



NEW ZEALAND

REPEAL ACT No.

ANALYSIS

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation. Repeal.</p> <p>3. Amending provisions as to sale or exchange of school sites.</p> <p>4. Amending provisions as to powers of Trustees of high schools.</p> <p>5. Amending provisions as to sale of lands by Trustees of high schools.</p> | <p>6. Amending provisions as to sale or exchange of lands vested in Trustees.</p> <p>7. Amending provisions as to application of proceeds of land sold by Trustees.</p> <p>8. Repeals.</p> <p>9. Vesting of land in University, &c., for educational purposes, and varying of educational trusts.</p> |
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1948, No. 61

AN ACT to Amend the Education Reserves Act, 1928. Title.

[26th November, 1948

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

1. This Act may be cited as the Education Reserves Amendment Act, 1948, and shall be read together with and deemed part of the Education Reserves Act, 1928 (hereinafter referred to as the principal Act).

Short Title.

See Reprint of Statutes, Vol. IV, p. 1003

2. (1) Section two of the principal Act is hereby amended by inserting in and adding to subsection one, in their appropriate alphabetical order, the following new definitions:—

Interpretation.

“ ‘High school’ has the same meaning as the term ‘secondary school’ in the Education Act, 1914; and includes a technical school and a technical high school established under that Act, a combined school constituted under

Ibid., Vol. II, p. 1007

See Reprint
of Statutes,
Vol. II,
p. 1101

the Education Amendment Act, 1924, the New Plymouth Combined School, the Napier Combined School, Wairarapa College, and the Nelson Combined School:

“ ‘ Kindergarten ’ has the same meaning as in the Education Act, 1914:

“ ‘ School ’ means any school established or deemed to have been established under the Education Act, 1914; and includes any school named in Part I or Part II of the Ninth Schedule to that Act, and a kindergarten:

“ ‘ Secondary education ’ has the same meaning as the term ‘ secondary instruction ’ in the Education Act, 1914:

“ ‘ Site ’, ‘ school site ’, or ‘ site for a school ’ means the land used as a site for a school and its grounds and playing areas; and includes any land used for a teacher’s or staff residence, or for a hostel for pupils, land for outdoor classes, instruction, practical teaching or experimentation, and land used for any purpose ancillary to any of those purposes.”

(2) Section two of the principal Act is hereby further amended as follows:—

(a) By adding to the definition of the term “ education reserves ” in subsection one the words “ sites for high schools, and all land of whatever nature and however acquired vested in the Trustees of any high school ”:

(b) By repealing subsection two.

3. (1) Section six of the principal Act is hereby amended by repealing subsection one, and substituting the following subsection:—

“ (1) Subject to section thirty-five of the Public Works Act, 1928, the Education Board or other body of persons in which any school site is vested may with the consent of the Minister sell or exchange that site.”

(2) Section six of the principal Act is hereby further amended by omitting from subsection two the words “ and shall be applied towards the provision of sites and buildings for public schools ”.

Repeal.

Amending
provisions as
to sale or
exchange of
school sites.

Ibid., Vol. VII,
p. 643

(3) Section six of the principal Act is hereby further amended by adding the following new subsection:—

“(3) Notwithstanding anything contained in subsection one of this section or in any other Act or rule of law, it shall be lawful and be deemed always to have been lawful for an Education Board or other body of persons by private treaty or otherwise to transfer to His Majesty the King with or without consideration or for an inadequate consideration any land held by that Board or other body in trust as a site for a school or for any other educational purpose, freed and discharged from all trusts and reservations affecting the same. Any such land which immediately before being vested in the said Board or other body was subject to the Public Works Act, 1928, shall on being so transferred to His Majesty be deemed to be subject to that Act, but otherwise any land transferred to His Majesty under this subsection shall thereupon be deemed to be Crown land subject to the Land Act, 1924.”

See Reprint
of Statutes,
Vol. IV, p. 622

4. Section nine of the principal Act is hereby amended by inserting, after the words “shall have”, the words “in addition to all other powers in that behalf conferred on them by any other Act or by any instrument of trust”.

Amending
provisions as
to powers of
Trustees of
high schools.

5. Section ten of the principal Act is hereby amended by repealing subsection two, and substituting the following subsections:—

Amending
provisions as to
sale of lands by
Trustees of
high schools.

“(2) All moneys arising from any such sale shall be paid into the Public Account.

“(3) Notwithstanding anything contained in this section or in section seventeen of this Act or in any other Act or rule of law, it shall be lawful and be deemed always to have been lawful for the Trustees by private treaty or otherwise to transfer to His Majesty the King with or without consideration or for an inadequate consideration and without the sanction of the Governor-General any land held by them freed and discharged from all trusts and

See Reprint
of Statutes,
Vol. VII, p. 622

Ibid.,
Vol. IV, p. 622

Amending
provisions as
to sale or
exchange of
lands vested
in Trustees.

Amending
provisions as
to application
of proceeds of
land sold by
Trustees.

Repeals.

Vesting of
land in
University, &c.,
for educational
purposes, and
varying of
educational
trusts.

reservations affecting the same. Any land which immediately before being vested in the Trustees was subject to the Public Works Act, 1928, shall on being so transferred to His Majesty be deemed to be subject to that Act, but otherwise any land transferred to His Majesty under this subsection shall thereupon be deemed to be Crown land subject to the Land Act, 1924."

6. Section seventeen of the principal Act is hereby amended as follows:—

(a) By omitting from subsection one the words "in respect of which no trust has been created inconsistent with the exercise of this present power":

(b) By omitting from subsection three the words "All property", and substituting the words "All land".

7. Section eighteen of the principal Act is hereby amended by omitting all words after the words "such sale or exchange", and substituting the words "be paid into the Public Account".

8. Sections nineteen and twenty-one of the principal Act are hereby repealed.

9. Section thirty-nine of the principal Act is hereby repealed, and the following new section substituted:—

"39. (1) The Governor-General may by Order in Council declare that any land for the time being vested in His Majesty for educational purposes shall be vested in any University, University College, Agricultural College, School of Agriculture, or body of persons (whether incorporated or not) named in the Order, to be held upon trust for the same educational purpose as that for which the land was vested in His Majesty; and thereupon the land shall be deemed to have been transferred to that University, University College, Agricultural College, School of Agriculture, or body of persons in trust for the purpose specified in the Order.

"(2) The District Land Registrar, when requested so to do by the University, University College, Agricultural College, School of Agriculture, or body of persons in which any land is vested as aforesaid, shall make all necessary endorsements on the certificate of title in respect of the land, or if no such certificate has

been issued, shall, on the completion of such surveys (if any) as may be necessary, issue a certificate of title in the name of the University, University College, Agricultural College, School of Agriculture, or body of persons, or otherwise, as the case may require.

“(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 or Union to use for the purposes of a kindergarten any land vested in His Majesty for the purposes of pre-primary education.

“(4) 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 University, University College, Agricultural College, School of Agriculture, or body of persons (whether incorporated or not) to use for educational purposes any land vested in His Majesty for educational purposes.

“(5) The Governor-General may from time to time, by Order in Council gazetted, vary the trusts on which any land is for the time being held by His Majesty for educational purposes, and may in like manner declare any such land which is not required for the purposes for which it is held to be Crown land subject to the Land Act, 1924, freed and discharged from every educational trust affecting the same.”

See Reprint,
of Statutes,
Vol. IV, p. 622