



ANALYSIS

Title
1. Short Title

2. Delegation of Minister's powers
3. Powers of the Minister, etc.

1971, No. 99

An Act to amend the Forests Act 1949

[8 December 1971]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Forests Amendment Act 1971, and shall be read together with and deemed part of the Forests Act 1949 (hereinafter referred to as the principal Act).

2. Delegation of Minister's powers—Section 4 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) The Minister, when acquiring land for the purposes of this Act, may in like manner delegate to any Commissioner of Crown Lands (including a Deputy Commissioner of Crown Lands) power to execute as agent for the Minister any transfer or other document relating to the acquisition or disposal of any specified land or of any specified interest in or in respect of any land.”

3. Powers of the Minister, etc.—(1) Section 15 of the principal Act is hereby amended by omitting from paragraph (a) of subsection (2) the words “acquire easements”.

(2) Section 15 of the principal Act is hereby further amended by adding to subsection (2) the following paragraph:

“(k) Acquire, grant, reserve, vary, renew, or cancel easements, whether in gross or otherwise.”

(3) Section 15 of the principal Act is hereby further amended by inserting, after subsection (2), the following subsections:

“(2A) Where an agreement to acquire, grant, reserve, vary, renew, or cancel an easement has been entered into and the Minister is satisfied as to the sufficiency of the agreement, he may issue a written declaration that the agreement has been entered into between the Crown and the other parties to the agreement, whether as adjoining owners of the land to which the agreement relates or otherwise, and may publish the declaration in the *Gazette*.

“(2B) The said declaration shall—

“(a) Either set out the terms and conditions of the agreement or refer to a number or symbol which will enable the agreement to be identified and inspected in the office of the appropriate Conservator of Forests; and

“(b) Refer to a map, plan, or diagram defining the boundaries or middle line of the easement to which the agreement relates, by a number or symbol which will enable the map, plan, or diagram to be identified and inspected in the office of the appropriate Conservator of Forests; and

“(c) State the date upon which the agreement became effective being the date of execution of the agreement.

“(2c) The publication of the said declaration in the *Gazette* shall be evidence,—

“(a) Of the existence of the agreement; and

“(b) That the agreement is assignable; and

“(c) That the agreement is binding on the parties thereto, and on the executors, administrators, and lawful assigns of any one or more of those parties, or of any parties lawfully taking their place, respectively; and

“(d) Where the terms and conditions aforesaid are set out, that they are the terms and conditions of the agreement.”