



NEW ZEALAND

ANALYSIS

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1948, No. 8—Local

- Title.** AN ACT to confer further Leasing-powers on the Greymouth Harbour Board. [*30th September, 1948*]
- Preamble.** WHEREAS sections forty-two, forty-three, forty-four, and forty-five, Town of Cobden (hereinafter called the Cobden sections), are owned in fee-simple by the Greymouth Harbour Board (hereinafter referred to as the Board) and are occupied by lessees under leases which expire on the thirtieth day of June, nineteen hundred and fifty: And whereas it is desirable to protect such lessees for the value of their improvements: And whereas it is also desirable to extend the leasing-powers conferred on the Board by the Greymouth Harbour Board Act 1884 Amendment Act, 1902:
- BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—
- Short Title.** 1. This Act may be cited as the Greymouth Harbour Board Amendment Act, 1948.

2. In any case where any portion of the Cobden sections is about to be leased and there exist thereon buildings or other *bona fide* improvements which have been erected or made by any person in lawful occupation under a lease, or by any person whose lease has expired, the said person making such improvements, or his executors, administrators, or assigns, shall be entitled as against the incoming lessee to valuation for such improvements.

Occupier
entitled to
valuation for
improvements.

3. The amount of such valuation shall be assessed by two valuers, one to be appointed by the Board and the other by the person entitled as aforesaid (which person is hereinafter called the occupier), but if the occupier fails to appoint a valuator within two weeks after being requested by the Board in writing so to do, then the Board shall appoint the valuator whom the occupier has failed to appoint. In the event of such valuers being unable to agree they shall appoint an umpire, whose decision shall be final and conclusive. The fees to be paid to the valuers and umpire (if any) shall be paid by the occupier.

Mode of
valuation.

4. Each portion of the Cobden sections on which there exist buildings or improvements as aforesaid and which shall be offered for lease as aforesaid shall be offered subject to the condition that the lessee (not being the occupier) shall, within fourteen days after being declared the lessee of any such portion, pay to the Board the amount of valuation in respect of such portion, and, subject to retention of any ground rent in arrear and the amount of any rates for which the Board is or may be liable, the Board may pay the amount of valuation or any part thereof to the occupier or, in its discretion, to any mortgagee, pledgee, or holder of a lien claiming under and from the occupier without the Board being liable to refund the same or any part thereof.

Valuation-
money.

5. The Board may insert in any lease of any portion of the Cobden sections provisions to the following effect, namely:—

Special
provisions may
be inserted in
leases.

(a) That if the Board requires the land comprised in such lease for any purpose connected with the construction, improvement, extension, or maintenance of any harbour-works at Greymouth, then the Board may terminate such

lease upon one year's notice to the lessee; and that upon the expiration of such notice the Board may resume possession of such land, and shall pay to such lessee or such other person as the Board shall consider entitled thereto compensation in respect of all improvements actually existing on such land at the expiration of such notice, but not in respect of any other matter or thing:

Provided that the lessee or such other person shall be entitled to compensation in respect of only a one-half share or interest in any dividing-fences.

- (b) That if the Board shall decide that it will not again lease the land comprised in any lease at the expiration thereof, then the Board shall pay to the lessee, or such other person as the Board shall consider entitled thereto, compensation in respect of all improvements actually existing on such land at the expiration of such lease:

Provided that the compensation in respect of dividing-fences shall be limited as mentioned in paragraph (a) hereof.

- (c) That compensation as aforesaid shall be assessed by two arbitrators or their umpire, and such arbitration shall be conducted subject to such conditions as the Board shall determine:

Provided that paragraphs five, six, seven, eight, and fourteen of the First Schedule to the Public Bodies' Leases Act, 1908, shall be applicable to such arbitration.

6. Section three of the Greymouth Harbour Board Act 1884 Amendment Act, 1902, is hereby amended as follows:—

The Greymouth
Harbour Board
Act 1884
Amendment
Act, 1902,
amended.

- (a) By deleting therefrom the words "twenty-one years", and substituting therefor the words "ninety-nine years".

- (b) By adding to paragraph two the following proviso:—

"Provided that instead of being submitted to public auction as aforesaid the lease may be submitted to public application and ballot at a fixed rental to be determined by the Board."

(c) By inserting, after paragraph four, the following new paragraph:—

“ (4A) Each lease shall contain stipulations to the following effect:—

“ (i) Within the periods of six months immediately preceding the expiry of the first and each successive period of twenty-one years computed from the commencement of the term created by the lease, or so soon thereafter as may be, a valuation shall be made of the fair annual rent of the demised land, which rent shall be payable as a uniform annual rent during the period of twenty-one years or, in case of the final period, of twenty-one years or less next succeeding the period of twenty-one years within which the valuation should be made. In making such valuation no account shall be taken of any buildings or fences on the land.

“ (ii) The amount of such rent shall be assessed by two valuers, one to be appointed by the Board and one by the lessee; but should the lessee fail to appoint a valuator within two weeks of his being requested by the Board in writing so to do, then the Board shall appoint the valuator which the lessee has failed to appoint. In the event of such valuers being unable to agree they shall appoint an umpire, whose decision shall be final and conclusive. The fees to be paid to the valuers and umpire (if any) and the costs of and incidental to the preparation,

completion, stamping, and registration of any memorandum of variation shall be charged to the lessee.”

(d) By adding the following as subsection two thereof:—

“(2) Nothing herein contained shall debar the Board, in its discretion, from granting leases of the said lands under the provisions of the Public Bodies’ Leases Act, 1908, and upon any of the tenures set out in section five thereof, but so that in every case effect shall be given to paragraph four of subsection one of this section.”