



ANALYSIS

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1975, No. 12

An Act to amend the Education Lands Act 1949

[4 July 1975]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—(1) This Act may be cited as the Education Lands Amendment Act 1975, and shall be read together with and deemed part of the Education Lands Act 1949 (hereinafter referred to as the principal Act).

2. Interpretation—(1) Section 2 of the principal Act is hereby amended by inserting, after the definition of the term “Minister”, the following definition:

“‘Playcentre’ has the same meaning as in the Education Act 1964.”

(2) The said section 2 is hereby further amended by inserting in the definition of the term “school”, after the word “kindergarten”, the words “, a playcentre”.

3. Disposal of kindergarten and playcentre sites—Section 5 of the principal Act (as amended by section 2 of the Education Lands Amendment Act 1960) is hereby further amended by inserting in subsection (8), after the word “kindergarten”, in both places where it occurs, the words “or playcentre”.

4. New sections (as to licences to occupy school sites) inserted in principal Act—The principal Act is hereby further amended by inserting, after section 6, the following sections:

“6A. **Licences to occupy school sites**—With the previous consent of the Minister, and subject to such conditions as he may determine, the Trustees of a high school or an Education Board may license and permit any school site, or any buildings or other facilities on a school site, or any part of that site or those buildings or facilities, under their control to be used or occupied by any person for any purposes which in the opinion of the Minister will benefit the community in which the school site is situated.

“6B. **Licensees may improve sites**—(1) Any licence may include a provision whereby the licensee may, subject to such terms and conditions as may be specified in the licence, make and construct on the site, buildings, or facilities, comprised in the licence any necessary earthworks, roads, paths, buildings, facilities, and other works, and may provide any appliance, and may similarly alter, add to, or improve any earthwork, road, path, building, facility, or other work or appliance in existence on the site, sufficient to give effect to the purposes for which the licence is granted.

“(2) The property in anything made, constructed, or provided pursuant to this section shall immediately on its making, construction, or provision, vest in the Crown, Trustees, or Board, as the case may be in whom the site, buildings, or facilities are vested.

“(3) No compensation or any other payment shall be payable to the licensee on account of anything made, constructed, or provided by the licensee pursuant to this section on the expiry of any licence in accordance with its terms and conditions.

“6C. **Form of licence**—Every licence given under section 6A of this Act shall be in writing under the seal of the Trustees or the Board having control of the school and may be for any

period (including any right of renewal or extension), and shall prescribe such sum of money (if any) as the Minister determines to be payable by the licensee either at stated periods or on or before the granting of the licence, and shall prescribe such other general or particular terms and conditions as are to be observed or performed by the licensee.

“6D. No licence may be given for exclusive occupation—

(1) Notwithstanding anything in section 6A of this Act, no licence may be given whereby the licensee has the exclusive right to use or occupy any school site or any buildings or other facilities on a school site or to any use or occupation which will unduly interfere with the use of the site, or any building or facility on it, as a school by the Trustees or the Board having control of the school.

“(2) Notwithstanding anything in section 6A of this Act, it shall be a condition of every licence, whether expressed as a term of the licence or not, that the Trustees or the Board having control of the school or any other person approved by the Trustees or Board, shall have access to and use of the site and all buildings and facilities on it whether provided by the licensee or not.

“(3) No licences issued under section 6A of this Act may be in any way assigned or charged or pass to any other person whether by way of security or not, or whether by way of operation of law or not.

“6E. Disposal of revenue received for licences—All money received by the Trustees of a high school or by an Education Board from a licensee under a licence shall as soon as conveniently may be, be paid into the Public Account.

“6F. Revocation of licence—(1) If at any time during the currency of any licence given under section 6A of this Act the school site or any building or facility on it to which the licence relates is required for any educational purpose by the Trustees or Board having control of the school the Trustees or Board may with the previous consent of the Minister revoke the licence or may revise the terms and conditions on which the licence will continue.

“(2) In the event of any revocation of a licence, or the revision of any terms and conditions of a licence under subsection (1) of this section, the licensee shall be paid by the Minister out of money appropriated by Parliament for the purpose such sum by way of compensation as may be agreed

on between the licensee and the Trustees or the Board and approved jointly by the Minister and by the Minister of Finance.”

5. Use of Crown land for purposes of pre-school education—Section 15 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsection:

“(3) The Minister may from time to time, by notice in the *Gazette*, grant permission on such terms and for such period as he thinks fit to any Kindergarten Association to use for the purposes of a kindergarten, or to any Playcentre Association to use for the purposes of a playcentre, any land vested in Her Majesty for the purposes of pre-school education.”

This Act is administered in the Department of Education.
