



ANALYSIS

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Schedule

 1971, No. 2—*Local*

An Act to authorise the Hawke's Bay Hospital Board to dispose of certain land vested in the Board for particular purposes
[19 August 1971]

WHEREAS the land described in the Schedule hereto was by Proclamation published in *Gazette*, 1953, Vol. III, at page 1538, taken under the Public Works Act 1928 and vested in the Hawke's Bay Hospital Board for an institution for the reception or relief of aged persons: And whereas the said land is not now required by the Hospital Board for the said purpose and it is expedient that provision be made for the disposal of the said land:

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

1. Short Title—This Act may be cited as the Hawke's Bay Hospital Board Empowering Act 1971.

2. Interpretation—In this Act, unless the context otherwise requires,—

“Hospital Board” means the Hawke's Bay Hospital Board, a Board constituted under the Hospitals Act 1957 and having its office at Napier:

“Trust Board” means the Napier Community Trust Hospital, a Board incorporated as a trust board under Part II of the Charitable Trusts Act 1957 and having its registered office at Napier.

3. Authority to dispose—(1) Notwithstanding the provisions of any other Act or any rule of law, it shall be lawful for the Hospital Board to set apart and make available the land described in the Schedule hereto or any part thereof as a site for the erection and establishment by the Trust Board of a private hospital, as defined by the Hospitals Act 1957, to be conducted by the Trust Board, subject to the provisions of the said Act, and to lease the said land to the Trust Board for the said purpose at a peppercorn rental (but subject to the payment by the Trust Board of all rates, taxes, and other outgoings (if any) levied in respect of the said land) in perpetuity, or for such term as the Hospital Board thinks fit, and upon such conditions as the Hospital Board thinks fit. If any such lease is for a term it may contain a perpetual right of renewal.

(2) Notwithstanding anything in subsection (1) of this section, any such lease may confer on the Trust Board the right, with the consent of the Hospital Board, to sublet any part of the land comprised in the lease for a peppercorn rental to any charitable organisation, approved by the Hospital Board, for purposes similar to those for which the Trust Board is leasing the land, or for the purpose of providing a home for aged, infirm, or needy persons.

(3) If at any time during the currency of any such lease—

(a) The land comprised in the lease ceases to be used by the Trust Board for a private hospital or the Trust Board uses the land or any part of the land in contravention of the conditions of the lease; or

(b) The Trust Board requests the Hospital Board to accept a surrender of the lease as to all or any part of the land comprised in the lease; or

(c) The Trust Board is required, pursuant to any condition contained in the lease, to surrender the lease as to any part of the land comprised therein—

the Hospital Board may re-enter and take possession of the land and thereby determine the lease, or accept a surrender or partial surrender of the lease, as the case may be.

(4) If at any time during the currency of any such sublease, the land comprised in the sublease ceases to be used by the charitable organisation for the purposes set out in subsection (2) of this section, the Hospital Board may re-enter and take possession of the land, and thereupon both the lease and the sublease shall be deemed to have been determined in respect of the land.

(5) The District Land Registrar for the Land Registration District of Hawke's Bay is hereby authorised and directed to accept for registration such documents by way of lease or sublease or otherwise as may be necessary to give effect to this section.

SCHEDULE

Six acres 3 roods, more or less, situated in the City of Napier being Section 13, Ahuriri Lagoon and being all the land in certificate of title, Volume D3, folio 977 (Hawke's Bay Registry).
