



Glossary

Administering body	see s.2 Reserves Act
Administrative law	a body of specialist law concerned with the way bodies charged with statutory or other administrative functions (usually involving the exercise of a discretion) conduct those functions
Appointment to control and manage	the appointment of an administering body for a reserve under s.28 (local authority) or s.29 (voluntary organisation) or s.30 (board) or s.35 (trustees) or s.36 (Minister of the Crown) Reserves Act or under some corresponding provision in an earlier Act. [The land remains vested in the Crown.]
Autonomous powers	statutory powers held by an administering body under the Reserves Act which can be exercised by the administering body without the prior consent or approval of the Minister of Conservation
Beneficiary Bylaws	the person who benefits from an action, interest or right an ordinance affecting the public, or some portion of the public, imposed under the provisions of s.106 Reserves Act and accompanied by some sanction or penalty for its non-performance (s.104 of the Act). [If validly made (s.107 and s.108 of the Act) a bylaw has the force of law within its legitimate operation.]
Cadastral description	the unique description of a parcel of land given to it on a Survey Office Plan or a Deposited Plan or a Maori Land Plan – see Survey Regulations 1998. [Typically you will find these types of descriptions for reserves used in the schedule of a <i>Gazette</i> notice, a certificate of title, or on these types of plan illustrating land boundaries.]
Certificate of title	a certificate of title under the Land Transfer Act 1952 – see also s.116 Reserves Act
Change of purpose	the change of purpose of a Local Purpose or Government Purpose reserve under s.24 or s.24A Reserves Act. [A change of classification would involve a change between two of the classes provided for in ss.17 to 23 of the Act.]

Change of use	any change of use to which a reserve is put. [If the changed use is not consistent with the principal purpose for the class to which the reserve belongs then it would be outside the authority of the administering body to allow it. A change of purpose or classification must be considered and the use not allowed if the change is not made.]
Classification / sub-classification	covers the mandatory process under the Reserves Act for putting a reserve into a class under that Act; or a scenic, or a government or local purpose reserve into a type.
Commissioner	see s.2 Reserves Act
Concession	see s.2 Reserves Act [Does not apply to reserves vested in an administering body.]
Consent	generally refers to a consent by the Minister of Conservation where specified by the Reserves Act; it may be conditional (s.121 of the Act)
Conservancy	a branch of the Department of Conservation reporting to a Regional General Manager. Each Conservancy will have a number of Area Managers (in Area offices) reporting to a Conservator
Conservation Board	see s.2 Reserves Act
Conservator	see Conservancy
Consideration (contract)	the amount paid by the beneficiary (eg rent) for the rights obtained under the contract
Consultation	a process of seeking the views of an affected party, and carefully considering those views before making a decision
Council	in relation to delegated and statutory powers under the Reserves Act it refers to the full Council of the local authority which is the administering body for the reserve; otherwise used to denote the Council as a corporate organisation
Covenant	generally refers to a conservation covenant under s.77 Reserves Act [A valuable reference is <i>Conservation Covenants: A guide to assist local authorities to protect and conserve waterways, wetlands and other natural areas</i> Water Services Unit Christchurch City Council 1998 ISBN 0-9583696-5-8.]
Crown	HMQ acting through the Minister of Conservation
Current market value	the amount which the land, if sold on the open market by a willing seller to a willing buyer on the specified date, might be expected to realise [cf Public Works Act]

Deed	a type of instrument which meets certain legal requirements. A deed is a written document that is signed, sealed and delivered. If it is a contractual document it is referred to as a <i>contract under seal</i> (or <i>specialty</i>). A promise contained in a deed is called a <i>covenant</i> and is binding. A deed of covenant contains an undertaking to pay an agreed amount over an agreed period
Delegated powers	powers under the Reserves Act delegated by the Minister of Conservation under the provisions of s.10 of that Act
Devolution of powers	the granting of powers to reserve administering bodies by Parliament through the Reserves Act as opposed to delegated powers
Discretion	generally refers to the choice of approving or declining an application or proposal under the Act, or regarding the requirement of complying with specified criteria or considerations
Disposal of land	in relation to a reserve means the outcome of the process in ss.24 and 25 Reserves Act, which results in the reservation being revoked and the land becoming available for disposal
District plan	the purpose of the preparation, implementation and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of the RMA (s.72 RMA)
Domain board	redundant term – now a reserve board or a local authority (s.16(7) Reserves Act)
Easement	generally an interest in land granted under s.48 Reserves Act over a reserve or acquired under s.12 Reserves Act over private land, or similar
Esplanade reserve	a type of local purpose reserve (see s.229 RMA)
Exchange	an exchange of reserve land for other land (s.15 Reserves Act)
Execution (of document)	signing by the parties in front of witnesses (eg s.117 Reserves Act)
Exemption	either a term in a contract purporting to exclude or restrict the liability of one of the parties in specified circumstances; or where an obligation under a statute is waived, eg through exercising a statutory power
Fee simple	commonly called the “freehold” interest in land, the highest or most absolute interest in land held under the Crown

Gazette notice	a notice published in the <i>Gazette</i> . The Reserves Act requires certain transactions to be put into effect by such a notice
Government purpose Reserve	a class of reserve provided for in s.22 Reserves Act
Instrument	any printed or written document, map or plan relating to the transfer of or dealing with land, or evidencing title to land (cfs.2 Land Transfer Act 1952)
Interest (in land)	a bundle of rights which may be exercised in respect of the piece of land in which the interest is held
Iwi	tribe; people
Judicial review	a review by a judge of the High Court of any exercise, or any refusal to exercise a statutory power of decision to determine whether that decision or action is unauthorised or invalid
Lease	see s.2 Reserves Act eg a lease granted under s.54 Reserves Act in respect of a recreation reserve, or a lease granted as a concession under s.59A of the Act etc
Legal description	see cadastral description; the two terms are used interchangeably
Lessee	the holder of a lease
Licence	see s.2 Reserves Act eg a licence granted under s.74 to occupy a reserve temporarily, or a licence granted as a concession under s.59A of the Act, etc
Licensee	the holder of a licence
Local authority	see s.2 Reserves Act
Local purpose reserve	a class of reserve provided for in s.23 Reserves Act
Management plan	a management plan provided for in s.41 Reserves Act
Maori terminology	in chapter 5
he here kia mohio	duty to be informed
kaitiakitanga	the exercise of guardianship/custodianship/stewardship by the tangata whenua
kawanatanga	government
mana Maori	exclusive and undisturbed possession
oritetanga	equality and privileges of citizenship

<i>tautiaki ngangahau</i>	active protection
<i>tino rangatiratanga</i>	iwi authority and control over Taonga; absolute sovereignty
<i>whakatika i te mea he</i>	redress of Treaty claims and avoidance of future breaches
<i>whakawhanaungatanga</i>	towards partnership and relationships
National reserve	an overlay on a reserve declared under s.13 Reserves Act
Nature reserve	a class of reserve provided for in s.20 Reserves Act
Objection	an objection for the purposes of s.120 Reserves Act
Parcel of land	an area of land with a unique legal description
Partnership (Treaty of Waitangi)	see whakawhanaungatanga or any authoritative Treaty text
Permit	see s.2 Reserves Act
Provincial Ordinance	an Ordinance dating from the days of provincial government in New Zealand
Public notice	a notice to which s.119 or some other provision of the Reserves Act applies
Public reserve	see s.2 Reserves Act
Recreation reserve	a class of reserve provided for in s.17 Reserves Act
Regional council	as specified in Pt I of the First Schedule to the Local Government Act 1974, and in Pt 39A and in sections 684C to 684F, includes the Chathams Islands Council
Regional plan	an operative plan (including a regional coastal plan) approved by a regional council or the Minister of Conservation under the First Schedule to the RMA, and includes all changes to such a plan
Registration	the registration of an instrument under the Land Transfer Act 1952
Regulatory instrument	a document which has a regulatory effect
Resolution	a Council resolution eg s.14 Reserves Act
Revocation	the process of reserve revocation under s.24 Reserves Act
Right (in land)	generally the same as interest in land, but could be a lesser right eg a permit.
Road dedication	the process in s.111 Reserves Act

Road reserve	unformed legal road or a local purpose (road) reserve to which s.111 Reserves Act applies
Scenic reserve	a class of reserve provided for in s.19 Reserves Act; there are two types
Scientific reserve	a class of Reserve provided for in s.21 Reserves Act
Statutory authority	the authority for an action under the Reserves Act
Statutory power	the power to make a discretionary decision
Subdivision	under s.218 RMA the term “subdivision of land” means the division of an allotment, or an application to a Registrar for the issue of a separate certificate of title in circumstances where the issue of that certificate of title is prohibited by s.226
Submission	a submission for the purposes of s.120 Reserves Act
Territorial authority	a district or city council as specified in s.37L, Part 1 of the Local Government Act 1974; see s.2 Reserves Act but also see Chapter 2 as to use of the term in relation to delegations
Transfer (of title to land)	transfer to another owner following reserve revocation; s.112 Reserves Act also applies
Trust	generally used to refer to the obligations of the administering body under s.40 Reserves Act
Trustee	see s.2 Reserves Act
Ultra vires	outside or beyond the terms of the proper authority
Union of reserves	the process under s.52 Reserves Act
United council	unitary authority – a territorial authority which has, in respect of the district for which it is constituted, the functions, duties and powers of a territorial authority and, in respect of the regional under its control, the functions, duties and powers in a regional council
Vested reserve	a reserve which is vested in an administering body and not vested in the Crown. Note that land which has been declared to be a reserve (s.14 Reserves Act) or has been acquired “in trust” as a reserve, is treated as “vested” in the reserve’s administering body for the purpose of administration of the Reserves Act.
Vesting	the vesting of a reserve in an administering body (s.26 or s.26A Reserves Act, where the land ceases to be vested in the Crown, or a corresponding provision in an earlier Act [but subject to s.25 Reserves Act] or under some other Act [eg on subdivision under the RMA]) and the underlying title or reversionary interest remains with the Crown.