



ANALYSIS

<p>Title</p> <p>1. <i>Short Title</i></p> <p>2. Foreshore and seabed to be land of the Crown</p>	<p>3. Certain existing reclamation authorities <i>required to be confirmed</i></p> <p>4. Enactments amended Schedule</p>
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1994, No. 113

**An Act to amend the Foreshore and Seabed Endowment
Revesting Act 1991** *[25 November 1994]*

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the Foreshore and Seabed Endowment Revesting Amendment Act 1994, and shall be read together with and deemed part of the Foreshore and Seabed Endowment Revesting Act 1991 (hereinafter referred to as the principal Act).

2. Foreshore and seabed to be land of the Crown—
(1) The principal Act is hereby amended by inserting, after section 9, the following section:

“9A. (1) All land that—

“(a) Either—

“(i) Is foreshore and seabed within the coastal marine area (within the meaning of the Resource Management Act 1991); or

“(ii) Was foreshore, seabed, or both, within the coastal marine area (within the meaning of that Act) on the 1st day of October 1991 and has been reclaimed (whether lawfully or otherwise) on or after that date; and

“(b) Is for the time being vested in the Crown, but for the time being is not set aside for any public purpose or held by any person in fee simple,—

shall be land of the Crown to which this section applies and shall be administered by the Minister; but the provisions of the Land Act 1948 shall not apply to such land.

“(2) All land of the Crown to which this section applies shall be held by the Crown in perpetuity and shall not be sold or otherwise disposed of except—

“(a) Pursuant to the Resource Management Act 1991; or

“(b) By the authority of a special Act of Parliament; or

“(c) By a transfer to the Crown, where the land will not be land to which the Land Act 1948 applies.

“(3) Subject to subsection (4) of this section,—

“(a) The Minister shall have and may exercise, in relation to land of the Crown to which this section applies, all the functions, duties, and powers that the Crown has as owner of the land; and

“(b) In exercising such functions, duties and powers, the Minister shall manage all land of the Crown to which this section applies so as to protect, as far as is practicable, the natural and historic resources of the land.

“(4) Nothing in this section derogates from the Forest and Rural Fires Act 1977 or the Resource Management Act 1991.

“(5) The provisions of this section shall apply notwithstanding anything in section 4 of this Act.”

(2) Notwithstanding anything in section 9A of the principal Act (as inserted by subsection (1) of this section), in relation to any land of the Crown to which that section applies, nothing in that section shall limit or affect—

(a) Any agreement to sell, lease, licence, or otherwise dispose of that land that was entered into before the date of commencement of that section, where the disposal has not been completed before that date; or

(b) Any interest in that land held by any person other than the Crown.

3. Certain existing reclamation authorities required to be confirmed—Section 7 (1) of the principal Act shall be read, and be deemed always to have read, as if—

(a) There were inserted, after the words “reclamation authority”, the words “(whether it relates to land referred to in section 4 of this Act or any other land that is foreshore or seabed)”;

(b) The period of 12 months referred to in paragraphs (a) and (b) ended 12 months before the date of commencement of this section.

4. Enactments amended—The enactments specified in the Schedule to this Act are hereby amended in the manner indicated in that Schedule.

Section 4

SCHEDULE
ENACTMENTS AMENDED

Enactment	Amendment
1948, No. 64—The Land Act 1948 (R.S. Vol. 23, p. 559)	<p>By repealing subsection (1) of section 167 (as substituted by section 21 (1) of the Land Amendment Act 1965), and substituting the following subsection:</p> <p>“(1) The Minister of Conservation may from time to time, with the prior consent in writing of the Minister of Lands, by notice in the <i>Gazette</i>, set apart as a reserve any Crown land for any purpose which in his or her opinion is desirable in the public interest. Every such notice shall take effect from the date thereof or from such later date as is specified in the notice.”</p> <p>By omitting from section 167 (4) the words “or any foreshore” and “or foreshore”.</p>
1950, No. 34—The Harbours Act 1950 (R.S. Vol. 2, p. 551)	<p>By omitting from section 138 the words “Director-General of Lands” (as substituted by section 65 (1) of the Conservation Act 1987) where they first occur, and substituting the words “the Director-General of Conservation (in the case of any foreshore or seabed) and the Commissioner of Crown Lands (in any other case)”.</p> <p>By omitting from section 138 the words “Director-General of Lands” (as so substituted) where they secondly occur, and substituting the words “Director-General of Conservation or Commissioner of Crown Lands, as the case may be,”.</p> <p>By omitting from section 168 (3) (as substituted by section 35 of the Harbours Amendment Act 1977) the word “In”, and substituting the words “Subject to section 9A of the Foreshore and Seabed Endowment Revesting Act 1991, in”.</p>

SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1965, No. 48—The Land Amendment Act 1965 (R.S. Vol. 23, p. 725)	By repealing subsections (1) and (2) of section 21.
1977, No. 52—The Forest and Rural Fires Act 1977 (R.S. Vol. 27, p. 331)	<p>By inserting in section 2 (1), after the definition of the term “firebreak”, the following definition:</p> <p>“‘Foreshore’ means such parts of the bed, shore, or banks of the sea or a river as are covered and uncovered by the flow and ebb of the tide at mean spring tides.”.</p> <p>By adding to the definition of the term “State area” (as substituted by section 2 (4) of the Forest and Rural Fires Amendment Act 1989) the following paragraph:</p> <p>“(k) Any foreshore (except to the extent that the fire safety margin of any State area encroaches on that foreshore):”.</p>
1981, No. 35—The Public Works Act 1981	By inserting in the definition of the term “Government work” in section 2 (as substituted by section 2 (2) of the Public Works Amendment Act (No. 2) 1987), after the words “specified in the First Schedule to that Act” (as added by section 37 of the Conservation Law Reform Act 1990), the words “(except land to which section 9A of the Foreshore and Seabed Endowment Revesting Act 1991 applies)”.
1987, No. 65—The Conservation Act 1987	By repealing so much of the Second Schedule as relates to section 138 of the Harbours Act 1950.
1989, No. 44—The Public Finance Act 1989	<p>By inserting in the Fourth and Fifth Schedules (as added by section 41 of the Public Finance Amendment Act 1992), in their appropriate alphabetical order, the following items:</p> <p>“New Zealand Fish and Game Council.</p> <p>“Fish and Game Councils.”</p>
1991, No. 69—The Resource Management Act 1991	By repealing subsection (3) of section 239 (as added by section 126 (3) of the Resource Management Amendment Act 1993), and substituting the following subsection:

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1991, No. 69—The Resource Management Act 1991— <i>continued</i></p>	<p>“(3) Any land vested in the Crown shall, unless this Act provides otherwise,—</p> <p>“(a) In the case of land to which section 9A of the Foreshore and Seabed Endowment Revesting Act 1991 applies, be vested in the Crown subject to that section:</p> <p>“(b) In any other case, be vested under the Land Act 1948.”</p> <p>By inserting in section 354 (3) (as substituted by section 159 of the Resource Management Amendment Act 1993), after the words “the Land Act 1948”, the words “or the Foreshore and Seabed Endowment Revesting Act 1991”.</p>

This Act is administered in the Department of Conservation.
