



ANALYSIS

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1956, No. 35

An Act to amend the Reserves and Domains Act 1953

[25 October 1956]

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 Reserves and Domains Amendment Act 1956, and shall be read together with and deemed part of the Reserves and Domains Act 1953 (hereinafter referred to as the principal Act).

2. Minister may revoke appointment of Board or of members of Board—Section six of the principal Act is hereby amended by adding the following subsection:

“(5) The Minister may from time to time by a like notice revoke the appointment of any Board or of any member of any Board.”

3. Consideration by Minister of resolution of local authority declaring reserve—Section thirteen of the principal Act is hereby amended by repealing subsection four, and substituting the following subsection:

“(4) The Minister shall consider the resolution and such objections (if any) as have been received by the local authority, and shall then in his discretion either cause the resolution to be gazetted or refuse to do so.”

4. Issue of certificate of title on exchange of public reserve for other land—Section seventeen of the principal Act is hereby amended by adding the following subsection:

“(6) Where—

“(a) For the purpose of giving effect to any exchange under the provisions of this section a memorandum of transfer affecting the whole or part of the land comprised in any public reserve is presented to the District Land Registrar for registration; and

“(b) There is a certificate of title for the land or any part thereof under the Land Transfer Act 1952, but under the provisions of section one hundred of this Act no duplicate certificate of title has been issued or the duplicate certificate of title has been cancelled,—

the District Land Registrar shall, on registration of the memorandum of transfer, issue and deliver to the person entitled to the custody thereof a duplicate certificate of title in respect of the land or part thereof, as the case may be, and shall note the copy bound in the register accordingly.”

5. Wilderness areas—The principal Act is hereby amended by inserting, after section eighteen, the following section:

“18A. (1) The Minister, in the case of reserves in respect of which there is no administering body, and in any other case the administering body with the consent of the Minister, may from time to time, by notice in the *Gazette*, set apart the whole or any specified part of a public reserve as a wilderness area, and may in like manner revoke or vary any such setting apart.

“(2) While any public reserve or part thereof is set apart as a wilderness area—

“(a) It shall be kept and maintained in a state of nature:

- “(b) No buildings of any description or other erections of any kind shall be placed or constructed on the area:
- “(c) No horses or other animals or vehicles of any description shall be taken on to or used on the area:
- “(d) No roads, tracks, or trails shall be constructed on the area, except such foot tracks for the use of persons entering the area on foot as the Minister, or, as the case may be, the administering body with the consent of the Minister, considers necessary or desirable.”

6. Effect of change in constitution or boundaries of local authority—The principal Act is hereby amended by repealing section twenty-two, and substituting the following section:

“22. Where any public reserve has been vested in a local authority or any local authority has been appointed to be the administering body of any public reserve, and—

- “(a) The local authority is changed or reconstituted as a local authority of a different type; or
- “(b) The local authority is abolished and its district is incorporated in the district of another local authority; or
- “(c) Part of the district of the local authority in which the reserve is situated is incorporated in the district of another local authority,—

the public reserve or, as the case may be, the control and management thereof shall, as from the date of the change or reconstitution or incorporation, be deemed to be vested in the new or incorporating local authority upon the same terms and conditions as it was held by the first-mentioned local authority before the change or reconstitution or incorporation was effected.”

7. Vesting of reserves in place becoming borough or town district or merged in county—(1) The principal Act is hereby amended by repealing section twenty-three, and substituting the following section:

“23. Where any town or other place has subsequently become a borough or town district or any part thereof is incorporated in a borough or town district,—

- “(a) All public reserves made within that town or place or part shall be deemed to have been made for the same purposes within the borough or town district for the time being existing in the stead of the first-mentioned town or place; and

“(b) All such public reserves granted to or vested in the Corporation of that town or place shall be deemed to have been granted to or vested in the Corporation of the borough or town district, as the case may be, as from the date when the first-mentioned town or other place or the Council thereof ceased to exist, or, as the case may be, when that part was incorporated in the borough or town district.”

(2) The principal Act is hereby further amended by repealing section twenty-four, and substituting the following section:

“24. Where any borough or town district or road district or any part thereof becomes merged in a county—

“(a) All public reserves made within that borough or town district or road district or part shall be deemed to have been made for the same purposes within the county; and

“(b) All such public reserves granted to or vested in the Corporation of the borough or town district or road district, as the case may be, shall be deemed to have been granted to or vested in the Corporation of the county as from the date when the borough or town district or road district or part became merged in the county.”

8. Leasing of domains and recreation reserves—Section twenty-seven of the principal Act is hereby amended by omitting from subsection four the words “for farming purposes”.

9. Leasing of open portions of scenic reserves—Section twenty-seven of the principal Act is hereby amended by inserting, after subsection ten, the following subsection:

“(10A) In the case of a scenic reserve, it shall be lawful and be deemed always to have been lawful for leases of any open or cleared portions thereof to be granted as follows:

“(a) By the administering body with the approval of the Minister, when the reserve is vested in such a body, or by the Minister in any other case:

“(b) The lease shall be for a term not exceeding thirty-three years, with or without a perpetual right of renewal but with no right of acquiring the fee simple:

“(c) The lease shall be at such rent and upon such terms and conditions, including the power to cancel the lease and resume possession, as the Minister approves:

“(d) The lease may authorise the erection of buildings subject to the approval in writing of the Minister, or the administering body with the consent of the Minister, as the case may be, being obtained.”

10. Powers of administering body of a recreation reserve—Section thirty-two of the principal Act is hereby amended by repealing paragraph (j) of subsection one, and substituting the following paragraph:

“(j) With the consent of the Minister, at any time and from time to time appropriate any part of the reserve for squares, gardens, open spaces, baths, camping sites, or parking places for vehicles for the convenience of persons using the reserve, or for the provision of other amenities for the public; and fix such charges for the use of any such baths, camping sites, parking places, and other amenities as the Minister approves:”.

11. Domain Board where area containing domain included in another district—Section forty-seven of the principal Act is hereby amended by repealing subsection two, and substituting the following subsection:

“(2) Where any Borough Council or Town Council or County Council or Road Board has been appointed to be the Domain Board of any public domain in its district and subsequently the domain is included in the district of another local authority of any of those kinds, the last-mentioned local authority shall, without further appointment, become the Domain Board in respect of that domain in place of the first-mentioned local authority.”

12. Powers of Domain Boards—Section forty-nine of the principal Act is hereby amended by repealing paragraph (c) of subsection one, and substituting the following paragraph:

“(c) Appropriate any part of the domain for squares, gardens, open spaces, or baths, or for the provision of other amenities for the public and, with the prior

consent of the Minister, for camping sites or parking places for vehicles for the convenience of persons using the domain; and fix such charges for the use of any such baths, other amenities, camping sites, and parking places as the Minister approves:”.

13. Protection of scenic reserves—The principal Act is hereby amended as from the commencement of that Act by inserting, after section fifty-nine, the following section:

“59A. (1) Without limiting any other powers of the Minister in relation to scenic reserves, the Minister may from time to time take such steps as he thinks fit for the protection of any scenic reserve from fire or from damage from stock or animal pests or other cause of any kind whatsoever.

“(2) Where the Minister considers it necessary or desirable for the better protection of any scenic reserve that fire breaks or green belts be constructed or maintained on the reserve or that open grassed areas in the reserve be retained as such, the Minister, or, as the case may be, the administering body or any local authority with the consent of the Minister, may construct firebreaks and green belts on the reserve and take such steps as may be necessary to develop and maintain the same and to retain as firebreaks and green belts any such open grassed areas, including, but without limiting the generality of the foregoing powers, their development and farming and stocking.

“(3) Any expenses incurred by the Crown in the exercise of any powers conferred on the Minister by this section shall be paid out of money appropriated by Parliament, and shall be charged against such account or fund as the Minister of Finance from time to time determines.

“(4) Any money received by the Crown in respect of the exercise of any of the powers conferred on the Minister by this section shall be paid into such account or fund as the Minister of Finance from time to time determines.”

14. Use of scenic reserves for picnic grounds, camping sites, and parking places—The principal Act is hereby further amended by inserting, after section sixty-one, the following section:

“61A. The Minister or, as the case may be, the administering body with the approval of the Minister, may from time to time set apart any open portion of any scenic reserve as a picnic ground or camping site or parking place for vehicles for the

convenience of persons visiting the reserve, or for the provision of other amenities for the public, and may fix such charges for the use of any such picnic grounds, camping sites, parking places, or other amenities as the Minister, or, as the case may be, the administering body with the approval of the Minister, from time to time thinks fit.”

15. Banking of money received in respect of several domains administered by one local authority—Section seventy of the principal Act is hereby amended by adding to subsection two the following proviso:

“Provided that where a local authority is the Domain Board for more than one domain it shall not be necessary to establish a separate bank account in respect of each domain, but the local authority may, if it thinks fit, establish a bank account to be called ‘The Domains Account’ into which all money received in respect of all the domains administered by it shall be paid.”

16. Combining of accounts in respect of several domains under control of one local authority—Section seventy-six of the principal Act is hereby amended by adding the following subsection:

“(6) Where a local authority is the Domain Board for more than one domain, the receipts and payments relating to all the domains under its control may, if the local authority so desires, be shown in a combined account, but that account shall show separately the receipts and payments relating to each domain:

“Provided that nothing in this subsection shall be construed as limiting the powers of the Board under section seventy-three of this Act or the powers of the Minister under section seventy-five of this Act.”

17. Application of proceeds of land where reservation revoked—(1) Section seventy-eight of the principal Act is hereby amended by inserting in paragraph (d), after the words “expense of the Crown”, the words “for purposes other than for a public domain or a recreation reserve”.

(2) Section seventy-eight of the principal Act is hereby further amended as from the commencement of that Act by adding the following subsection as subsection two thereof:

“(2) Where before the commencement of this Act the land comprised in a public reserve became Crown land on the revocation of the reservation thereof under the provisions of

any former enactment, the provisions of subsection one of this section shall apply with respect to the proceeds held at the commencement of this Act of any alienation of the land before the commencement of this Act and to the proceeds of any alienation of the land after the commencement of this Act, as if the reservation had been revoked under the provisions of this Act.”

18. Permits to enter reserves—Section ninety-five of the principal Act is hereby amended by inserting in subsection one, after the words “class of reserve”, the words “and may from time to time authorise the administering body of any reserve to issue permits granting access to that reserve”.
