

Hon. Mr. McKenzie.

HARBOUR AND EDUCATION RESERVES.

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A BILL INTITULED

AN ACT to regulate the Leasing of Harbour and Education Reserves. Title.

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

1. The Short Title of this Act is "The Harbour and Education Reserves Act, 1894." Short Title.

10 2. The Governor may from time to time, by Order in Council gazetted, declare that any lands now or hereafter reserved as an endowment for any harbour, or for primary or secondary education, or universities, colleges, or high schools, shall be subject to the provisions of this Act, and whether the same be vested in any corporate body or person whomsoever. Endowment reserves may be brought under this Act.

15 3. Upon the gazetting of such Order in Council, the lands described therein may be leased by the Land Board (herein referred to as "the Board") of the land district wherein the reserve is situate, upon the terms and conditions prescribed in this Act. Any lands included in such Order in Council which had theretofore
20 been already leased shall not be affected until the expiration of the existing lease: Provided that any lessee, with the consent of the Board, may, by indorsement of his lease, become subject to the provisions of this Act as to valuations and renewals. All rents payable under this Act or under any lease granted prior to the Order in Council hereinbefore mentioned shall be paid to the Receiver of

Land Revenue, and after deducting any costs incurred in the survey, roading, payment of "thirds" or "fourths," or the administration of the lands leased, shall be paid over by him to the body or person by law for the time being entitled to receive the same.

Leases to be executed by Commissioner.

4. Every lease granted under this Act, where the land is vested in any corporate body or person, shall be executed by the Commissioner of Crown Lands of the district aforesaid on behalf of the Board in the name of the body or person in whom the lands dealt with by the lease are vested. 5

Term of leases.

5. Every lease shall be for a term fixed so as to expire, for agricultural land on the thirtieth day of June, and for pastoral land on the first day of March which shall first ensue after the expiration of thirty years from the date of the commencement of the term, and shall be renewable from time to time as hereinafter appears. 10

Valuation to be made three years before end of term.

6. Not sooner than three years and not later than two years before the end of the term for which any lease is granted under this Act, a valuation shall be made by arbitration of the then value of the fee-simple of the lands then included in the lease, and also a valuation of all substantial improvements of a permanent character, as the same are defined in "The Land Act, 1892," made by the lessee during the term and then in existence on the land then comprised in the lease. 15

Lessee to elect whether he will accept renewal.

After the making and publishing of the above-mentioned awards, which shall be effected by serving a copy of the same on the lessee and another copy on the Commissioner, but not later than three months before the expiry of the term for which the lessee then holds the lands, the lessee shall elect, by notice in writing delivered to the Commissioner, whether he will accept a fresh lease of the said lands for a further term of thirty years from the expiration of the then term, at a rental equal to five pounds per centum on the then value of the lands, after deducting therefrom the value of the substantial improvements of a permanent character as fixed respectively by the arbitration. 25

If lessee does not accept renewal conditions on which lease offered for public tender.

7. If the lessee shall not elect to accept a renewal as above mentioned, or shall refuse or neglect to execute a lease within seven days after the same is tendered to him for the purpose, then a new valuation of the substantial improvements of a permanent character then on the said land shall be at once made by arbitration, in like manner and subject to the same provisions in all respects as the arbitration before referred to, and a lease of the said lands shall, not later than one month before the end of the term for which the terminating lease was granted, be open for public application for such further term of thirty years, on the following terms and conditions :— 30

(1.) The rent shall be fixed by the Board.

(2.) If any person other than the outgoing lessee be declared the new lessee, he shall, within seven days, pay over to the Receiver of Land Revenue the value of the substantial improvements of a permanent character as fixed by the arbitration referred to in this section. 45

(3.) When the day has arrived on which the terminating lease expires, or thereafter, if the Commissioner shall have satisfied himself that the outgoing lessee has let the new 50

lessee into quiet possession of the lands to be leased, and that none of the improvements on the lands which were thereon when the valuation mentioned in this section was made have been destroyed or appreciably damaged, the Receiver of Land Revenue shall, on the certificate of the Commissioner, pay over to the outgoing lessee the amount received by him from the incoming lessee as aforesaid.

(4.) If any of the improvements as mentioned in the preceding subsection have been destroyed or appreciably damaged as in the said subsection referred to, then the value of the improvements so destroyed, or the cost of repairing such damage, shall be decided by the Commissioner or some person appointed by him, and the amount so fixed, with the costs attending such decision, shall be deducted from the amount payable as aforesaid to the outgoing lessee.

8. If such new lease shall not be applied for as above mentioned, or if the successful applicant fail to execute the lease in duplicate within fourteen days, or to pay the rent offered by him as aforesaid within fourteen days from the day on which he was declared to be the successful applicant, then the outgoing lessee may again, within fourteen days after the day fixed for receiving applications for a new lease, elect in manner aforesaid whether he will accept a fresh lease as aforesaid; and if he does not elect to accept the same, or refuses or neglects to execute such lease for fourteen days as aforesaid, then he may continue as lessee of the said lands from year to year, so long as he shall pay the rent reserved by his expired lease and observe and perform the covenants and conditions contained in the same or in this Act, or until the Board shall succeed in finding a tenant of the new lease, unless, prior to the finding of such tenant by the Board, he shall elect to accept a new lease for the said further period of thirty years as aforesaid.

If lease not sold, lessee has further option of taking renewal.

9. The Board, in granting a renewed lease, shall make provision that the right to take possession under such new lease shall always commence on the first day of March or July, as the case may be, in any year.

All renewals to date as from 1st March or 1st July.

10. All the provisions of "The Land Act, 1892," as regards classification, limitation of areas, disqualification, applications, form and conditions of leases made under this Act, and otherwise howsoever as regards such leases, shall, *mutatis mutandis*, apply to applications, form and conditions of the original or new or renewal leases, and to the lessees thereunder, and otherwise howsoever, except as herein is otherwise expressly provided.

Applications, forms, and conditions of "Land Act, 1892," to apply to renewals or new leases.

11. Any lessee may, with the consent of the Board, surrender the lands leased by him, and thereupon valuations shall be made, and a new lease of the said lands offered for application, as if the lease so surrendered was about to be determined by effluxion of time.

Conditions on which lessee may surrender with consent of Board.

12. The Governor in Council may, by Proclamation, resume possession of the whole or any portion of any land leased under this Act which in his opinion is required for any public purpose, or which may be deemed by him to be auriferous or argentiferous, or

Governor in Council may resume lands required for public purposes, &c.

required for mining purposes, and upon the gazetting of such Proclamation the lease shall be determined, as far as relates to the lands mentioned in the Proclamation.

How lessee dealt
with on resumption.

- (1.) Upon such resumption of any part of the land so leased the rent payable by the lessee shall be abated in such proportion to the whole rent payable under the lease as the area so resumed bears to the whole area leased; and the lessee shall, upon resumption of the whole or any part of the lands leased by him, also be entitled to be paid compensation, valued by arbitration, for any substantial improvements of a permanent character which may have been made by him and may be then in existence on the said lands the possession of which has been so resumed. 5
- (2.) If by reason of such resumption any portion of the land included in the lease is so severed from the rest of the land included in the lease as, in the opinion of the lessee, to greatly diminish the value of the same to the lessee, then he shall be entitled to surrender any portion so severed, and he shall thereupon be entitled to a further abatement of rent and to compensation as if the portion so surrendered had been resumed as above mentioned. 10 15 20

Licenses for cutting
timber on reserves.

13. The Board may exercise the functions conferred upon it by Part VII. of "The Land Act, 1892," for the issue of licenses for cutting, felling, or removing timber from any educational reserve or educational endowment; subject that the fee to be paid for any such license shall be adequate to the value of the timber to be removed from the land comprised in such reserve or endowment. 25

All regulations affecting the cutting or removing of timber on Crown forest lands shall apply to the cutting or removing of timber on the aforesaid lands; and all moneys received by the Receiver of Land Revenue for timber on the aforesaid lands, less any expenses of collection, shall be paid over to the persons in whom the said lands are vested, to be applied by them to the purposes for which the endowment was made. 30

Governor may grant
leases reserved
under University
Endowment Act.

14. Notwithstanding anything contained in "The University Endowment Act, 1868," or any Act amending the same, the Governor may grant leases of lands reserved under the said Act, in the manner specified in this Act. 35

"Thirds" and
"fourths" payable
to local authorities.

15. In case no "thirds" or "fourths" have been previously paid, the Receiver of Land Revenue shall, for a period of fifteen years from the date of the first renewal of every lease, pay over to the County Council or Road Board of the district within which such lands are situated one-third of the rent of land leased as agricultural land and one-fourth of the rent of land leased as pastoral land to be expended in the construction of roads to give access to the lands leased. 40 45

Repeal.

16. Sections two hundred and forty-three to two hundred and forty-nine inclusive of "The Land Act, 1892," are hereby repealed.