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Hon. Sir Francis Bell.

PUBLIC AUTHORITIES (PARTY-WALL) EMPOWERING.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p>3. Conferring on public authorities power to enter into party-wall agreements and to exercise powers incidental thereto. Party-wall agreements may be registered.</p> | <p>4. Leases granted by public authorities to be subject to party-wall agreements affecting the demised lands.</p> <p>5. Rights of renewal in respect of existing or future leases to be subject to party-wall agreements.</p> |
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A BILL INTITULED

AN ACT to empower Public Authorities having Leasing-powers to enter into Party-wall Agreements. Title.

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

1. This Act may be cited as the Public Authorities (Party-wall) Empowering Act, 1919. Short Title.

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

10 "Public authority" means and includes His Majesty (in respect of any lands vested in His Majesty), and any leasing authority as defined by the Public Bodies' Leases Act, 1908, and any incorporated public or local body upon which powers of granting leases of land are conferred by statute:

15 "Wall" means a wall (other than a wall constructed wholly of wood) which, with respect to any line forming the boundary of land vested in fee in a public authority or any line forming the boundary between sectional subdivisions of such land, stands, or is intended to be erected so as to stand,—

20 (a.) So that the middle line of such wall coincides with such boundary-line; or

25 (b.) So that any part of such wall stands on one side of such boundary-line and another part of such wall on the other side of such boundary-line; or

(c.) So that the outer line of such wall coincides with such boundary-line, if the wall is so constructed as

to provide support for a wall erected or which may be erected immediately adjacent to, but on the other side of such line :

“ Party wall ” means a wall which has been erected or is proposed to be erected in accordance with an agreement in writing of persons having any estate or interest in the lands separated by the boundary-line. 5

3. (1.) A public authority may—

(a.) Enter into or join in and become bound in respect of its freehold estate by any agreement duly executed or confirmed by it relating to a party-wall or the erection or maintenance thereof, and may from time to time in like manner vary any such agreement ; and 10

(b.) Out of its revenues contribute to the erection, maintenance, or renewal of a party-wall ; and 15

(c.) Grant such easements or rights in, over, and upon the strips of land upon which a party-wall stands, or is intended to stand, as to the public authority seems necessary or expedient.

(2.) Every agreement under this section may be registered under the Deeds Registration Act, 1908, or the Land Transfer Act, 1915, as the case may be. 20

4. (1.) Every lease granted by a public authority of lands any part whereof is subject to a party-wall agreement entered into or confirmed by such public authority shall be read subject to such agreement, and the estate or interest of the lessee in the lands shall be limited by such agreement and by the grant of any easement or right in respect of the party-wall. 25

(2.) This section applies to leases heretofore granted by a public authority in all cases where the lessee has been an original party to or has confirmed the party-wall agreement. 30

5. (1.) Every right of renewal conferred upon any lessee in respect of any lease, whether heretofore granted or hereafter to be granted by a public authority, shall be subject to any party-wall agreement executed or confirmed by the public authority, whether the lessee exercising the right of renewal has or has not been a party to or confirmed the party-wall agreement ; and every lease granted from time to time by a public authority in pursuance of any such right of renewal shall be subject to, and the tenant shall be required to comply with, the terms of the party-wall agreement. 35 40

(2.) “ Right of renewal ” in this section means any provision, statutory or otherwise, conferring upon a tenant of a public authority a right, absolute or limited, either to a grant of a further term of years in the demised lands or to compensation for improvements, or imposing upon the public authority the duty to submit to competition, by auction or tender, the grant of a new term of years in the demised premises, with any provisions as to improvements or otherwise in favour of the tenant under an expiring or expired lease. 45

Conferring on public authorities power to enter into party-wall agreements and to exercise powers incidental thereto.

Party-wall agreements may be registered.

Leases granted by public authorities to be subject to party-wall agreements affecting the demised lands.

Rights of renewal in respect of existing or future leases to be subject to party-wall agreements.