



ANALYSIS

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1949, No. 48

AN ACT to Provide for the Cancellation of the Reservation Over Portions of the Whaingaroa Domain and for the Disposal of those Portions and to Provide for the Establishment of a Trust to Acquire and Conduct the Licensed Premises Known as the Waingaro Hot Springs Hotel, Situated on the Domain, in the Event of the Crown Deciding to Dispose of the Hotel to a Trust. Title.

[21st October, 1949]

WHEREAS the land described in the First Schedule to this Act is a public domain subject to Part II of the Public Reserves, Domains, and National Parks Act, 1928, and is known as the Whaingaroa Domain: And whereas the Raglan County Council has been appointed the Domain Board of the domain: And whereas those portions of the domain described in the Second

Preamble.
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of Statutes,
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Schedule to this Act are not required for recreation purposes and it is desirable that the reservation over those portions should be cancelled and the land be declared Crown land subject to the Land Act, 1948: And whereas part of the domain is now leased for a term of twenty-one years from the first day of May, nineteen hundred and twenty-nine, under a lease from the Crown: And whereas there are situated on portions of the domain which are not required for recreation purposes a general store and other buildings, including certain premises in respect of which an accommodation licence under the Licensing Act, 1908, has been granted: And whereas it is desirable that special provision be made for the disposal of the said licensed premises after they have been acquired by the Crown:

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

Short Title.

1. This Act may be cited as the Whaingaroa Domain Disposal Act, 1949.

Interpretation.

2. In this Act, unless the context otherwise requires,—

“ Domain ” means the Whaingaroa Domain:

“ Hotel ” means the licensed premises situated on the domain and known as the Waingarō Hot Springs Hotel:

“ Lease ” means the lease dated the eighteenth day of July, nineteen hundred and twenty-nine, granted by the Crown in respect of part of the domain and validated by section four of the Reserves and Other Lands Disposal Act, 1929:

“ Lessee ” means the lessee under the lease:

“ Minister ” means the Minister of Lands:

“ Trust ” means a Trust constituted pursuant to this Act.

1929, No. 18

Lands in domain declared Crown land.

3. The lands described in the Second Schedule to this Act are hereby declared to be Crown land subject to the Land Act, 1948, freed and discharged from all reservations, trusts, and restrictions heretofore affecting the said lands.

Minister may purchase buildings and improvements on domain.

4. (1) The Minister, on behalf of His Majesty, may purchase from the lessee such buildings and improvements situated on the domain as are the property of the lessee for such sum as may be agreed upon between

the Minister and the lessee, or, in the event of the Minister and the lessee failing to agree on the value of the buildings and improvements, for such sum as may be determined in the manner set out in the said lease, but in any event for a sum not exceeding five thousand pounds.

(2) The Minister, on behalf of His Majesty, may purchase the accommodation licence granted under the Licensing Act, 1908, in respect of the hotel and also any furniture, fittings, stock, or chattels the property of the lessee and used in connection with the hotel. Any payment made under this section may include a payment for goodwill in respect of the transfer of the licence to His Majesty.

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of Statutes,
Vol. IV, p. 234

(3) There shall be paid out of the Consolidated Fund, without further appropriation than this section, such sums as may be required to give effect to the provisions of this section.

5. (1) The Minister may do all such acts as may be necessary to vest the accommodation licence granted under the Licensing Act, 1908, in respect of the hotel, in His Majesty.

Licence may
vest in His
Majesty.

(2) On the completion of the purchase of the hotel by the Minister the provisions of section nineteen of the Public Works Amendment Act, 1948, shall, as far as they are applicable and with the necessary modifications, apply as if the hotel had been acquired by His Majesty for a public work and the equitable right to the licence granted in respect of the hotel had been purchased by His Majesty and as if all references in that section to the Minister of Works were references to the Minister of Lands.

1948, No. 39

6. On the vesting of the said licence in His Majesty the Minister may dispose of the hotel and the said licence either by way of sale to some person qualified to hold a licence under the Licensing Act, 1908, or to a Trust to be established under the provisions of this Act.

Disposal of
hotel.

7. (1) The Governor-General may, by Order in Council, provide for the establishment of a Trust, with such name as may be specified in the Order in Council, for the purpose of acquiring and conducting the hotel.

Establishment
of Trust to
conduct hotel.

(2) The Trust shall be a body corporate with perpetual succession and a common seal with power to do and suffer all acts and things that a body corporate may lawfully do and suffer.

Powers and functions of Trust.

8. (1) The Governor-General may from time to time, by Order in Council, make regulations providing for the constitution and membership of the Trust and prescribing its powers, functions, and obligations.

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(2) By any regulations under this section any of the provisions of Part I of the Licensing Trusts Act, 1949, that are not inconsistent with this Act may be applied with such modifications as may be prescribed in the regulations, and any provisions so applied shall, subject to any modifications so prescribed and to all other necessary modifications, apply to the Trust and to the hotel.

(3) Without limiting the generality of the provisions of this section, it is hereby declared that regulations may be made under this section—

See Reprint of Statutes, Vol. IV, p. 234

(a) Prescribing the procedure in respect of any application under the Licensing Act, 1908, by the Trust:

(b) Prescribing the rights, duties, and obligations of any person appointed by the Trust to manage the hotel or of any other servant of the Trust.

Members of Trust.

9. (1) The first members of any Trust established under this Act shall be appointed by the Governor-General and thereafter such number of members of the Trust as may be prescribed in that behalf shall be elected.

(2) The persons entitled to vote at any election of members of the Trust shall be the electors of the County of Raglan resident in that portion of the County defined in that behalf by regulations made under this Act.

Licence shall be transferred to Trust.

10. (1) The Licensing Committee appointed under the Licensing Act, 1908, for the licensing district in which the hotel is situated shall, on application made to it in that behalf by the Minister, transfer the licence granted in respect of the hotel to the Trust and thereupon the provisions of that Act shall, except so far as they are inconsistent with the provisions of this Act, or of regulations made under this Act, apply to the Trust and to the hotel.

(2) Notwithstanding the provisions of the Licensing Act, 1908, the Trust may be the holder of an accommodation licence or a publican's licence under that Act in

respect of the hotel, and any such licence that has been granted may from time to time be renewed in the name of the Trust.

11. The provisions of subsection two of section forty-one of the Public Reserves, Domains, and National Parks Act, 1928, shall apply with respect to all moneys received by the Crown from any sale of land declared by this Act to be Crown land:

Provided that any moneys received from the sale of any buildings or improvements on any such land shall be paid into the Public Account.

Disposal of moneys received from sale of domain and hotel.

See Reprint of Statutes, Vol. VI, p. 1150

SCHEDULES

Schedules.

FIRST SCHEDULE

DESCRIPTION OF WHAINGAROA DOMAIN

ALL those areas in the South Auckland Land District, Raglan County, being:

Firstly, that area situated in Blocks V and IX, Newcastle Survey District, containing by admeasurement 339 acres 21·6 perches, more or less, being all the land on a plan deposited in the Land Registry Office at Auckland under Number 23182, and being Allotments 252 and 253 and parts of Allotments 86 and 86A of the Parish of Waipa, and being the whole of the land comprised and described in certificate of title, Volume 615, folio 102, Auckland Registry.

Secondly, that area situated in Block III, Karioi Survey District, containing by admeasurement 17 acres and 16 perches, more or less, being Allotment 139 of the Parish of Whaingarua, and being the whole of the land comprised and described in certificate of title, Volume 140, folio 103, Auckland Registry.

SECOND SCHEDULE

DESCRIPTION OF LANDS IN DOMAIN NOT REQUIRED FOR RECREATION PURPOSES

ALL those areas in the South Auckland Land District, Raglan County, being:

Firstly, that area situated in Blocks V and IX, Newcastle Survey District, containing by admeasurement 302 acres 2 roods 20 perches, more or less, being portion of the land on a plan deposited in the Land Registry Office at Auckland under Number 23182, being Allotment 253 and parts of Allotments 86, 86A, and 252, Parish of Waipa, and being part of the land comprised and described in certificate of title, Volume 615, folio 102, Auckland Registry, as the same is more particularly

shown bordered red on Survey Office Plan 34612, lodged in the office of the Chief Surveyor at Auckland.

Secondly, that area situated in Block V, Newcastle Survey District, containing by admeasurement 2 roods, more or less, being portion of the land on a plan deposited in the Land Registry Office at Auckland under Number 23182, being part of Allotment 86, Parish of Waipa, and being part of the land comprised and described in certificate of title, Volume 615, folio 102, Auckland Registry, as the same is more particularly shown bordered blue on Survey Office Plan 34612, lodged in the office of the Chief Surveyor at Auckland.

Thirdly, that area situated in Block V, Newcastle Survey District, containing by admeasurement 2 roods, more or less, being portion of the land on a plan deposited in the Land Registry Office at Auckland under Number 23182, being part of Allotment 86, Parish of Waipa, and being part of the land comprised and described in certificate of title, Volume 615, folio 102, Auckland Registry, as the same is more particularly shown bordered yellow on Survey Office Plan 34612, lodged in the office of the Chief Surveyor at Auckland.
