

**ANALYSIS**

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1953, No. 5

**Title.**

AN ACT to establish a corporation to hold New Zealand Government property within and outside New Zealand. [30 April 1953]

BE IT 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 New Zealand Government Property Corporation Act 1953.

**Interpretation.**

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

“Corporation” means the New Zealand Government Property Corporation established by this Act:

“Licence or authority” means any licence, permit, right, privilege, or authority which can be granted by Her Majesty or by any Government, or by any Court, or by any public or

local authority, or by any other person, whether in New Zealand or elsewhere; and includes any patent, copyright, trade mark, or registered design:

**“Minister”** means a Minister of the Crown who is a member of the Executive Council of New Zealand:

**“Property”** includes real and personal property, and any estate or interest in any real or personal property, and any debt, and any thing in action, and any licence or authority, and any other right or interest.

**3. (1)** There is hereby established a corporation, to be called the New Zealand Government Property Corporation.

New Zealand  
Government  
Property  
Corporation.

(2) The Corporation shall consist of all Ministers of the Crown who are for the time being members of the Executive Council of New Zealand.

(3) The Corporation shall be a body corporate with perpetual succession and a common seal, and shall be capable of holding real and personal property, and of suing and being sued, and of doing and suffering all such other acts and things as bodies corporate may lawfully do and suffer.

**4. It shall be lawful for the Corporation—**

Powers of  
Corporation.

- (a) To purchase, take on lease, be granted, accept, or acquire in any way any property required for any public purpose:
- (b) To accept or acquire in any way any property vested in or held on behalf of Her Majesty the Queen in right of New Zealand, whether held in the name of Her Majesty, or the Crown, or the Government of New Zealand, or any Minister, or in any other name:
- (c) To hold, improve, manage, develop, alter, extend, equip, furnish, repair, and maintain any property vested in the Corporation:
- (d) To enter into any covenants or agreements in respect of any property vested or to be vested in the Corporation:
- (e) To sell, exchange, convey, transfer, assign, lease, dispose of, turn to account, or otherwise deal with any property vested in the Corporation:

(f) Generally to exercise any functions or rights and undertake and perform any liabilities in respect of or in connection with any property vested or to be vested in the Corporation which could be exercised, undertaken, or performed by a person owning the property and not being a body corporate:

(g) To do all such other things as are incidental or conducive to the exercise of the powers of the Corporation.

**5.** (1) Notwithstanding anything to the contrary in any Act, it shall be lawful for any property vested in or held on behalf of Her Majesty in right of New Zealand, whether held in the name of Her Majesty, or the Crown, or the Government of New Zealand, or any Minister, or in any other name, to be transferred, conveyed, or assigned to or otherwise vested in the Corporation, and for any property which can lawfully be vested in or granted to Her Majesty in right of New Zealand, or any person on behalf of Her Majesty in right of New Zealand, to be vested in or granted to the Corporation.

(2) Without limiting the generality of subsection one of this section, it is hereby declared that it shall be lawful for the Corporation to transfer, convey, or assign to itself, or otherwise to vest in itself, any property outside New Zealand vested in or held on behalf of Her Majesty in right of New Zealand, whether held in the name of Her Majesty, or the Crown, or the Government of New Zealand, or any Minister, or in any other name. A document purporting to be executed by or on behalf of the Corporation pursuant to this subsection in relation to any property shall be deemed to have been duly executed on behalf of, and shall bind, Her Majesty and the legal owner of the property.

**6.** (1) Where any property outside New Zealand is held by or on behalf of Her Majesty in right of New Zealand, whether held in the name of Her Majesty, or the Crown, or the Government of New Zealand, or any Minister, or in any other name other than the name of the Corporation, the Corporation may from time to time, on behalf of Her Majesty and the legal owner of the property, exercise any powers, functions, and rights

**Power to vest  
New Zealand  
Government  
property in  
Corporation.**

**Corporation  
may exercise  
powers of legal  
owner of  
Government  
property  
outside New  
Zealand.**

(including any power of disposal) and undertake and perform any liabilities in respect of or in connection with the property which could be exercised, undertaken, or performed by Her Majesty or the legal owner of the property.

(2) A document purporting to be executed by or on behalf of the Corporation pursuant to this section in relation to any property shall be deemed to have been duly executed on behalf of, and shall bind, Her Majesty and the legal owner of the property.

**7. (1)** The Corporation is hereby declared to be an instrument of the Executive Government of New Zealand, and a Government Department within the meaning of the Crown Proceedings Act 1950.

Corporation  
to be a  
Government  
Department.  
1950, No. 54

(2) The Corporation shall not be bound by any Act that is not binding on Her Majesty in right of New Zealand, and shall be entitled to all rights, privileges, exemptions, and immunities of Her Majesty in right of New Zealand (including exemptions from taxation and rates).

**8. (1)** Where any estate or interest in any property is vested in the Corporation and any other estate or interest in the same property is held by or on behalf of Her Majesty, whether vested in the Corporation or not, there shall be no merger unless the contrary intention is expressed.

(2) Any licence or authority granted by or on behalf of Her Majesty may lawfully be granted to or vested in the Corporation, notwithstanding that the Corporation is an instrument of the Executive Government; and where any such licence or authority is granted to or vested in the Corporation it shall not be deemed to be surrendered or relinquished by reason only of the Corporation being an instrument of the Executive Government.

**9. (1)** Any contract which, if made between private persons, must be by deed shall, if made by the Corporation, be in writing under the common seal of the Corporation.

Contracts of  
Corporation.

(2) Any contract which, if made between private persons, must be in writing signed by the parties to be charged therewith shall, if made by the Corporation,

be either under the common seal of the Corporation or signed on behalf of the Corporation by a Minister or by any person authorized in that behalf by a Minister.

(3) Any contract which, if made between private persons, may be made orally may be similarly made by or on behalf of the Corporation by any person acting under its authority, express or implied.

**Execution of documents.**

**10.** (1) Every document to which the common seal of the Corporation is affixed shall be signed by a Minister and shall be countersigned by the Clerk of the Executive Council or by some other person acting for the Clerk.

(2) Any document which, if executed by a private person, would not require to be executed as a deed may be signed on behalf of the Corporation by a Minister or by any person authorized in that behalf by a Minister.

**11.** (1) The Corporation may, by writing under its common seal, empower any person, either generally or in respect of any specified matters, as its attorney, to execute documents on its behalf in any place outside New Zealand, including documents executed pursuant to section six of this Act.

(2) A document executed by such an attorney on behalf of the Corporation shall bind the Corporation, and if executed as a deed shall have the same effect as if it were under the common seal of the Corporation.

**Evidence of documents.**

**12.** Every document purporting to be a document executed by or on behalf of the Corporation in a manner provided by section ten or section eleven of this Act shall be received in evidence and be deemed to be so executed in the absence of proof to the contrary.

**Moneys to be appropriated by Parliament.**

**13.** All moneys required to be expended to enable effect to be given to the provisions of this Act shall be paid out of moneys to be appropriated by Parliament for the purpose.