

Hon. Mr Riddiford

**ROMAN CATHOLIC BISHOPS EMPOWERING
AMENDMENT**

[PRIVATE]

ANALYSIS

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A BILL INTITULED

**An Act to amend the Roman Catholic Bishops Empowering
Act 1954**

WHEREAS the Roman Catholic Archbishops and Bishops in
5 New Zealand are registered as proprietors of various interests
in land: And whereas they have various powers of sale and
lease and otherwise under the Roman Catholic Bishops
Empowering Act 1954 but not the power to grant perpetually
10 renewable leases, leases taking effect at a future date more
than 6 months after the date of the lease, or leases con-
ferring an option to purchase nor the power to require payment
for goodwill or of a fine, forfeit, or premium in respect of a
lease: And whereas it is desired that such powers and the
power to delegate such powers should be conferred upon those
15 Archbishops and Bishops:

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

No. 47—1

Price 5c

1. Short Title—This Act may be cited as the Roman Catholic Bishops Empowering Amendment Act 1970, and shall be read together with and deemed part of the Roman Catholic Bishops Empowering Act 1954 (hereinafter referred to as the principal Act). 5

2. Power to lease—The principal Act is hereby amended by repealing section 8, and substituting the following section:

“8. (1) Any Bishop shall have power to lease any hereditaments by private contract or otherwise for such term, at such rent, and subject to such covenants, conditions, stipulations, and agreements as he may think fit. 10

“(2) Without limiting the powers conferred by subsection (1) of this section, it is hereby declared that—

“(a) Any Bishop may lease any hereditaments for any term with a perpetual or other right of renewal for the same or any shorter term, and with provision for variation of the rent by valuation, arbitration, or otherwise during such term or renewals thereof or during a shorter period or periods; and 15

“(b) Any lease granted pursuant to this section may— 20

“(i) Take effect in possession or at a future date:

“(ii) Be granted with or without an option to purchase:

“(iii) Subject to subsection (1) of section 109 of the Property Law Act 1952, and sections 32 and 33 of the Tenancy Act 1955 require the lessee to pay, in addition to the rent, a fine, forfeit, or premium or for goodwill. 25

“(3) The powers conferred by this section may be exercised in respect of any hereditaments notwithstanding that those hereditaments are specifically referred to and described in other Acts. 30

“(4) Nothing in this section shall authorise the exercise of any power in respect of any hereditaments if those hereditaments are held under a trust which expressly prohibits the exercise of that power in respect of those hereditaments.” 35

3. Delegation of powers—Section 14 of the principal Act is hereby amended by omitting the words “during his absence from New Zealand all or any of the powers and authorities conferred upon him by this Act”, and substituting the words
5 “all or any of the powers conferred upon him by section 8 of this Act and, during his absence from New Zealand, all or any of the powers and authorities conferred upon him by this Act but not including this present power of delegation”.

4. Application of proceeds of property vested in Bishops—
10 Section 15 of the principal Act is hereby amended by inserting in paragraph (e), after the word “rent”, the words, “, fine, forfeit, premium, or goodwill”.

5. Private Act—This Act is hereby declared to be a private Act.