



New Zealand Legislation

Reserves Act 1977

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- with search matches highlighted

74 Licences to occupy reserves temporarily

- (1) Licences may be granted under subsection (2) for any purpose specified in that subsection, and the conditions thereof and the rents, royalties, and fees payable thereunder shall be fixed—
 - (a) in the case of a government purpose reserve, by the Minister of the Crown (other than the Minister of Conservation) appointed to control and manage the reserve:
 - (aa) in the case of a government purpose reserve controlled by the Minister, by the Minister in accordance with the provisions of Part 3B of the Conservation Act 1987:
 - (b) in the case of any other reserve except a nature reserve—
 - (i) by the administering body where the reserve is vested in or controlled and managed by such a body:
 - (ii) by the Commissioner in any other case:

provided that a licence to occupy any historic, scenic, or scientific reserve, or any part thereof, shall not be granted without the consent of the Minister.
- (2) Where, in the opinion of the Minister or, as the case may be, the administering body or the Commissioner, it is necessary or desirable for the management of the reserve for the purpose for which it is classified, licences to occupy any recreation, historic, scenic, scientific, government purpose, or local purpose reserve, or any part of any such reserve, may be granted for the following purposes:
 - (a) grazing, gardening, or other similar purposes:
 - (b) cutting, felling, or removing timber or flax, or to win and remove timber or flax or to win and remove kauri gum.
- (3) Before granting any licence under subsection (2), the administering body or the Minister of the Crown (not being the Minister of Conservation), as the case may be, shall give public notice in accordance with section 119 specifying the licence proposed to be granted, and shall give full consideration in accordance with section 120 to all objections and submissions in relation to the proposal received pursuant to the said section 120.
- (3A) Nothing in subsection (3) shall apply—
 - (a) in the case of any government purpose reserve or local purposes reserve; or
 - (b) in the case of any recreation, historic, scenic, or scientific reserve, where public notice of the proposal has been given under any other provision of this Act or where the reserve is vested in the Crown.
- (3B) The Minister may, in respect of any reserve administered or controlled by him or her, grant a concession in accordance with the provisions of Part 3B of the Conservation Act 1987 as if the reserve were a conservation area; and that Act shall apply accordingly.
- (4) The duration of a licence under this section to occupy a reserve or any part thereof shall not exceed 10 years.

Compare: 1953 No 69 s 29; 1955 No 83 s 3; 1971 No 25 s 245

Section 74(1): amended, on 27 December 1983, by section 9(1) of the Reserves Amendment Act 1983 (1983 No 43).

Section 74(1)(a): amended, on 1 July 1996, by section 13(1) of the Reserves Amendment Act 1996 (1996 No 3).

Section 74(1)(aa): inserted, on 1 July 1996, by section 13(2) of the Reserves Amendment Act 1996 (1996 No 3).

Section 74(3): amended, on 1 July 1996, by section 13(3) of the Reserves Amendment Act 1996 (1996 No 3).

Section 74(3): amended, on 27 December 1983, by section 9(2) of the Reserves Amendment Act 1983 (1983 No 43).

Section 74(3A): replaced, on 1 July 1996, by section 13(4) of the Reserves Amendment Act 1996 (1996 No 3).

Section 74(3B): inserted, on 1 July 1996, by section 13(5) of the Reserves Amendment Act 1996 (1996 No 3).

Section 74(4): amended, on 20 April 2010, by section 4 of the Reserves Amendment Act 2010 (2010 No 20).