

New Zealand.



ANALYSIS.

<p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Repeal of "The Public Bodies' Leaseholds Act, 1886." 3. Interpretation. 4. Leasing authority subject to provisions of this Act. 5. Leasing authority may let for twenty-one years. 6. Leases to be sold by public auction after notice. 7. Land offered and not sold may be again offered. 8. Land may be let for short periods in certain cases. 	<ol style="list-style-type: none"> 9. Surrender of existing leases may be accepted. 10. Leasing authority may reduce rents. 11. Other surrenders and fixing of rent in certain cases. 12. Governor to approve in certain cases. 13. Leases may be granted to sub-tenants. 14. Power to Harbour Boards to permit occupation of the foreshore. 15. May grant leases for twenty-one years in certain cases. 16. Payment of borrowed moneys by Harbour Boards. 17. Power of leasing authority.
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1887, No. 34.

Title. AN ACT to repeal "The Public Bodies' Leaseholds Act, 1886," and for vesting in certain Public Bodies certain Powers.

[23rd December, 1887.]

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

Short Title.

1. The Short Title of this Act is "The Public Bodies' Powers Act, 1887."

Repeal of "The Public Bodies' Leaseholds Act, 1886."

2. "The Public Bodies' Leaseholds Act, 1886," is hereby repealed: Provided that such repeal shall not affect any leasing authority to which the provisions of the said Act or any section or sections thereof have been applied, but the said Act shall remain in force in respect of any such authority until the Governor in Council shall, in the manner hereinafter mentioned, declare that such authority shall be subject to the provisions of this Act or any section or sections thereof. And in any such case as last aforesaid all leases, agreements, and contracts of any kind theretofore lawfully made shall continue in force, and be operative in all respects.

Interpretation.

3. In this Act, if not inconsistent with the context,—

"Leasing authority" means the Council of a borough or county, a Road Board, Town Board, Harbour Board respectively, in whom the management or control of any lands are vested for or on behalf of any of the corporate bodies such Councils or Boards represent; and also any authority (howsoever named) in whom any lands are vested for general educational purposes or for the purposes

of any public college or school, or for any other purposes of a public nature, with power to dispose of such lands by way of lease or otherwise :

“Special resolution” shall mean a resolution passed at a meeting of the leasing authority, and confirmed at a subsequent meeting, of which notice shall have been sent at least ten days before such second meeting through the post to every member of such leasing authority, specifying the nature of the resolution which it is intended to confirm : Provided always, and it is declared, that at such subsequent meeting it shall be lawful to vary any resolution to make any allowance by making the same less than was proposed in the original resolution.

4. The Governor, by Order in Council, may from time to time declare that any leasing authority shall be subject to the provisions of this Act or any section or sections of the same ; and any such Order in Council may from time to time, by any subsequent Order or Orders be revoked, varied, or altered wholly or in part without prejudice, however, to anything theretofore done : Provided always that no such order shall have any effect unless it be issued at the request or upon the recommendation of the leasing authority on whose behalf such order is issued.

Leasing authority subject to provisions of this Act.

5. A leasing authority may let any lands vested in it, or any part thereof, and which it is empowered to let on lease, for any term not exceeding twenty-one years, to take effect in possession or within six months from the making of the lease without any fine, premium, or foregift, and may in such lease covenant to grant renewals from time to time for a period not exceeding twenty-one years, but at a rent to be fixed by the leasing authority by a special resolution, or by valuation, or by arbitration. Any such lease may provide for the payment of valuation by the incoming tenant for improvements made upon the land by any outgoing tenant.

Leasing authority may let for twenty-one years.

6. Every lease made under this Act shall, except in the cases specially provided for, be sold by public auction or public tender, and notice of such intended sale shall be given by advertising the same at least three times in some newspaper circulating in the district where such lands are situated, and the advertisement shall be inserted at least once thirty days before sale.

Leases to be sold by public auction after notice.

7. A lease of any land which has been offered at auction or by public tender 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, subject as in this Act is provided.

Land offered and not sold may be again offered.

8. Notwithstanding anything hereinbefore contained, it shall be lawful for a leasing authority to let any of its lands by public auction, by public tender, or by private contract for a yearly tenancy, or for a less tenancy, determinable as may be agreed ; and in cases contemplated by this section it shall not be necessary for the leasing authority to execute any lease.

Land may be let for short periods in certain cases.

9. A leasing authority may by special resolution, on such terms as it may think fit, accept a surrender of any lease.

Surrender of existing leases may be accepted.

Leasing authority may reduce rents.

10. A leasing authority may, at any time or times during the currency or on the surrender of a lease by special resolution, compromise with or make allowances to the tenant or tenants for any rent due, and may also, in the case of the continuance of the lease, reduce the amount of rent to be thereafter paid; and any agreement made hereunder shall be binding on both parties; but it shall be necessary to fix the amount of such reduction and allowances by a special resolution.

Other surrenders and fixing of rent in certain cases.

11. On the surrender of any lease the leasing authority may again; subject to the provisions of this Act, lease the land comprised therein, or such leasing authority may grant to the former lessee a new lease for the remainder of the term of the former lease, at a rent to be fixed by the leasing authority by special resolution, either before or after such surrender shall have been made.

Governor to approve in certain cases.

12. Notwithstanding anything contained in the three foregoing sections, it shall be necessary to have any resolution come to by virtue of the provisions thereof respectively approved by the Governor in Council in the cases hereinafter mentioned, namely,—

(a.) In respect of any pastoral lands vested in or under the control of such leasing authority;

(b.) In respect of any reserve for primary or secondary education, subject to the provisions of "The Education Reserves Act, 1877," or "The High School Reserves Act, 1880," or any amendments of those Acts respectively;

and, until it is so approved, it shall have no effect;

Provided always that such approval of the Governor to such resolution shall not be necessary if the lands proposed to be so leased shall not exceed in area a block of one thousand acres of arable land or five thousand acres of pastoral land.

Leases may be granted to sub-tenants.

13. A leasing authority may, with the consent of any lessee, grant to a sub-lessee a lease direct from such authority of the whole or any part of the land comprised in any lease for the whole residue of the term created by the original lease.

The provisions of this section shall apply although no lease shall have been actually executed, but only an agreement for a lease entered into.

Power to Harbour Boards to permit occupation of the foreshore.

14. Any Harbour Board may from time to time, subject to the provisions of the one hundred and fifty-sixth section of "The Harbours Act, 1878," license and permit any part of the foreshore vested in it to be used or occupied for all or any of the following purposes:—

(1.) The building or repairing of vessels of any kind;

(2.) The erection and use of any boat-shed, landing-place, or wharf;

(3.) The erection of baths and bath-houses, and any enclosure or fence necessary for the protection and privacy of the same;

(4.) Any other purpose relating to the convenience of shipping, or the public, or for any local enterprise or object of which the Governor in Council may approve.

May grant leases for twenty-one years in certain cases.

15. A Harbour Board may, with the consent of the Governor in Council, but without obtaining any special Act, lease for any period

not exceeding twenty-one years any piece of land vested in it, being on the shore of the sea or of any creek, bay, or arm of the sea, or navigable river communicating with the sea, and so that such lease may extend as far as low-water mark.

Provided that no lease shall be made or assented to by the Governor in Council if he shall be advised that the granting of the same will in any way impede or disturb navigation in the harbour or the public convenience :

Provided also that notice of the intention to apply for such consent of the Governor in Council shall be given by advertising the same at least three times in some newspaper circulating at the port or place where such lease is intended to take effect, the first insertion of such advertisement to be made at least twenty-one days before such consent is asked.

16. Any Harbour Board which at any time before the passing of "The Harbour's Act 1878 Amendment Act, 1886," has borrowed moneys from a bank by way of overdraft, may arrange with such bank for such reasonable time to pay the same as the Governor may appoint, and the Controller and Auditor-General shall allow the same in the accounts of the Board, so long as the time appointed for the payment shall not be exceeded : Provided that nothing herein contained shall prejudice or effect the right of such bank to require payment of such money.

Payment of
borrowed moneys by
Harbour Boards.

17. A leasing authority shall have power, by special resolution, upon such conditions as shall appear to it proper, to cancel, modify, or vary any contract or agreement for sale of any land, and in case of any variation to compromise with or make allowances to any person or persons with whom such contract or agreement may have been made or who may be the assignee thereof in respect of any unpaid purchase-money ; and any leasing authority may, by special resolution, make any allowance to any mortgagor who may purchase or may have purchased any land from such authority, and may have executed or may execute a mortgage to such authority for any part of the purchase-money, such allowance to be in respect of either principal or interest.

Power of leasing
authority.