



ANALYSIS

<p>Title</p> <p>1. Short Title</p> <p>2. Forestry rights to be profits à prendre</p>	<p>3. Registration of forestry rights over unregistered land</p> <p>4. Land Settlement Promotion and Land Acquisition Act 1952 not to apply</p>
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1994, No. 67

An Act to amend the Forestry Rights Registration Act 1983

[1 July 1994]

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

1. Short Title—This Act may be cited as the Forestry Rights Registration Amendment Act 1994, and shall be read together with and deemed part of the Forestry Rights Registration Act 1983 (hereinafter referred to as the principal Act).

2. Forestry rights to be profits à prendre—Section 3 of the principal Act is hereby amended by inserting, after subsection (2), the following subsection:

“(2A) Where a forestry right is granted over land in respect of which no certificate of title has been issued under the Land Transfer Act 1952, the forestry right may be registered in accordance with section 5A of this Act.”

3. Registration of forestry rights over unregistered land—The principal Act is hereby amended by inserting, after section 5, the following section:

“5A. (1) Where a forestry right is granted over land in respect of which no certificate of title has been issued under the Land Transfer Act 1952, the grantee may request the appropriate District Land Registrar to register the forestry right in accordance with this section.

“(2) The District Land Registrar shall, at the request of the grantee, constitute a notification of the grant a separate folium of the register.

“(3) No grant of a forestry right shall be received under this section for notification as a separate folium of the register unless there is endorsed thereon a certificate by a registered surveyor to the effect that the land to which that grant relates is within the boundaries of a parcel of land identified on a plan lodged in the office of the Chief Surveyor or District Land Registrar for the district in which the land is situated.

“(4) Notwithstanding any rule of law or equity to the contrary, every forestry right registered under this section shall run with and bind the land to which it relates and shall be deemed to be an interest in land for the purposes of the Land Transfer Act 1952.

“(5) Nothing in this section limits anything in section 5 of this Act.”

4. Land Settlement Promotion and Land Acquisition Act 1952 not to apply—(1) The principal Act is hereby amended by adding the following section:

“8. Nothing in the Land Settlement Promotion and Land Acquisition Act 1952 shall apply with respect to any contract or agreement—

- “(a) For the grant, sale, or transfer of any forestry right; or
- “(b) For the grant of any option to purchase or otherwise acquire any forestry right.”

(2) Subject to subsection (3) of this section, every contract or agreement of a kind referred to in section 8 of the principal Act (as added by subsection (1) of this section), that was entered into before the 15th day of April 1994, is hereby deemed to be, and always to have been, as valid and effectual as it would have been if the said section 8 had been in force at the time the contract or agreement was entered into.

(3) Nothing in subsection (2) of this section affects any order or determination made by any Court or tribunal before the 15th day of April 1994 or any proceedings commenced, but not finally determined, before that date; and such proceedings shall be dealt with and finally determined as if this section had not been enacted.

(4) Regulation 4 of the Land Settlement Promotion and Land Acquisition Regulations 1968 (as substituted by regulation 2 of the Land Settlement Promotion and Land Acquisition Regulations 1968, Amendment No. 5) is hereby consequentially amended by revoking subclause (5).

This Act is administered in the Ministry of Forestry.