

HISTORIC PLACES AMENDMENT BILL

EXPLANATORY NOTE

This Bill amends the Historic Places Act 1954.

Clause 1 relates to the Short Title to the Bill.

Clause 2 changes the name of the National Historic Places Trust to the New Zealand Historic Places Trust.

Clause 3 gives the Trust power to make bylaws in respect of any land or building vested in it or under its control, sets out the procedure for making bylaws, proof of bylaws, and display of bylaws, and provides a penalty for breach of bylaws.

Clause 4 rewrites section 24 of the principal Act defining offences against the Act to make it less restrictive, and with alterations caused by the power to make bylaws for particular lands or buildings vested in or under the control of the Trust. The Court is given a discretionary power to make an order for payment to the Trust of the value of damage to or loss of property on conviction of an offender.

Clause 5 re-enacts as a separate section, without alteration, section 24 (5) of the principal Act.

Clause 6 repeals section 26 of the principal Act. That section places on any person found in possession of plant life or other natural objects on any land vested in or under the control of the Trust the onus of proving innocent possession.

Hon. Sir Léon Götz

HISTORIC PLACES AMENDMENT

ANALYSIS

Title	
1. Short Title	9D. Bylaws to be displayed
2. Change of name of Trust	9E. Penalty for breach of bylaws
3. New sections inserted	4. Offences
9A. Power to make bylaws	5. Buildings, etc., erected without approval of Trust
9B. Procedure for making bylaws	6. Repeal
9C. Proof of bylaws	

A BILL INTITULED

An Act to amend the Historic Places Act 1954

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

1. Short Title—This Act may be cited as the Historic Places Amendment Act 1963, and shall be read together with and deemed part of the Historic Places Act 1954 (hereinafter referred to as the principal Act).

10 **2. Change of name of Trust**—(1) The body corporate constituted under the principal Act and called the National Historic Places Trust shall hereafter be called the New Zealand Historic Places Trust.

(2) The principal Act is hereby amended—

15 (a) By omitting from the definition of the expression “the Trust”, in section 2, the word “National”, and substituting the words “New Zealand”:

(b) By omitting from subsection (1) of section 4, and also from subsection (1) of section 18, the word “National”, and substituting in each case the words
20 “New Zealand”.

(3) Every reference in any Act, regulation, rule, bylaw, contract, deed, agreement, lease, licence, instrument, notice, or other document whatsoever to the National Historic Places Trust shall hereafter, unless the context otherwise requires, be read as a reference to the New Zealand Historic Places Trust. 5

3. New sections inserted—The principal Act is hereby further amended by inserting, after section 9, the following sections:

“9A. Power to make bylaws—The Trust may, in respect of any land or building vested in it or under its control, make such bylaws as it thinks fit for all or any of the following purposes:

“(a) Prescribing rules to be observed by any person entering upon such land or building: 15

“(b) Regulating the times of admission to such land or building:

“(c) Prohibiting or controlling the lighting of fires on such land or in such building:

“(d) Prohibiting or controlling the depositing or throwing of any litter, or any substance or article of, or likely to be of, a dangerous or offensive nature, on such land or in such building: 20

“(e) Prohibiting or controlling the taking of any animal or vehicle upon such land, and prescribing rules to be observed by any person taking any animal or vehicle upon such land: 25

“(f) Providing generally for control of the use, management, and better preservation of such land or building, and of any erection or thing thereon or therein. 30

“9B. Procedure for making bylaws—(1) Bylaws shall be made only by resolution of the Trust and shall have the seal of the Trust duly affixed thereto, and shall be signed by two members of the Trust.

“(2) A notice stating the object or purport of the proposed bylaws shall be published in some newspaper circulating in the district in which the land or building is situated once in each of the two weeks immediately preceding the day on which the bylaws are made. 35

“(3) No bylaw made by the Trust shall have any force or effect until it has been approved by the Minister by notice published in the *Gazette*, or until the date specified for that purpose in the notice of approval. 40

“(4) Any bylaw may in like manner be altered or revoked.

“9c. **Proof of bylaws**—The production of any document purporting to contain a printed copy of any bylaw made under the authority of this Act and authenticated by the common seal of the Trust shall, until the contrary is proved, be sufficient evidence of the existence and provisions of the bylaw and of the approval of the Minister.

“9d. **Bylaws to be displayed**—The Trust shall cause printed copies of all bylaws relating to any land or building to be displayed at one or more of the entrances to such land or building.

“9e. **Penalty for breach of bylaws**—(1) Every person who acts in contravention of or fails to comply with any bylaw under this Act commits an offence and is liable on summary conviction to a fine not exceeding twenty pounds.

“(2) Any person convicted of an offence against any bylaw prohibiting or controlling the depositing or throwing of any litter, or any substance or article of, or likely to be of, a dangerous or offensive nature, may, if the Court thinks fit, be ordered to pay, in addition to any penalty for which he is liable for the offence, a sum not exceeding the cost incurred by the Trust in removing that litter or substance or article, as assessed by the Court.”

4. Offences—The principal Act is hereby further amended by repealing section 24, and substituting the following section:

“24. (1) Every person commits an offence against this Act who, without the authority of the Trust or any person or body authorised by the Trust in that behalf—

“(a) Lights on any land vested in or under the control of the Trust any fire otherwise than in accordance with any bylaw made by the Trust in respect of such land; or

“(b) Wilfully damages or causes to be damaged any property or thing vested in or under the control of the Trust; or

“(c) Unlawfully alters, obliterates, defaces, pulls up, removes, or destroys any boundary mark, mark, sign, or poster on any land vested in or under the control of the Trust; or

“(d) Wilfully takes or removes, or causes to be taken or removed, from any land or building vested in or under the control of the Trust, any property or thing vested in or under the control of the Trust; or

“(e) Receives any property or thing vested in or under the control of the Trust knowing the same to have been removed unlawfully from any land or building vested in or under the control of the Trust.

“(2) Every person commits an offence against this Act who— 5

“(a) Wilfully lights or causes or permits to be lit on any land, other than land vested in or under the control of the Trust, a fire which he knows or ought to have known to be likely to spread into, and which spreads into and damages or destroys, any property or thing vested in or under the control of the Trust; 10
or

“(b) Alters, obliterates, defaces, pulls up, removes, or destroys any plaque or sign supplied and erected by the Trust on any land or building, other than any land or building vested in or under the control of the Trust, without the consent of the owner or owners of the land or building and the Trust. 15

“(3) Any person convicted of an offence under this section may, if the Court thinks fit, be ordered to pay, in addition to any penalty for which he is liable for the offence, a sum not exceeding the full market value of any property or thing removed from the land or building, or the cost of the damage done to the property or thing damaged, as assessed by the Court. The full market value shall be deemed to be the amount which the Trust would have received by way of purchase price for the property or thing removed if the same had been offered for sale by the Trust on reasonable conditions in the condition in which it was before its severance and removal from the land or building.” 20
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5. Buildings, etc., erected without approval of Trust—The principal Act is hereby further amended by inserting, after section 24 (as substituted by section 4 of this Act), the following section: 35

“24A. All buildings, signs, hoardings, or apparatus erected on any land vested in or under the control of the Trust, without the consent in writing of the Trust, shall be deemed to be forfeited to the Trust and shall be disposed of by the Trust in such manner as it thinks fit.” 40

6. Repeal—The principal Act is hereby further amended by repealing section 26.