellington under Number 8861, being part of Section 39, Hutt Registration District, Block IX, Belmont Survey District, and being formerly part of the land comprised and described in certificate of title, Volume 102, folio 131, Wellington Registry.

Secondly, that area containing by admeasurement 1 rood 16 perches and ninety-four hundredths of a perch, more or less, being Lots 35 and 36 on a plan deposited in the Land Registry Office at Wellington under Number 9890, Town of Fairfield, being Part Section 33, Hutt Registration District, Block XIV, Belmont Survey District, and being formerly part of the land comprised and described in certificate of title, Volume 409, folio 152, Wellington Registry.

Thirdly, that area containing 30 perches and eighty-three hundredths of a perch, more or less, being Lot 13 on a plan deposited in the Land Registry Office at Wellington under Number 9391, Town of Thornycroft, being part of Section 39, Hutt Registration District, Block IX, Belmont Survey District, and being formerly part of the land comprised and described in certificate of title, Volume 348, folio 39, Wellington Registry.

### 35 Authorising Hurunui Rabbit Board to dispose of certain land

Whereas for the purpose of more adequately controlling the extermination of rabbits in the area formerly comprising the Hurunui Rabbit District (in this section referred to as the **said district**) 7 additional rabbit districts have been constituted within the boundaries of the land formerly comprising the said district:

And whereas in connection with the establishment of the new Boards it is desirable that the parcels of land described in subsection (2), being lands now held by the Hurunui Rabbit Board, should be made available to the said new Boards:

And whereas the Hurunui Rabbit Board has no power of disposal in respect of the said land, and it is desirable and expedient to make provision in that behalf:

Be it therefore enacted as follows:

- (1) Notwithstanding anything to the contrary in the Rabbit Nuisance Act 1928 or in any other Act, the Hurunui Rabbit Board is hereby authorised and empowered to sell the parcels of land firstly, secondly, thirdly, and fourthly described in subsection (2), and its leasehold interest in the land fifthly described in the said subsection, to the new Rabbit Boards constituted within the boundaries of the land formerly comprising the said district.
- (2) The parcels of land to which this section relates are more particularly described as follows:

All those areas in the Canterbury Land District, being—

Firstly, that area situated in Block VII, Waipara Survey District, containing 4 acres 3 roods 39 perches and twenty-five hundredths of a perch, more or less,

being part of Rural Section 7540, and being the whole of the land comprised and described in certificate of title, Volume 203, folio 35, Canterbury Registry.

Secondly, that area situated in Block VII, Waipara Survey District, containing 2 roods, more or less, being Lot 3 on a plan deposited in the Land Registry Office at Christchurch under Number 4691, and part of Lot 2 on a plan deposited as aforesaid under Number 4567, being part of Rural Section 7540, and being the whole of the land comprised and described in certificate of title, Volume 486, folio 140, Canterbury Registry.

Thirdly, that area containing 2 acres, more or less, being Sections 36 and 37, Township of Domett, and being the whole of the land comprised and described in certificate of title, Volume 229, folio 203, Canterbury Registry.

Fourthly, that area situated in Block VI, Culverden Survey District, containing 5 acres, more or less, being Section 46 (Culverden Settlement), Culverden Township, and being the whole of the land comprised and described in certificate of title, Volume 427, folio 170, Canterbury Registry.

Fifthly, an estate of leasehold in that land situated in Block I, Lyndon Survey District, containing 22 acres 3 roods and 23 perches, more or less, being Sections 17 and 18, Hanmer Town Area, and being the whole of the land in Hanmer Crown Lease 175, registered and recorded as Volume 457, folio 100, Canterbury Registry.

**36 Authorising the Mayor, Councillors, and Citizens of the City of Wellington to transfer certain parts of the Wellington Town Belt to the Victoria University College**

Whereas the lands firstly and secondly described in subsection (3) are vested in the Mayor, Councillors, and Citizens of the City of Wellington (in this section referred to as the **Corporation**) for an estate in fee simple upon trust as a public recreation ground for the inhabitants of the City of Wellington:

And whereas the said lands form part of the Wellington Town Belt and are held by the Corporation subject to the trust aforesaid and without power of sale:

And whereas the Corporation is desirous of transferring the said lands to the Victoria University College so that they may be used in connection with extensions of the said College:

And whereas it has been agreed between the Crown and the Victoria University College Council that, in consideration of the transfer to the College by the Corporation of the lands firstly and secondly described in subsection (3), the Crown will arrange for the vesting in the Corporation of other land of equal value to be held by the Corporation for municipal purposes:

And whereas it is desirable that provision be made to enable the Corporation to transfer the land described in subsection (3) to the Victoria University College:

Be it therefore enacted as follows:

- (1) The Corporation is hereby authorised and empowered to transfer to the Victoria University College the lands firstly and secondly described in subsection (3), and on the registration of the transfer the said lands shall be held by the said Victoria University College pursuant to section 34 of the Victoria University College Act 1933, but otherwise freed and discharged from all other trusts, reservations, and restrictions affecting the said lands.
- (2) The District Land Registrar for the Land Registration District of Wellington is hereby authorised and directed 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.
- (3) The lands to which this section relates are particularly described as follows:

All those areas in the Wellington Land District, City of Wellington, being—

Firstly, that area containing by admeasurement 11 acres 2 roods 25 perches and two-tenths of a perch, more or less, being part of the Town Belt on the public map of the Town of Wellington: as the same is more particularly shown bordered green on the plan deposited in the Land Registry Office at Wellington under Number 10182, and being the whole of the land comprised and described in certificate of title, Volume 401, folio 299, Wellington Registry.

Secondly, that area containing by admeasurement 1 acre 2 roods 12 perches and five-hundredths of a perch, more or less, being part of Subdivision 1 of Block XVB of the Polhill Gully Maori Reserve, and being all the land more particularly defined on a plan deposited in the office of the Chief Surveyor at Wellington as Number 53/42 (now SO plan 18596), and being the whole of the land comprised and described in certificate of title, Volume 437, folio 138, Wellington Registry.

## Reprints notes

### **1     *General***

This is a reprint of the Reserves and Other Lands Disposal Act 1949 that incorporates all the amendments to that Act as at the date of the last amendment to it.

### **2     *Legal status***

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3     *Editorial and format changes***

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4     *Amendments incorporated in this reprint***

Public Service Act 2020 (2020 No 40): section 135

Local Government (Rating) Act 2002 (2002 No 6): section 138(1)

Reserves and Other Lands Disposal Act 1961 (1961 No 128): section 14(12)(c)

Reserves and Other Lands Disposal Act 1958 (1958 No 108): section 12