



ANALYSIS

Title
1. Short Title

2. Commissioner may authorise person to carry on trade, business, or occupation within reserve

1988, No. 137

An Act to amend the Reserves Act 1977

[30 July 1988

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

1. Short Title—This Act may be cited as the Reserves Amendment Act 1988, and shall be read together with and deemed part of the Reserves Act 1977 (hereinafter referred to as the principal Act).

2. Commissioner may authorise person to carry on trade, business, or occupation within reserve—(1) The principal Act is hereby amended by inserting, after section 59, the following section:

“59A. (1) Subject to subsections (2) and (3) of this section, the Commissioner may from time to time, upon any terms and conditions the Commissioner thinks appropriate, authorise any person to carry on any trade, business, or occupation within any recreation reserve, scenic reserve, nature reserve, historic reserve, or scientific reserve.

“(2) The Commissioner shall not give any authority under subsection (1) of this section unless the activity authorised is in accordance with the management plan of the reserve concerned.

“(3) An authority under subsection (1) of this section shall not have effect in respect of any part of a reserve that is subject to a lease or licence without the written consent of the lessee or licensee (obtained before or after the authority was given).

“(4) Subject to subsection (3) of this section and to the terms and conditions subject to which it was given, an authority

under subsection (1) of this section shall have effect in respect of the whole of the reserve concerned, or such part of it as the Commissioner has authorised, at large; but shall not give the person authorised any special rights in respect of any particular site within the reserve.

“(5) It may be a condition of an authority under subsection (1) of this section that the person authorised should pay royalties, rent, fees, and other charges, or any of them, to the Commissioner.

“(6) Subsection (5) of this section does not affect the generality of subsection (1) of this section.

“(7) Any person who with the authority of the Commissioner carries on any trade, business, or occupation within any reserve may, subject to the reserve’s management plan and the terms and conditions (if any) subject to which the Commissioner gave the authority concerned, charge for the performance or products of the trade, business, or occupation.”

(2) Section 78 (1) of the principal Act is hereby consequentially amended by inserting, in its appropriate numerical order, the expression “section 59A,”.

(3) Section 94 (1) of the principal Act is hereby consequentially amended by inserting, after paragraph (k), the following paragraph:

“(ka) Carries on any trade, business, or occupation within any reserve; or”.