

New Zealand.

## SCENERY PRESERVATION.

1908, No. 172.

AN ACT to consolidate certain Enactments of the General Assembly relating to the Acquisition of Lands of Scenic or Historic Interest, or on which there are Thermal Springs.

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

1. (1.) The Short Title of this Act is "The Scenery Preservation Act, 1908." Short Title.

(2.) This Act is a consolidation of the enactments mentioned in the Schedule hereto, and with respect to those enactments the following provisions shall apply:— Enactments consolidated.

(a.) All Proclamations, Orders in Council, orders, regulations, appointments, and generally all acts of authority which originated under any of the said enactments, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated. Savings.

(b.) All matters and proceedings commenced under any such enactment, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

2. In this Act, if not inconsistent with the context,—

"Crown land" means Crown lands as defined by "The Land Act, 1906," No. 46, sec. 2 Interpretation.

"Minister" means the Minister charged for the time being with the administration of this Act:

“Owner” means the registered proprietor of the land under “The Deeds Registration Act, 1908,” or “The Land Transfer Act, 1908”:

“Private land” means land owned by any person other than a Maori; and includes any former Crown land reserved and vested in any trustees or body corporate, whether by Act of Parliament or otherwise, for any public purpose, or for any endowment, whether the land is so vested or not:

“Reserve” means a reserve under this Act.

Scenery Preservation Board constituted. 1906, No. 46, sec. 3

3. (1.) For the purposes of this Act there is hereby constituted a Board, to be called “the Scenery Preservation Board” (hereinafter called “the Board”), consisting of—

The Surveyor-General:

The General Manager of the Tourist and Health Resorts Department:

The Commissioner of Crown Lands for the land district in which is situated any land proposed to be acquired or dealt with under this Act:

Provided that the Commissioner of Crown Lands shall be deemed to be a member of the Board only in cases where the functions of the Board are exercised in connection with land situate within the land district of which he is the Commissioner.

(2.) The Board constituted under “The Scenery Preservation Amendment Act, 1906,” shall be deemed to be the Board under this Act.

Secretary and Inspectors. Ibid, sec. 4

4. The Governor may from time to time appoint a fit person to be Secretary to the Board, and may also appoint one or more Inspectors as he deems necessary for the purposes of this Act, and may prescribe their duties and functions.

Board to report as to lands to be reserved. Ibid, sec. 5

5. The Board shall, when so directed by the Minister, inspect any lands possessing scenic or historic interest, or on which there are thermal springs, and make inquiries respecting the same, and report to the Governor; and shall from time to time recommend what lands, whether Crown or private, in the opinion of the Board should be permanently reserved as scenic, thermal, or historic reserves.

How land to be made a reserve. Ibid, sec. 6

6. (1.) Where the land so recommended to be reserved is Crown land, the Governor may by Proclamation declare the same to be a reserve under this Act.

(2.) Where the land is private land, it may be taken or otherwise acquired as a public work under “The Public Works Act, 1908,” and the provisions of that Act shall apply accordingly, and the land so taken shall be deemed to be a reserve under this Act.

Governor may take residue of any land. Ibid, sec: 7

7. Where any land to be taken or acquired as aforesaid does not comprise the whole of the area included in an existing title, the Governor may take or otherwise acquire the residue of the land comprised in such title, or any portion thereof.

Disposal of land no longer required. Ibid, sec. 8

8. Subject to the provisions of any special Act, every reserve under this Act shall be inalienable:

Provided that land taken or acquired under the last preceding section may be exchanged for other land which the Board considers suitable for reservation as a scenic, thermal, or historic reserve, or may be disposed of as Crown lands under “The Land Act, 1908,” and the net

proceeds of such disposal shall be deemed to be funds provided for the purposes of this Act.

9. Any private land which becomes a reserve under this Act shall thereupon cease to be subject to any previous reservation under any other Act.

10. The Minister may from time to time take such steps as he thinks fit for the fencing and maintenance of any reserve.

11. (1.) All expenses of or incidental to conserving, preserving, and maintaining wholly or in part the timber, plants, bush, land-marks, palisades, mounds, trenches, or other marks in, on, or around the historic spots within any reserve under this Act, and any compensation for lands taken or acquired under this Act, shall be paid out of the Consolidated Fund; and for these purposes the Consolidated Fund is hereby appropriated to the extent on the whole of one hundred thousand pounds, and not exceeding in any financial year ending the thirty-first day of March the sum of twenty-five thousand pounds:

Provided that to the extent to which the full sum of twenty-five thousand pounds is not expended in any one financial year to the same extent the sums expended in any subsequent financial year may exceed twenty-five thousand pounds.

(2.) For the purpose of computing the expenditure under this section the expenditure incurred under the enactments mentioned in the Schedule hereto shall be taken into account.

12. (1.) In order to provide funds for the purposes of this Act the Minister of Finance is hereby empowered from time to time to raise, on the security of and charged upon the public revenues of New Zealand, such sums of money, not exceeding in the whole the sum of one hundred thousand pounds, as he thinks fit.

(2.) The moneys so raised shall bear interest at such rate, not exceeding four and a half per centum per annum, as the Minister of Finance from time to time prescribes, and shall be raised under and subject to the provisions of "The New Zealand Loans Act, 1908."

(3.) No debenture, scrip, or other security created or issued in respect of the moneys so raised shall be sold or otherwise disposed of by the Minister of Finance or the loan agents at a price that will yield to the purchaser a higher rate of interest by the year than four pounds ten shillings for every hundred pounds of purchase-money; but any such securities may, for the purpose of temporary advances pending the raising of the said moneys, be hypothecated or mortgaged by him or them upon such terms as to interest and otherwise as are deemed expedient.

(4.) For the purposes of the aforesaid limit of borrowing-powers all moneys raised under the enactments mentioned in the Schedule hereto shall be taken into account.

13. The Governor may from time to time, by notice in the *Gazette*, vest the control of any reserve under this Act in any local authority or in any special Board constituted by him for that purpose, and in either case upon such trusts and with such powers and subject to such conditions as are declared by such notice.

14. Every person who, being the owner or occupier of any land adjoining any reserve under this Act, lights or permits to be lighted upon his land a fire which spreads into and destroys any bush on or

Previous  
reservations under  
other Acts to cease.  
1906, No. 46, sec. 9  
Maintenance of  
reserves.  
Ibid, sec. 10  
Costs of  
administration.  
1903, No. 54, sec. 6

Providing funds.  
Ibid, sec. 7

Maximum rate of  
interest.  
1902, No. 3, sec. 10  
1903, No. 43, sec. 3

Control of reserves.  
1903, No. 54, sec. 8

Damage by fire  
from adjoining  
land.  
Ibid, sec. 9

seriously damages such reserve is liable to a fine not exceeding one hundred pounds, and shall in addition be liable to pay for all damage done.

Offences.

1906, No. 46, sec. 11

15. Every person is liable to a fine not exceeding one hundred pounds who, at any time after the gazetting of any Proclamation declaring any Crown land to be a reserve under this Act, or of any notice under section eighteen of "The Public Works Act, 1908," describing any private land intended to be taken or acquired as a reserve,—

(a.) Lights a fire on such Crown land or private land ; or

(b.) Cuts or removes any timber or bush thereon without the written authority of the Minister ; or

(c.) In any way interferes therewith or damages the scenic or historic features thereof.

Regulations.

Ibid, sec. 12

16. The Governor may from time to time, by Order in Council gazetted, make such regulations as he deems necessary or expedient in order to give full effect to the provisions of this Act.

Statement of land  
acquired to be  
submitted to  
Parliament.

1903, No. 54, sec. 10

17. Within twenty-one days after the opening of each session a statement shall be submitted to both Houses of Parliament showing the land acquired and the reserves made under this Act, together with a statement of accounts showing the amounts expended and the purposes to which the moneys so expended have been applied.

## SCHEDULE.

### ENACTMENTS CONSOLIDATED.

1903, No. 54.—"The Scenery Preservation Act, 1903."

1906, No. 46.—"The Scenery Preservation Amendment Act, 1906."