

[AS REPORTED FROM THE INTERNAL AFFAIRS AND LOCAL  
GOVERNMENT COMMITTEE]

*House of Representatives, 13 July 1988.*

**Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.**

*Hon. Trevor de Cleene*

## **PALMERSTON NORTH RESERVES EMPOWERING AMENDMENT**

[LOCAL]

### ANALYSIS

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### A BILL INTITULED

#### **An Act to amend the Palmerston North Reserves Empowering Act 1966**

BE IT ENACTED by the Parliament of New Zealand as follows:

- 5 **1. Short Title**—This Act may be cited as the Palmerston North Reserves Empowering Amendment Act (*1987*) 1988, and shall be read together with and deemed part of the Palmerston North Reserves Empowering Act 1966 (hereinafter referred to as the principal Act).
- 10 **2. Interpretation**—(1) Section 2 of the principal Act is hereby amended by repealing the definition of the term “Corporation”.

No. 29—2

*Price*  
*incl. GST \$1.90*

(2) Section 2 of the principal Act is hereby amended by adding the following definition:

“Lessee’ includes the executors and administrators of a lessee.”

(3) The principal Act is hereby amended by omitting the word “Corporation” wherever it occurs, and substituting in each case the word “Council”.

**3. New sections added**—The principal Act is hereby amended by adding the following sections:

**“10. Application for postponement of rent**—(1) The lessee of any of the land vested in the Council by section 3 of this Act which for the time being is being used exclusively for residential purposes by that lessee or by the spouse of a deceased lessee thereof may apply in writing to the Council for postponement of the rent or any part of the rent payable to the Council under the lease. 10 15

“(2) Every such application shall be in the form from time to time prescribed by the Council.

**“11. Postponement of rent**—(1) On receipt of an application under section 10 of this Act, the Council may in its discretion, if it is satisfied after full inquiry that hardship exists or would be caused by non-postponement of the whole or part of the rent, grant the application in whole or in part for such period (and on such terms and conditions (including a condition requiring payment of interest on the postponed rent)) as it thinks fit, and shall give notice in writing to the lessee of its decision. 20 25

*New*

“(2) The Council may, if it considers it appropriate, charge interest on the amount of any rent postponed under subsection (1) of this section at such rate as it from time to time determines, not exceeding in any financial year the rate which is, on the commencement of that year, being charged by the bankers of the Council for money owing to them by the Council or which would be chargeable if money were owing.

**“12. Registration of charge**—(1) Any rent payable under a lease of any of the land described in the First Schedule to this Act which has been, is, or will be postponed under section 11 of this Act (together with any interest on it) shall on registration of the certificate specified in subsection (2) of this section be a 35

charge on the leasehold interest of the lessee in the land in respect of which the rent is payable.

5 “(2) Where the Council has postponed payment of any rent pursuant to this Act it may (*without fee*,) deposit in the office of the District Land Registrar for the Wellington Land Registration District a notice in form 1 in the **Second** Schedule to this Act, signed by the Town Clerk, describing the land and stating that the land is subject to a charge on account of postponed rent, and the Registrar shall register that notice  
10 accordingly.

“(3) The registration of one such notice shall be sufficient notification of a charge in respect of all rent on the property the payment of which has been or is postponed by the Council or that may be so postponed after such registration.

15 “(4) Except with the consent of the Council, no dealing with the leasehold interest in the land by the lessee shall be registered while any charge under this section is registered against the land.

20 “(5) Where all the rent in respect of which a charge has been registered under this section (together with any interest on it) has been paid to the Council, the Town Clerk shall cause a release of the charge in form 2 in the **Second** Schedule to this Act to be registered.

25 “(6) Upon the deposit of that release with the District Land Registrar, the Registrar shall (*without fee*,) cause the release of the charge to be registered.

“13. **When postponed rent to become payable**—All rent the payment of which has been postponed pursuant to **section 11** of this Act shall become due and payable in any of the  
30 following events:

“(a) If the land in respect of which the rent is payable ceases to be used exclusively for residential purposes by the lessee, or the spouse of a deceased lessee, of the land:

35 “(b) If the lessee dies without leaving a surviving spouse:

“(c) If the lessee disposes of the lessee’s leasehold interest in the land:

“(d) If the period of postponement specified by the Council has expired.

40 “14. **Enforcement of charge**—Where any rent in respect of which a charge has been registered under this Act has become payable pursuant to **section 13** of this Act, for the purpose of enforcing the charge the District Court, on application by the Council, may make such order as the Court

thinks fit either for payment of the rent or for the sale of the leasehold interest of the lessee in the land or otherwise; and any order for sale shall be carried into effect by the Sheriff in the same manner as in the case of a writ of sale with any modifications that may be necessary or as may be provided by 5 rules of Court in that behalf.”

*Struck Out*

“15. **Costs and expenses**—All reasonable legal and administrative costs incurred by the Council in respect of an application under **section 10** of this Act shall be paid by the 10 applicant.”

**4. Schedule to be First Schedule**—(1) The heading of the Schedule to the principal Act is hereby amended by inserting, before the word “SCHEDULE”, the word “FIRST”.

(2) Section 3 of the principal Act is hereby amended by 15 inserting, before the word “Schedule”, the word “First”.

**5. Second Schedule added**—The principal Act is hereby amended by adding the Second Schedule set out in the Schedule to this Act.

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SCHEDULE Section 5  
NEW SECOND SCHEDULE TO PRINCIPAL ACT  
"SECOND SCHEDULE"  
FORM 1 Section 12 (2)  
NOTICE OF LAND CHARGE FOR POSTPONED RENT

To the District Land Registrar  
Wellington Land Registration District

TAKE notice that the leasehold interest in the land hereinafter described is subject to a charge on account of the total amount of rent from time to time payable to the Palmerston North City Council the payment of which has been postponed by the Council pursuant to **section 11** of the Palmerston North Reserves Empowering Act 1966 (as added by **section 3** of the Palmerston North Reserves Empowering Amendment Act (1987) 1988), and that you are hereby required to register the charge pursuant to **section 12** of the former Act (as so added).

DESCRIPTION OF LAND AFFECTED BY CHARGE

Name of Registered Proprietor:

Name of Lessee:

Situation:

Area:

Description by reference to Section number, etc.:

Reference to certificate of title:

Vol. fol.

Dated at this day of 19

Town Clerk.

6 *Palmerston North Reserves Empowering Amendment*

SCHEDULE—*continued*

NEW SECOND SCHEDULE TO PRINCIPAL ACT—*continued*

“SECOND SCHEDULE—*continued*”

FORM 2

Section 12 (5)

RELEASE OF REGISTERED LAND CHARGE FOR POSTPONED RENT

To the District Land Registrar  
Wellington Land Registration District

I HEREBY certify that the land charge hereinafter referred to has been satisfied, and you are hereby required to register a release of the same accordingly.

DESCRIPTION OF LAND AFFECTED AND REFERENCE TO CHARGE

Name of Registered Proprietor:

Name of Lessee:

Situation:

Area:

Description by reference to Section number, etc.:

Reference to Certificate of title:

Vol. fol. . Description of Charge:

[*Insert particulars as to registered number, etc., sufficient to identify the charge*]

Dated at this day of 19 .

Town Clerk.”