

New Zealand.

## PUBLIC BODIES' LEASING-POWERS.

1908, No. 153.

AN ACT to consolidate certain Enactments of the General Assembly relating to the Leasing of Lands vested in certain Public Bodies.

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

1. (1.) The Short Title of this Act is "The Public Bodies' Leasing-powers Act, 1908." Short Title.

(2.) This Act is a consolidation of the enactments mentioned in the Schedule hereto, and with respect to those enactments the following provisions shall apply:— Enactments consolidated.

(a.) All Orders in Council, resolutions, leases, agreements, and contracts, and generally all acts of authority which originated under any of the said enactments or any enactment thereby repealed, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated. Savings.

(b.) Every leasing authority which on the coming into operation of this Act is subject to any of the said enactments or to any sections thereof shall be similarly subject to the corresponding provisions of this Act.

(c.) All matters and proceedings commenced under any such enactment, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

2. In this Act, if not inconsistent with the context,—

"Leasing authority" means a County Council, Road Board, Town Board, or Harbour Board respectively in which the management or control of any lands are vested for or

*Interpretation.*  
1887, No. 34, sec. 3  
1896, No. 43, sec. 2

on behalf of the corporate body such Council or Board represents; and also any authority (howsoever named) in which any lands are vested for general educational purposes, or for the purposes of any public college or school, or for any other purposes of a public nature, with power to dispose of such lands by way of lease or otherwise; and extends to and includes the trustees of any property held for religious, charitable, educational, or scientific trust purposes, whether incorporated under "The Religious, Charitable, and Educational Trusts Act, 1908," or not:

"Special resolution" means a resolution passed at a meeting of the leasing authority, and confirmed at a subsequent meeting, of which notice has been sent at least ten days before such subsequent meeting through the post to every member of the leasing authority, specifying the nature of the resolution intended to be confirmed:

Provided that at such subsequent meeting it shall be lawful to vary any resolution to make any allowance by making the same less than was proposed in the original resolution.

Leasing authority  
subject to provisions  
of this Act.  
1887, No. 34, sec. 4

3. (1.) The Governor may from time to time by Order in Council declare that any leasing authority shall be subject to the provisions of this Act or any section or sections thereof; and any such Order in Council may from time to time, by subsequent Order in Council, be revoked, varied, or altered, wholly or in part, without prejudice, however, to anything theretofore done:

Provided that no such Order in Council shall have any effect unless it is issued at the request or upon the recommendation of the leasing authority to which the Order relates.

(2.) This Act or any specified section thereof shall apply only to leasing authorities which by Order in Council as aforesaid are declared to be subject thereto.

Leasing authority  
may let for twenty-  
one years.  
1891, No. 12, sec. 2

4. A leasing authority may let any lands vested in it, or any part thereof, and which it is empowered to let on lease, for any term not exceeding twenty-one years, to take effect in possession or within six months from the making of the lease, without any fine, premium, or foregift; and may in such lease covenant to grant renewals from time to time, for a period not exceeding twenty-one years at any one time, but at a rent to be fixed by the leasing authority by a special resolution, or by valuation or by arbitration.

Valuations.  
Ibid, sec. 2

5. Any such lease may provide for the payment of valuation by the incoming tenant for improvements made upon the land, whether by the lessee named in such lease, his executors, administrators, or assigns, or any former lessee or tenant of all or any part of the land included in such lease.

Provision for  
securing payment of  
valuation.  
Ibid, sec. 3

6. Any such lease may provide that the incoming tenant of all or any part of the land thereby demised shall not be allowed to enter into possession thereof or of any part thereof, unless and until he has paid to or secured to the satisfaction of the lessee therein named, his executors, administrators, or assigns, the valuation (if any) to be paid pursuant to the terms of such lease to such lessee, his executors, administrators, or assigns, by the incoming tenant, in respect of improvements made upon the land.

7. (1.) Every lease made under this Act shall, except in the cases specially provided for, be sold by public auction or public tender, notice of which shall be given by advertisement at least three times in some newspaper circulating in the district where the land to be leased is situated.

Leases to be sold by public auction or tender after notice. 1887, No. 34, sec. 6

(2.) Such advertisement shall be inserted at least once thirty days before the date of sale.

8. A lease of any land which has been offered at public auction or by public tender as aforesaid and has not been sold may, at any time within twelve months thereafter, be sold by private contract, at a rent not less than the reserved rent when it was so offered; or it may, at any time after it was so offered, be again offered by public auction or public tender, subject to the provisions of this Act.

Land offered and not sold may be again offered. Ibid, sec. 7

9. Notwithstanding anything herein, it shall be lawful for a leasing authority to let any of its lands by public auction, public tender, or private contract for a yearly tenancy, or for a less tenancy, determinable as may be agreed; and in cases contemplated by this section it shall not be necessary for the leasing authority to execute any lease.

Land may be let for short periods in certain cases. Ibid, sec. 8

10. A leasing authority may by special resolution, on such terms as it thinks fit, accept a surrender of any lease.

Surrender of existing leases may be accepted. Ibid, sec. 9

11. A leasing authority may, at any time during the currency or on the surrender of a lease, by special resolution compromise with or make allowances to the tenant for any rent due, and may also, in the case of the continuance of the lease, reduce the amount of rent to be thereafter paid; and any agreement made hereunder shall be binding on both parties; but it shall be necessary to fix the amount of such reduction and allowances by a special resolution.

Leasing authority may reduce rents. Ibid, sec. 10

12. On the surrender of any lease the leasing authority may again, subject to the provisions of this Act, lease the land comprised therein, or it may grant the former lessee a new lease for the remainder of the term of the former lease, at a rent to be fixed by the leasing authority by special resolution, either before or after such surrender is made.

On surrender fresh lease may be granted. Ibid, sec. 11

13. The special resolutions required by the three last preceding sections shall have no effect until approved by the Governor in Council in the following cases, that is to say:—

Governor in Council to approve in certain cases. Ibid, sec. 12

(a.) In the case of pastoral lands vested in or under the control of the leasing authority:

(b.) In the case of any reserve for primary or secondary education, subject to "The Education Reserves Act, 1908":

Provided always that such approval shall not be necessary if the lands proposed to be so leased do not exceed in area a block of one thousand acres of arable land or five thousand acres of pastoral land.

14. (1.) A leasing authority may, with the consent of any lessee, grant to a sublessee a lease direct from such authority of the whole or any part of the land comprised in any lease for the whole residue of the term created by the original lease.

Leases may be granted to subtenants. Ibid, sec. 13

(2.) This section shall apply although no lease has been actually executed, but only an agreement for a lease entered into.

15. A leasing authority may by special resolution, on such conditions as it thinks proper, cancel, modify, or vary any contract or agreement for sale of any land, and in case of any variation may compromise with or make allowances to any person with whom such

Leasing authority may modify terms of sale. Ibid, sec. 17

contract or agreement has been made or who is the assignee thereof in respect of any unpaid purchase-money; and may by special resolution make any allowance in respect of either principal or interest to any mortgagor who has purchased any land from such authority, and executed a mortgage to such authority for any part of the purchase-money.

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SCHEDULE.

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ENACTMENTS CONSOLIDATED.

- 1887, No. 34.—“The Public Bodies’ Powers Act, 1887”: Except sections 14 to 16.  
1891, No. 12.—“The Public Bodies’ Powers Act 1887 Amendment Act, 1891.”  
1896, No. 43.—“The Public Bodies’ Powers Act 1887 Amendment Act, 1896.”