

New Zealand.

## ANALYSIS.

- |  |  |
|--|--|
| <p>Title.<br/>Preamble.<br/>1. Short Title.<br/>2. Interpretation.<br/>3. Power to lease.<br/>4. Valuations, how to be made.<br/>5. General conditions of leasing.</p> | <p>6. Power to borrow.<br/>7. Applications of proceeds of lease.<br/>8. As to use of lands on which buildings are erected.<br/>9. Application of rents and profits of lands. Schedule.</p> |
|--|--|

1905, No. 43.—*Local.*

AN ACT to enable the Education Board of the District of Otago to lease Lands vested in such Board and to apply the Net Proceeds thereof for Special Purposes. [30th October, 1905.]

WHEREAS the Education Board of the District of Otago is registered as the proprietor under "The Land Transfer Act, 1885," of the lands described or referred to in the Schedule hereto: And whereas it is expedient that the said Board should have power to lease the said lands and apply the proceeds thereof in the manner hereinafter provided:

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

1. The Short Title of this Act is "The Education Board of the District of Otago Empowering Act, 1905."
2. In this Act, if not inconsistent with the context,—
  - "The said Board" means the Education Board of the District of Otago:
  - "The said lands" means the lands described or referred to in the Schedule hereto:
  - "Treasurer" means the Colonial Treasurer of the colony for the time being, and includes any member of the Executive Council acting for him in his absence:
  - "Minister" means the Minister of Education.
3. The said Board may from time to time, with the consent of the Minister, lease the said lands or any part thereof for any term not exceeding twenty-one years,—

- (a.) With the provision that the lessee may at any time before the expiration of the term have a new lease for a further term not exceeding twenty-one years, containing the same covenants and provisions (including this present provision), at a rent to be fixed by valuation equal to the letting-value of the land without having regard to the value of any buildings or improvements thereon erected or made by the lessee; or
- (b.) With a provision that before the expiration of the term a new lease for a further term not exceeding twenty-one years, containing the same conditions and provisions (including this present provision), shall be put up to public auction at the upset price of the annual value of the land only (to be fixed by valuation), without having regard to the value of any buildings or improvements thereon erected or made by the lessee, subject to a condition that in the event of any person other than the lessee becoming entitled to the new lease, then such person shall, before being let into possession, pay to the lessee the value of such buildings and improvements (to be fixed by valuation), whether erected or made by the lessee or any former lessee or tenant of all or any of the lands included in the lease; or
- (c.) With a provision that the lessee may at any time before the expiration of the term, at his option, either have a new lease as provided by subclause (a) hereof, or have a new lease put up to public auction under subclause (b) hereof.

Valuations,  
how to be  
made.

4. Every valuation under the last preceding section shall be made by three independent persons, one to be appointed by the said Board, one by the lessee, and the third by the two persons so appointed; and the lease may contain any subsidiary matter to give due effect to the provisions of the said section.

General  
conditions of  
leasing.

5. The powers of leasing given by this Act shall be subject to the conditions and exceptions following:—

- (a.) Every lease shall, except where it is otherwise expressly provided, be sold by public auction or public tender, of which notice has been given in some newspaper circulating in Dunedin, at least once not less than thirty days before the sale, and twice after such first notice and before the sale:

Provided that a lease that has been offered as aforesaid and not sold may, at any time within twelve months thereafter, be sold by private contract, at a rent not less than the reserved rent when it was so offered; or it may at any time, either before or after the expiration of twelve months, be again offered by public auction or tender under this Act.

- (b.) Every lease shall take effect in possession or within six months from its date,

(c.) The rent reserved shall, subject to the provisions of this section, be a rack-rent without fine, premium, or foregift, but need not be uniform for the whole term :

Provided that the amount paid for valuation of buildings and improvements by an incoming tenant to either the outgoing tenant or the local authority shall not be deemed to be a premium.

(d.) Every such lease may contain such covenants, conditions, and provisions, not inconsistent with this Act, as the Board thinks fit.

6. (1.) The Board may from time to time borrow money, not exceeding in the whole the sum of ten thousand pounds, on the security of the rents and profits of the said lands, but without power of sale.

Power to borrow.

(2.) Such money may be raised in the manner provided by "The Local Bodies' Loans Act, 1901," except that the preliminary steps required by sections seven to thirteen of that Act need not be taken.

(3.) It shall be lawful for the Colonial Treasurer to advance the said sum of ten thousand pounds, or such less sum as he thinks fit, under the provisions of Part II. of "The Local Bodies' Loans Act, 1901," as if for a public work, but without it being necessary to make and levy a special rate.

(4.) The Colonial Treasurer may agree with the said Board that the first payment of interest on the loan shall be made on a day to be fixed by him, being not later than two years from the date of the loan or of the first advance on account thereof; or he may himself (without further appropriation than this Act) pay out of the Consolidated Fund the annual charges on the loan for such period not exceeding two years as he thinks fit.

7. The moneys so raised shall be applied by the said Board in or towards the erection, upon any other lands now vested in or hereafter to be acquired by the said Board, of buildings and other erections to be used for the purposes of a training-college for teachers, a normal school, and a school of art, or for any of such purposes as the said Board may think fit and the Minister approves, and in or towards the utilisation of such other lands for all or any of the said purposes, and in or towards the necessary furnishings and apparatus, and any other articles and things of what nature or kind soever, required by or for the purposes of such buildings and erections as aforesaid, and for the purposes of such training-college, normal school, and school of art respectively or in connection therewith.

Applications of proceeds of lease.

8. The said Board may use the lands upon which the said buildings and other erections shall be erected as aforesaid for all or any of the purposes mentioned in the last preceding section, notwithstanding any trust now affecting the said lands.

As to use of lands on which buildings are erected.

9. All rents and profits received from the said lands shall be applied by the Board in payment from time to time of the interest and sinking fund (if any) due in respect of the moneys raised under this Act.

Application of rents and profits of lands.

Schedule.

## SCHEDULE.

ALL that piece of land situated in the City of Dunedin, containing by admeasurement 1 rood, more or less, being Section No. 31, Block XVII., on the record map of the said city, and being all the land comprised in certificate of title registered in Register-book, Volume lix., folio 189, of the Register-books of the Lands Registry Office at Dunedin; and also all that piece of land situated in the City of Dunedin aforesaid, containing by admeasurement 1 rood 33 poles, more or less, being Section No. 30 and part of sections numbered respectively 29 and 34, Block XVII., on the record map of the said city, and being all the land included in certificate of title registered in Register-book, Volume lvi., folio 63A, of the said Register-books.

---

WELLINGTON: Printed under authority of the New Zealand Government,  
by JOHN MACKAY, Government Printer.—1905.