

PROPERTY LAW AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Property Law Act 1952 for the purpose of nullifying restrictions imposed on the assignment or letting of property by reason of colour, race, or ethnic or national origins.

Clause 1 relates to the Short Title.

Clause 2: The new section inserted by this clause makes void any provision in or in connection with any oral or written disposition of property made in the future if its effect would be to prohibit or restrict the transfer, assignment, letting, subletting, charging, or parting with the possession of the property, or any part of it, to a third person by reason of the colour, race, or ethnic or national origins of that person or of any member of his family. "Disposition" is defined as meaning a sale, lease or letting, sublease or subletting, or licence; a mortgage; and an agreement for any of those things. The new section binds the Crown.

Clause 3: Section 110 of the principal Act provides, in effect, that where a lease contains a covenant against assignment, subletting, or charging of the premises without the licence or consent of the landlord, that licence or consent is not to be unreasonably withheld. Section 110 already binds the Crown, because it replaced Part VII of the Law Reform Act 1936 (which is declared to bind the Crown by section 5 (2) and the First Schedule of the Crown Proceedings Act 1950).

The effect of this clause is that such a licence or consent is to be treated as unreasonably withheld if it is withheld by reason only of the colour, race, or ethnic or national origins of any person.

Hon. Mr Hanan

PROPERTY LAW AMENDMENT

ANALYSIS

Title	2. Restrictions on ground of colour, race, etc., to be void.
1. Short Title	

A BILL INTITULED

An Act to amend the Property Law Act 1952

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

1. Short Title—This Act may be cited as the Property Law
Amendment Act 1965, and shall be read together with and
deemed part of the Property Law Act 1952* (hereinafter
referred to as the principal Act).

- 10 **2. Restrictions on ground of colour, race, etc., to be void**—
The principal Act is hereby amended by inserting, after sec-
tion 33, the following section:
- 15 “33A. (1) Any provision in or in connection with any dis-
position of property (whether oral or in writing) made after
the commencement of this section shall be void if its effect
would be to prohibit or restrict the transfer, assignment,
letting, subletting, charging, or parting with the possession of
the property or any part thereof, by any party to the disposi-
tion or his successor in title, to any person by reason of the
20 colour, race, or ethnic or national origins of that person or of
any member of his family.

*1957 Reprint, Vol. 12, p. 133
Amendments: 1959, No. 31; 1961, No. 96; 1963, No. 60

“(2) For the purposes of this section, the term ‘disposition’ means—

“(a) A sale, lease or letting, sublease or subletting, or licence; or

“(b) A mortgage; or

“(c) An agreement for any such disposition as aforesaid.

“(3) This section shall bind the Crown.”

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3. Licence or consent not to be unreasonably withheld—
Section 110 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

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“(1A) For the purposes of this section, a licence or consent shall be treated as unreasonably withheld if it is withheld by reason only of the colour, race, or ethnic or national origins of any person.”