



## ANALYSIS

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1976, No. 66

**An Act to revoke the reservation of certain land as a scenic reserve and to authorise its alienation**

[1 December 1976]

WHEREAS the land described in the Schedule hereto was devised to the Crown as a reserve for the protection of flora and fauna by the will of the late Constance Susanna Macdonald: And whereas the executor of the said will vested the said land in the Crown for a scenic reserve subject to the Reserves and Domains Act 1953: And whereas the Crown, acting through the Minister of Lands, has agreed to sell and Stewart Island Air Services Limited (a company duly incorporated under the Companies Act 1955) has agreed to purchase the said land: And whereas, although it may be possible for the object of this Act to be attained otherwise than by way of legislation, there is some doubt as to whether the Minister of Lands may properly exercise his powers under the Reserves and Domains Act 1953 to revoke the reservation of the said land as a scenic reserve: And whereas it is desirable that the disposal of the said land to Stewart Island Air Services Limited be completed without delay:

BE IT THEREFORE 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 Stewart Island Reserves Empowering Act 1976.

**2. Revocation of reservation**—Notwithstanding anything in the Reserves and Domains Act 1953 or in any other Act, rule of law, or will, the reservation as a scenic reserve of the land described in the Schedule hereto is hereby revoked; and the said land is hereby freed and discharged from all trusts, reservations, and restrictions affecting it.

**3. Validation of agreement**—(1) Notwithstanding anything in any Act, rule of law, or will, the agreement of the Minister of Lands to sell and of Stewart Island Air Services Limited to purchase, at a price of \$7,500, the land described in the Schedule hereto is hereby declared to be and always to have been valid and binding in all respects according to its tenor; and the said agreement shall for all purposes be deemed to have been entered into on the 2nd day of June 1976.

(2) The Land Settlement Board and Stewart Island Air Services Limited are hereby authorised and empowered to carry out all the terms and conditions of the said agreement and to do all things necessary to give full effect to it.

**4. Authorising alienation of land**—(1) Notwithstanding anything in any Act, rule of law, or will, the Land Settlement Board is hereby authorised and empowered and shall be deemed always to have been authorised and empowered to alienate the land described in the Schedule hereto to Stewart Island Air Services Limited in accordance with the Board's powers under the Land Act 1948.

(2) For the purposes of the Land Act 1948, the alienation of the said land to Stewart Island Air Services Limited is hereby declared to be in the public interest and in the interest of the inhabitants of Stewart Island.

**5. Application of proceeds**—All money received by the Crown on the alienation of the said land shall be applied solely for the purpose of purchasing land on Stewart Island to provide public reserves subject to the Reserves and Domains Act 1953, or for the purpose of improving existing public reserves on Stewart Island.

**SCHEDULE**

ALL that piece of land containing 2.14 hectares, more or less, being part Section 146, Block I, Paterson Survey District, and being more particularly delineated on plan S.O. 9220 lodged in the office of the Chief Surveyor at Invercargill.

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This Act is administered in the Department of Lands and Survey.

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