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HISTORIC PLACES

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THE HISTORIC PLACES ACT 1954

1954, No. 14

An Act to make provision for the preservation and marking of places and things of national or local historic interest and the keeping of permanent records in relation thereto

[9 September 1954

WHEREAS it is desirable that every effort should be made to arouse and maintain a healthy public interest in places and things of national or local historic interest within New Zealand: And whereas it is desirable and expedient that there should be established a Trust invested with the necessary powers and functions for the proper attainment of this objective, and possessed of sufficient powers to enable the Trust to identify, suitably mark, maintain, and preserve such places and things and keep permanent records thereof:

1. Short Title and commencement—(1) This Act may be cited as the Historic Places Act 1954.

(2) This Act shall come into force on the first day of April, nineteen hundred and fifty-five.

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

“Member”, except in the case of any person elected to the Trust pursuant to paragraph (k) of subsection one of section five of this Act, does not include an associate member:

“Minister” means the Minister of Internal Affairs:

“The Trust” means the National Historic Places Trust constituted under this Act.

3. General purposes of this Act—It is hereby declared that the provisions of this Act shall have effect for the purpose of preserving and marking and keeping permanent records of such places and objects and things as are of national or local historic interest or of archaeological, scientific, educational, architectural, literary, or other special national or local interest, being—

(a) Lands associated with the early inhabitants of New Zealand, the Maoris, early European visitors, or early European settlers:

(b) Places associated with events of national or local importance, including (but without limiting the generality of the foregoing provisions of this paragraph) buildings, trees, sites, earthworks (military or otherwise), rocks, outcrops, caves, or objects of any kind:

(c) Natural objects of any kind traditionally held to be identified with the history, legends, and mythology of the inhabitants prior to the colonisation of New Zealand by Europeans:

(d) Chattels, relics, artifacts, or objects or things, either of a personal or general nature, that are of national or local historic interest or of archaeological, scientific, educational, architectural, literary, or other special national or local importance.

National Historic Places Trust

4. National Historic Places Trust—(1) There is hereby constituted for the purposes of this Act a Trust to be called the National Historic Places Trust.

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Historic Places Act 1954

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(2) The Trust shall be a body corporate, with perpetual succession and a common seal and shall be capable of acquiring, holding, and disposing of real and personal property and of doing and suffering all that bodies corporate may do and suffer.

5. Membership of Trust—(1) The Trust shall consist of—

- (a) One member, to be appointed as the Chairman of the Trust:
- (b) The Secretary for Internal Affairs:
- (c) The Director-General of Lands:
- (d) One member, being a Maori, to be appointed to represent the Maori race:
- (e) One member to be appointed on the nomination of the Senate of the University of New Zealand:
- (f) One member to be appointed on the nomination of the Art Galleries and Museums Association of New Zealand Incorporated:
- (g) One member to be appointed on the nomination of the Royal Society of New Zealand:
- (h) Two members to be appointed to represent the historical, founders', pioneers' and early settlers' associations and societies in New Zealand:
- (i) One member to be appointed on the nomination of the New Zealand Library Association Incorporated:
- (j) One member to be appointed on the nomination of the New Zealand Institute of Architects:
- (k) One member (being an associate member) to be elected by the associate members in accordance with the rules of the Trust.

(2) The appointed members of the Trust shall be appointed by the Governor-General by Order in Council on the recommendation of the Minister.

(3) The first appointed members of the Trust may be appointed at any time after the passing of this Act, and shall come into office on the date of their appointment or the date of the commencement of this Act, whichever is the later.

(4) The Trust may from time to time appoint as co-opted members of the Trust any person or persons who in the opinion of the Trust possess expert knowledge of advantage to the Trust in the exercise of its functions. Every co-opted member shall be appointed for such purposes and subject to such conditions and with such voting powers (if any) as the Trust determines.

6. Term of office of members—(1) Subject to the provisions of subsection two of this section, the appointed or elected members of the Trust shall be appointed or elected for a term of three years, save that any such member may from time to time be reappointed or re-elected or may at any time be removed from office by the Minister for disability, insolvency, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Minister.

(2) With respect to the first appointed or elected members of the Trust, the following provisions shall apply:

- (a) Two of those members shall retire on the thirty-first day of March, nineteen hundred and fifty-six:
- (b) Four of those members shall retire on the thirty-first day of March, nineteen hundred and fifty-seven:
- (c) Four of those members shall retire on the thirty-first day of March, nineteen hundred and fifty-eight:
- (d) The members so to retire in any year shall (unless they otherwise agree among themselves) be determined by lot.

(3) If any appointed or elected member of the Trust dies, resigns, or is removed from office, the vacancy so created shall be filled in the manner in which the appointment or election to the vacant office was originally made. Every person so appointed or elected shall hold office for the remainder of the term for which his predecessor was appointed or elected.

(4) Every appointed or elected member of the Trust shall vacate his office if he is absent from three consecutive meetings of the Trust without the leave of the Trust.

(5) Unless he sooner vacates his office otherwise than by effluxion of time, every appointed or elected member of the Trust shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed or elected may have expired.

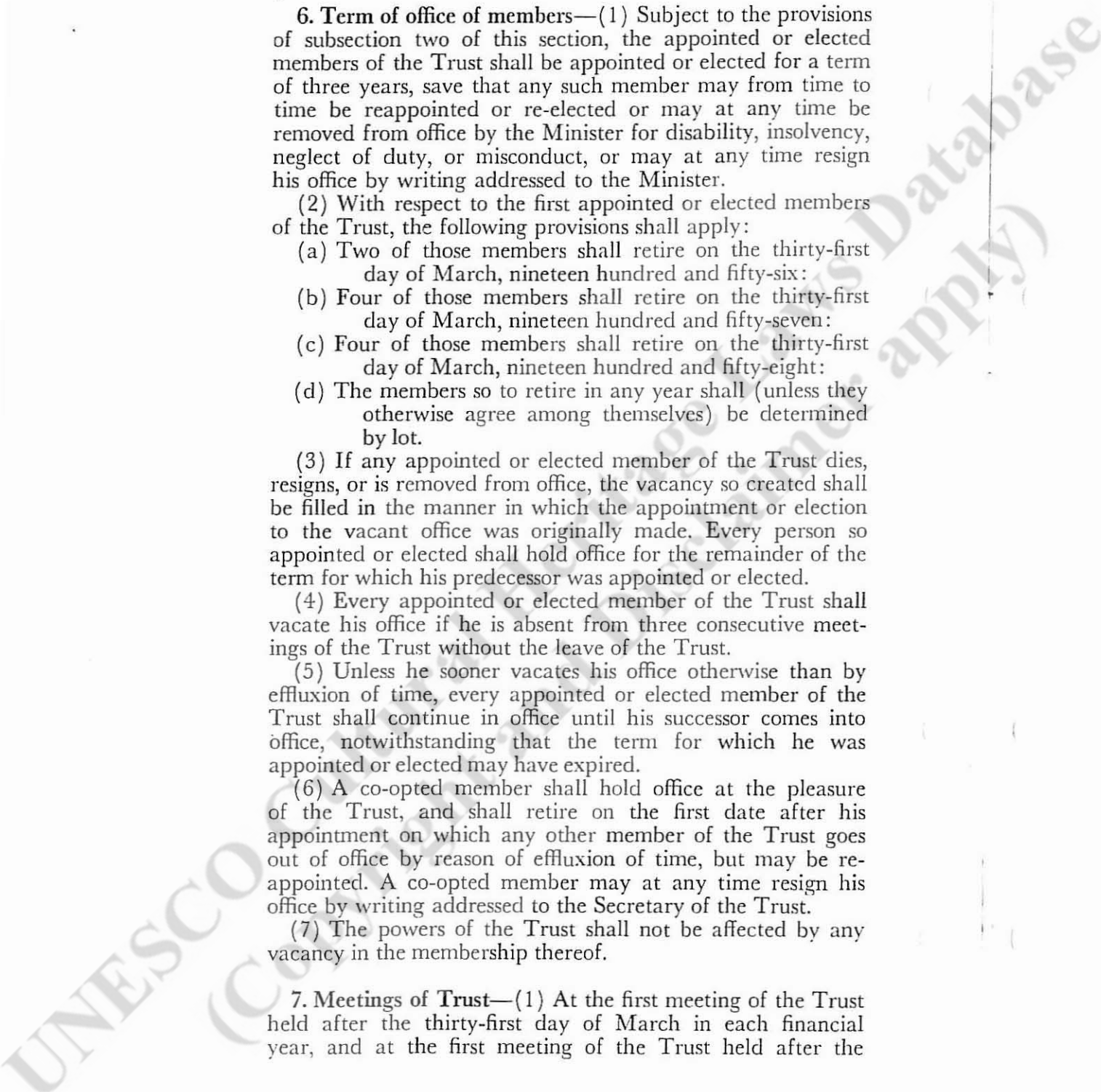
(6) A co-opted member shall hold office at the pleasure of the Trust, and shall retire on the first date after his appointment on which any other member of the Trust goes out of office by reason of effluxion of time, but may be re-appointed. A co-opted member may at any time resign his office by writing addressed to the Secretary of the Trust.

(7) The powers of the Trust shall not be affected by any vacancy in the membership thereof.

7. Meetings of Trust—(1) At the first meeting of the Trust held after the thirty-first day of March in each financial year, and at the first meeting of the Trust held after the

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occurrence of a vacancy in the office of the Deputy Chairman, the Trust shall appoint one of its members to be the Deputy Chairman. Any person so appointed shall hold office, while he continues to be a member of the Trust, until the appointment of his successor in accordance with this subsection, and may be reappointed.

(2) The Chairman shall preside at all meetings of the Trust at which he is present.

(3) The Deputy Chairman shall preside at all meetings of the Trust at which the Chairman is not present. In the absence of both the Chairman and the Deputy Chairman from any meeting, the members present shall appoint one of their number to be the Chairman of that meeting.

(4) In the absence of the Secretary for Internal Affairs or the Director-General of Lands from any meeting of the Trust he may appoint any officer of his Department to attend the meeting in his stead, and while that officer is attending the meeting he shall be deemed for all purposes to be a member of the Trust. The fact that any person so attends shall be sufficient evidence of his authority to do so.

(5) Meetings of the Trust shall be held at such times and places as the Trust determines.

(6) A special meeting of the Trust may at any time be convened by the Chairman, and the Chairman shall call a special meeting whenever requested to do so in writing by two members of the Trust:

Provided that not less than seven clear days' notice of every special meeting and of the business to be transacted thereat shall be given to each member for the time being in New Zealand, and no business other than that specified in the notice shall be transacted at any such meeting.

(7) No business shall be transacted at any meeting of the Trust unless at least a quorum of members is present thereat for the whole time during which the business is transacted.

(8) A quorum shall consist of seven members of the Trust.

(9) Every question before the Trust shall be determined by a majority of the votes of the members present and voting on that question:

Provided that a resolution signed by all the members of the Trust for the time being in New Zealand shall have the same effect as a resolution duly passed at a meeting of the Trust.

(10) The Chairman at any meeting shall have a deliberative vote, and in case of an equality of votes shall also have a casting vote.

(11) Subject to the rules of the Trust and to the foregoing provisions of this section, the Trust may regulate its own proceedings.

8. Functions of Trust—The functions of the Trust shall be—

- (a) To foster public interest in places and things within New Zealand which are of national or local historic interest, and in their marking, maintenance, and preservation, and the keeping of permanent records thereof:
- (b) To furnish information, advice, and assistance in relation to the maintenance, preservation, and administration of historic places and things:
- (c) To maintain and preserve or assist to maintain and preserve for the use, benefit, or enjoyment of the public such places and things as are of such national or local historic interest that their maintenance and preservation is in the public interest.

9. Powers of Trust—In the exercise of its functions under this Act the Trust shall have the following powers:

- (a) To compile and preserve suitable records of places and things of national or local historic interest:
- (b) To erect suitable signs and notices on places and things of national or local historic interest, subject, in the case of any place or thing not owned by or under the control of the Trust, to the consent of the owner first being obtained:
- (c) To take such steps as may be necessary or desirable to manage and preserve any places or things of national or local historic interest from time to time owned by or under the control of the Trust:
- (d) To enter into agreements with local bodies, corporations, societies, and individuals for the management, maintenance, and preservation of any places or things of national or local historic interest:
- (e) To acquire by purchase, lease, or otherwise any land, buildings, places, and things of national or local historic interest for the purpose of maintaining and preserving them:
- (f) To acquire or accept the gift of or the control for the time being of any relic, chattel, or other thing which it considers to be of historic interest, and deliver any such relic, chattel, or other thing for safe custody

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and control to any local authority, museum, association, society, or body of persons, whether incorporated or not, upon such terms and conditions as the Trust thinks fit, with power at any time to require the return to it of any such relic, chattel, or thing:

- (g) To cause such steps to be taken as in the opinion of the Trust are necessary to make places and things of national or local historic interest readily accessible to the public under proper conditions:
- (h) To charge such fees for admission to lands and buildings vested in it or under its control as the Trust thinks fit:
- (i) To promote or supervise excavations and other activities by organisations approved by the Trust intended for the discovery and preservation of relics, chattels, and other things of national or local historic interest:
- (j) To appoint committees of such persons (being members or associate members) and to delegate to them such of its powers as it thinks fit:
- (k) To make grants to persons approved by the Trust to assist them to make studies or investigations approved by the Trust:
- (l) To expend any money and generally take any action for any purpose that in its opinion is necessary for the exercise of or ancillary to any of its functions:

Provided that the Trust shall not exercise its powers under this section in respect of any private land without the consent of the owner or lessee, or in respect of any land of the Crown without the consent in writing of the Minister in charge of the Department of State charged with the administration of the land, whether or not the control of the land is vested in an administering body under the Reserves and Domains Act 1953.

10. Local authorities may transfer land to Trust—Notwithstanding anything to the contrary in any Act, any local authority may, without further authority than this section, convey or transfer any land (not being a public reserve within the meaning of the Reserves and Domains Act 1953) to the Trust to be held for the purposes of this Act.

11. Appointment of officers—There may from time to time be appointed under the provisions of the Public Service Act 1912—

- (a) A Secretary of the Trust and a Treasurer of the Trust:
Provided that one person may be so appointed to be the Secretary and Treasurer of the Trust:
- (b) Such other employees as may be necessary for the efficient carrying out of the functions of the Trust under this Act.

12. Contracts of Trust—(1) Any contract which, if made between private persons, must be by deed shall, when made by the Trust, be in writing under the common seal of the Trust.

(2) Any contract which, if made between private persons, must be in writing signed by the parties to be charged therewith shall, when made by the Trust, be in writing signed by any person acting on behalf of and under the express or implied authority of the Trust.

(3) Any contract which, if made between private persons, may be made orally without writing may, when made by the Trust, be made orally without writing by any person acting on behalf of and under the express or implied authority of the Trust, but no oral contract shall be made for any sum exceeding twenty pounds.

(4) The common seal of the Trust shall not be affixed to any document except pursuant to a resolution of the Trust, and the execution of any document so sealed shall be attested by two members of the Trust.

13. Rules of Trust—(1) The Trust shall, by resolution, make rules not inconsistent with this Act for all or any of the following purposes, namely:

- (a) Regulating the proceedings of the Trust and the conduct of its meetings:
- (b) Providing for associate members, prescribing different classes of associate members and the subscriptions (if any) payable by associate members of different classes, and prescribing the manner of keeping a register of associate members:
- (c) Prescribing the method of election of a member of the Trust by the associate members and matters incidental thereto:
- (d) Prescribing the form and manner of compiling and keeping the electoral roll of the associate members:
- (e) Providing for the custody of the property of the Trust, and the custody and use of the common seal of the Trust:

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- (f) Prescribing the duties of its officers and other servants:
- (g) Providing for the establishment of local branches to be known as Regional Committees for the furthering of the work of the Trust and prescribing such other matters as may be necessary for the efficient functioning of the Regional Committees:
- (h) Such other purposes as may be deemed necessary or expedient for duly carrying out the work of the Trust.

(2) Notice of every resolution proposed to be submitted to any meeting for the making, amendment, or revocation of any such rules as aforesaid shall be given to every member of the Trust for the time being in New Zealand not less than fourteen clear days before the day fixed for the meeting.

Financial Provisions

14. Funds of the Trust—The funds of the Trust shall comprise—

- (a) All money received by the Trust out of money appropriated by Parliament for the purposes of this Act:
- (b) All money that may be contributed to the Trust or that may otherwise be lawfully payable to the Trust:
- (c) All money received by the Trust by way of fees, rent, and otherwise in respect of any land vested in or under the control of the Trust:
- (d) All money received by the Trust from the sale or other disposal of any property of the Trust:
- (e) All accumulations of money belonging to the Trust.

15. Contributions by local authorities, etc.—For the purpose of providing funds for the exercise of the functions of the Trust—

- (a) Any local authority or public body of any kind may from time to time out of its general fund or account make such contributions to the Trust as it thinks fit:
- (b) The University of New Zealand and any [constituent institution] or agricultural college of that University may from time to time, with the consent of the Minister of Education, make such contributions to the Trust as it thinks fit.

In para. (b) the reference to a constituent institution was substituted for a reference to a constituent college by s. 3 (1) of the New Zealand University Amendment Act 1957.

16. Unauthorised expenditure—The Trust may, in any financial year, expend out of its funds for purposes not authorised by this or any other Act any sum or sums not amounting in the whole to more than one hundred pounds.

17. Investment of funds—Subject to the terms of any trust or endowment, any money belonging to the Trust that is not immediately required for expenditure by the Trust may be invested in any manner in which trustees are for the time being authorised to invest trust funds.

18. Money to be banked—(1) All money belonging to the Trust shall within seven days after receipt thereof by the Treasurer or other proper officer of the Trust be paid into such bank account as the Minister of Finance from time to time appoints to an account to be called "The National Historic Places Trust Account".

(2) No money shall be withdrawn from the bank except by authority of the Trust, and any cheque or other withdrawal notice shall be signed by the Treasurer or other officer of the Trust appointed for the purpose and countersigned either by a member or officer of the Trust authorised by the Trust from time to time so to do.

19. Borrowing powers—The Trust shall not borrow any money or mortgage or charge any of its property except with the precedent consent in writing of the Minister of Finance.

20. Accounts—(1) The Trust shall keep full and correct accounts of all money received and expended by it, and the accounts shall be audited by the Audit Office, which for that purpose shall have and may exercise all such powers as it has under the Public Revenues Act 1953 in respect of public money and the audit of local authorities' accounts.

(2) The Trust shall, as soon as possible after the end of every financial year ending with the thirty-first day of March, cause the accounts of the Trust for that financial year to be balanced and full and true statements and accounts of all the money received and expended by the Trust during that year, and of the assets and liabilities of the Trust at the end of that year, to be prepared and submitted to the Audit Office.

21. Annual report—(1) The Trust shall, not later than the thirtieth day of June in every year, furnish to the Minister a report of its proceedings and operations for the preceding financial year, together with a copy of its accounts for that year certified by the Audit Office.

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(2) A copy of the report and of the accounts so certified shall be laid before Parliament.

22. Exemption from stamp duty, gift duty, rates, and taxes—(1) No stamp duty shall be payable on any conveyance, assignment, transfer, lease, or agreement whereby any land is conveyed, assigned, transferred, or leased or agreed to be conveyed, assigned, transferred, or leased to the Trust for the purposes of this Act.

(2) No gift duty shall be payable on any gift made to the Trust for the purposes of this Act, and no such gift shall be included in the dutiable estate of the donor, notwithstanding that he may die within three years after having made the gift.

(3) All land for the time being vested in the Trust and held by it for the purposes of this Act—

(a) Shall, if occupied by the Trust or let by it to a tenant for not more than six months, be deemed not to be rateable property for the purposes of the Rating Act 1925; and in respect thereof the Trust shall be exempt from liability for payment of rates:

(b) Shall be exempt from land tax.

(4) The Trust is hereby declared to be exempt from income tax

[(5) Where, by virtue of a devise or bequest made by any person, the whole of his estate or interest in land of national or local historic interest, or in that land together with any things of national or local historic interest ordinarily kept in a building on that land, becomes on his death indefeasibly vested in possession in the Trust and held by the Trust for the purposes of this Act free of any trust for the benefit of any other person, that estate or interest shall not form part of the dutiable estate of that person for the purposes of the Estate and Gift Duties Act 1955.]

The words "and social security charge" were omitted from subs. (4) by s. 5 (3) of the Income Tax Assessment Act 1957.

Subs. (5) was added by s. 2 of the Historic Places Amendment Act 1957.

23. Fees and travelling allowances—(1) The Trust is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There shall be paid to the members of the Trust out of money appropriated by Parliament, remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

Offences

24. Offences on land of the Trust—(1) Every person commits an offence against this Act who, without being authorised (the proof of which shall be on the person charged) by the Trust,—

- (a) Lights any fire on any land vested in or under the control of the Trust except in a fireplace provided by the Trust for the purpose; or
- (b) Lights on any land (including a public road or highway) adjoining any land vested in or under the control of the Trust, or being the owner or occupier of any such adjoining land, permits to be lighted thereon, a fire which spreads into and destroys any bush or natural growth on or damages the land vested in or under the control of the Trust or any building thereon; or
- (c) Causes or allows any cattle, sheep, horses, or other animals to trespass on any land vested in or under the control of the Trust; or
- (d) Wilfully breaks or injures any fence, building, apparatus, or erection on any land vested in or under the control of the Trust; or
- (e) Wilfully breaks, cuts, injures, or removes any or any part of any wood, tree, shrub, fern, plant, stone, mineral, furniture, utensil, tool, or thing of any kind, on any land vested in or under the control of the Trust; or
- (f) Wilfully digs, cuts, or injures the sod on any land vested in or under the control of the Trust; or
- (g) Takes or removes from any land vested in or under the control of the Trust any wood, timber, bark, flax, mineral, gravel, kauri gum, or other substance or thing whatsoever; or
- (h) Deposits or throws on any land vested in or under the control of the Trust any rubbish or any substance or article of a dangerous or offensive nature or likely to be of a dangerous or offensive nature, except in a place or receptacle approved or provided by the Trust for the purpose; or
- (i) Erects any building, sign, hoarding, or apparatus on any land vested in or under the control of the Trust; or
- (j) In any way interferes with any land vested in or under the control of the Trust, or damages the historic features thereof.

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

- (a) When required by notice from the Secretary of the Trust to remove any animal from any land vested in or under the control of the Trust, fails to do so within the period specified in the notice; or
- (b) Unlawfully alters, obliterates, defaces, pulls up, removes, or destroys any boundary marks, mark, sign, or poster on any land vested in or under the control of the Trust; or
- (c) Uses, receives, sells, or otherwise disposes of any wood, timber, bark, flax, mineral, gravel, kauri gum, or other substance or thing whatsoever knowing the same to have been removed unlawfully from any land vested in or under the control of the Trust.

(3) Where any person commits an offence against paragraph (h) of subsection one of this section the Trust may cause the removal of any objects deposited or thrown in breach of that subsection, and the cost of that removal shall be assessed by a Magistrate and shall be recoverable from that person in like manner as a fine.

(4) Any person convicted of an offence under this section shall, in addition to any penalty for which he may be liable for the offence, pay twice the full market value of any substance removed from or for the damage done to the land, or to any forest, wood, timber, flax, or scrub growing or being thereon; and, in the case of an offence under paragraph (a) or paragraph (b) of subsection one of this section, for the cost of extinguishing the fire and the expenses incurred in investigating the origin of the fire. That value or damage or cost shall be assessed by a Magistrate, and shall be recoverable in like manner as a fine. The full market value shall be deemed to be that amount which the Trust would have received by way of purchase price for the substance removed if the same had been offered for sale by the Trust on reasonable terms in the condition in which it was in before its severance and removal from the land.

(5) 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 deems fit.

In subs (1) (b) the word "of", before the words "any such adjoining land", appears in the statute book as "or", an obvious error which has been corrected in this reprint.

25. Offenders to give name and address—(1) Where any person is found offending against this Act, it shall be lawful for any officer or servant of the Trust or any person authorised in writing in that behalf by the Trust or any employee of the Department of Internal Affairs authorised in writing in that behalf by the Secretary for Internal Affairs or any constable to require the offender forthwith to desist from the offence and also to tell his real Christian name, surname, and place of abode.

(2) If the offender, after being so required, fails to tell his real Christian name, surname, or place of abode, or gives a false name or address, or gives such a description of his place of abode as is illusory for the purpose of discovery, or wilfully continues the offence, he commits a further offence against this Act.

26. Evidence of offences—If within any land vested in or under the control of the Trust or in its vicinity any person is found in possession of any wood, tree, shrub, fern, plant, stone, timber, bark, flax, mineral, gravel, kauri gum, or other substance or thing, and, upon being thereunto required by any officer or servant of the Trust or any person authorised in writing in that behalf by the Trust or any employee of the Department of Internal Affairs authorised in writing in that behalf by the Secretary for Internal Affairs or any constable, fails or refuses to give a satisfactory account of the manner in which he became possessed of the same, he shall be deemed to have wilfully removed or taken the same in breach of this Act, unless he satisfies the Court to the contrary.

27. General penalty for offences—Every person who commits an offence against this Act is liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both that imprisonment and that fine.

28. Application of fines—Subject to subsection two of section one hundred and nine of the Public Revenues Act 1953 all fines recovered under this Act shall, in the case of a fine recovered on the information of the Secretary of the Trust or of any person appointed in that behalf by the Trust, be paid into and form part of the general funds of the Trust:

Provided that any money awarded by a Court in respect of loss or damage or the costs of extinguishing any fire or

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THE HISTORIC PLACES AMENDMENT ACT 1957

1957, No. 54

An Act to amend the Historic Places Act 1954

[24 October 1957]

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1. Short Title—This Act may be cited as the Historic Places Amendment Act 1957, and shall be read together with and deemed part of the Historic Places Act 1954 (hereinafter referred to as the principal Act).

2. *This section added subs. (5) to s. 22 of the principal Act.*

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