

# DARWIN TOWN AREA LEASES ORDINANCE 1964.

No. 65 of 1964.

An Ordinance to amend the *Darwin Town Area Leases Ordinance 1947-1963*.

[Reserved 8th October, 1964.]

[Assented to 26th November, 1964.]

**B**E it ordained by the Legislative Council for the Northern Territory of Australia, in pursuance of the powers conferred by the *Northern Territory (Administration) Act 1910-1962*, as follows:—

Short title and citation.

1.—(1.) This Ordinance may be cited as the *Darwin Town Area Leases Ordinance 1964*.

(2.) The *Darwin Town Area Leases Ordinance 1947-1963* is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Darwin Town Area Leases Ordinance 1947-1964*.

Commencement.

2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.†

Power to carry on billiard saloon on land leased for shop purposes.

3. Section ten of the Principal Ordinance is amended—

(a) by omitting from sub-section (1.) the words “duly licensed under the *Licensing Ordinance 1939-1946*”;

(b) by omitting from sub-section (1.) the words “in accordance with the provisions of the said Ordinance”;

(c) by omitting from sub-section (2.) the words “duly licensed under the *Licensing Ordinance 1939-1946*”; and

(d) by omitting from sub-section (2.) the words “in accordance with the provisions of the said Ordinance”.

Terms and conditions of leases.

4. Section eleven of the Principal Ordinance is amended by inserting in sub-section (2.), after the word “lease” (first occurring), the words “(including a new lease granted under the next succeeding section)”.

\* Assent notified in the *Government Gazette* of the Northern Territory on 1st December, 1964 (see *Gazette* No. 47A, 1964, p. 186A).

† No date had been fixed up to 1st January, 1965.

5. Section eleven A of the Principal Ordinance is amended—

Conversion of  
term of lease  
to perpetuity.

(a) by omitting paragraph (b) of sub-section (2.) and inserting in its stead the following paragraph:—

“(b) by notice in writing served by post and addressed to the applicant at the address given in the application, advise the applicant as to—

(i) the amount of the unimproved capital value so determined; and

(ii) any reservations, covenants, conditions and provisions determined by the Administrator to which the lease will be subject.”; and

(b) by omitting sub-section (8.).

6. Section twenty-nine of the Principal Ordinance is amended by inserting in sub-section (1.), after the word “shall”, the words “, except where a portion of the parcel is acquired by the Commonwealth.”.

Land leased to  
be held as one  
undivided  
parcel but may  
be sub-let.

7. After section twenty-nine B of the Principal Ordinance the following section is inserted:—

“29c.—(1.) On the acquisition by the Commonwealth of all the rights of a lessee in respect of a portion of a parcel of land included in his lease, the lease shall be deemed to be surrendered as to the land included in that portion.

Variations of  
covenants and  
conditions  
where portion  
of a parcel is  
acquired by the  
Commonwealth.

“(2.) On the acquisition by the Commonwealth, by agreement, of any or all of the rights of a lessee in respect of a portion of a parcel of land included in his lease the Administrator may, subject to the next succeeding sub-section, by writing under his hand vary the covenants and conditions of the lease to the extent that is, in the opinion of the Administrator, made necessary or convenient by reason of the acquisition, and the lease has effect as so varied.

“(3.) The Administrator shall not exercise the power conferred by the last preceding sub-section unless the rights acquired by the Commonwealth have been acquired by agreement between the Commonwealth and the lessee and—

(a) the Administrator varies the covenants and conditions of the lease in accordance with the agreement; or

(b) the variation of the covenants and conditions of the lease is in accordance with an offer to vary them that is accepted in writing by the lessee.

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“ (4.) Where the covenants of a lease are varied under subsection (2.) of this section, the Administrator shall forward notice of the variation to the Registrar-General for the Northern Territory.

“ (5.) Upon receipt of a notice referred to in the last preceding sub-section, the Registrar-General shall enter in the Register Book of Crown Leases, kept in pursuance of the Real Property Act, and on the lessee's copy of the lease or other instrument evidencing his title to the leased land, the date of the notice, the date and hour of the production to him of the notice and particulars of the variation specified in the notice.”

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