

Version  
as at 28 October 2021



## Christ Church Cathedral Reinstatement Act 2017

Public Act      2017 No 52  
Date of assent      21 December 2017  
Commencement      see section 2

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#### Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**This Act is administered by the Department of the Prime Minister and Cabinet.**

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**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the Christ Church Cathedral Reinstatement Act 2017.

## 2 Commencement

This Act comes into force on the day after the date of Royal assent.

# Part 1

## Preliminary provisions

### 3 Background to this Act

- (1) This Act fulfils part of the Government's offer to support the reinstatement of the Cathedral.
- (2) The proposed reinstatement is the culmination of a long period of facilitation, negotiation, and investigations, and is intrinsically linked to 2 key reports facilitated by the Government, including the CWG Report.

### 4 Purpose

- (1) The purpose of this Act is to facilitate reinstatement of the Cathedral, recognising its contribution to cultural, social, and economic wellbeing in Christchurch, its importance to Christchurch's regeneration, and its heritage value.
- (2) The purpose of this Act includes, in particular, any 1 or more of the following:
  - (a) to facilitate reinstatement in an expedited manner compared with processes and requirements outside this Act:
  - (b) to provide a cost-effective process for reinstatement compared with processes outside this Act:
  - (c) to achieve earlier or greater certainty for the owner of the Cathedral and the Christchurch community generally as to the reinstatement of the Cathedral than would be likely under processes and requirements outside this Act.

### 5 Interpretation

- (1) In this Act, unless the context otherwise requires,—

#### **Cathedral—**

- (a) means Christ Church Cathedral in Cathedral Square in Christchurch; and
- (b) includes all ancillary structures and improvements that are existing or new and that are proximate to, or directly associated with, the Cathedral

#### **Cathedral area—**

- (a) means the land that is legally described as Lot 1 DP 39475, Lot 2 DP 39475, Part Reserve 1 (shown as Lot 1 on SO 6659), and Section 1193 Town of Christchurch; and
- (b) includes any adjacent land vested in Christchurch City Council as road; and

- (c) is shown by the different shaded areas inside the red dotted line on the map set out in Schedule 3, which is indicative only of the land described in paragraphs (a) and (b)

**CWG Report** means the Cathedral Working Group Recommendation Report dated November 2016, including its appendices

**enactment** has the same meaning as in section 13 of the Legislation Act 2019, and also includes any plan, programme, bylaw, or rule made under any Act or regulations

**Minister** means the Minister of the Crown who, under the authority of a warrant or with the authority of the Prime Minister, is responsible for the administration of this Act

**order** means an Order in Council made under section 8

**Panel** means the Christ Church Cathedral Reinstatement Review Panel established under section 13

**reinstatement** includes 1 or more of the following:

- (a) any activity in relation to any part of the Cathedral that the CWG Report contemplates as being a reinstatement activity:
  - (b) seismic strengthening of any part of the Cathedral:
  - (c) demolition or deconstruction of any part of the Cathedral:
  - (d) construction, reconstruction, or restoration of any part of the Cathedral:
  - (e) improvement or enhancement of any part of the Cathedral or the design of any part of the Cathedral:
  - (f) repair of any part or materials of the Cathedral:
  - (g) reuse of any materials of the Cathedral:
  - (h) use of any new materials:
  - (i) any activity that is ancillary to any activity described in paragraphs (b) to (h).
- (2) An activity in relation to any part of the Cathedral does not cease to be reinstatement for the purpose of this Act merely because the activity is neither full reinstatement nor reinstatement to the original condition or state.

Section 5(1) **enactment**: amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

## 6 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

## 7 Act binds the Crown

This Act binds the Crown.

## Part 2 Orders in Council

### 8 Governor-General may make Orders in Council

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, grant exemptions from, modify, or extend an enactment, or any provisions of an enactment, referred to in Schedule 2 in connection with the whole or a part of the Cathedral area.
- (2) An exemption from, modification of, or extension of an enactment or a provision—
  - (a) may be absolute, or subject to terms or conditions; and
  - (b) may be made by—
    - (i) stating alternative means of complying with the enactment or provision; or
    - (ii) substituting a discretionary power for the provision.
- (3) Subsection (2) does not limit subsection (1).
- (4) To avoid doubt, the power to make an Order in Council under this section includes the power to amend any Order in Council in force under this section.
- (5) In this Act, **modify**,—
  - (a) in relation to an enactment, includes to add provisions:
  - (b) in relation to an enactment, includes to grant any statutory authorisation or other permission or right under that enactment:
  - (c) in relation to a provision, includes to replace, disapply, or suspend the provision:
  - (d) includes to limit or exclude the jurisdiction of a court under an enactment.
- (6) An order under this section is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 2016 No 102 s 7

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#### Legislation Act 2019 requirements for secondary legislation made under this section

<b>Publication</b>	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
<b>Presentation</b>	The Minister must present it to the House of Representatives, unless it relates exclusively to an individual (in which case a transitional exemption applies under Schedule 1 of the Legislation Act 2019)	LA19 s 114, Sch 1 cl 32(1)(a)
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Act.*

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Section 8(6): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).