

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE.]

House of Representatives, 2nd September, 1925.

Hon. Sir James Parr.

AUCKLAND HARBOUR BOARD EMPOWERING.

[LOCAL BILL.]

Title.

ANALYSIS.

Preamble.

1, Short Title.

2. Board may grant existing lessees and licensees other leases in lieu of compensation for loss of water access by reason of harbour-works.

3. Board may accept surrender of certain leases and grant new leases.

4. Power to expend money in the publication of a history of the Port of Auckland.

A BILL INTITULED

AN ACT empowering the Auckland Harbour Board to grant a Lease or Title.

New Leases to certain of its Tenants in lieu of paying Compensation, and to accept Surrenders of Leases and to grant New Leases, and to expend a certain Sum of Money in the Publication of a History of the Port of Auckland.

5

WHEREAS the Auckland Harbour Board (hereinafter called "the Board"), as part of its scheme for harbour improvements, has decided Preamble.

to construct a viaduct extending across Freeman's Bay to the Freeman's Bay Reclamation (and may hereafter desire to extend the same or otherwise alter the scheme for the construction thereof) in such a manner as may prejudicially affect the rights of access by water of various persons or corporations holding under leases or licenses from the Board or its predecessor in title: And whereas it is desirable that the Board shall be enabled in lieu of paying full or partial compensation in respect of any such loss or restriction of access by water to grant to such persons or corporations a lease or leases of any areas owned by the Board at such rental and upon such terms as may be agreed upon: And whereas in certain cases adjoining lands belonging to the Board are leased under separate leases to the same tenants, but the terms respectively created by such leases expire on different dates: And whereas in the case of some of such leases the tenants have erected a building partly upon the lands leased by one of such leases and partly upon the lands leased by the other of such leases: And whereas it is desirable that the Board shall be enabled and empowered at its discretion to accept a surrender of the lease expiring the earlier in time and without submitting the same to public auction or public tender to grant to the lessee a new lease of the land comprised in such

10
15
20
25

surrendered lease for a term expiring not later than the date of the expiry of the other lease of such adjoining land as aforesaid: And whereas the Board is desirous of having compiled and published in book form a history of the Port of Auckland and the Board's operations in connection therewith:

5

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

Short Title.

1. This Act may be cited as the Auckland Harbour Board Empowering Act, 1925.

10

Board may grant existing lessees and licensees other leases in lieu of compensation for loss of water access by reason of harbour-works.

2. It shall be lawful for the Board, in the event of the Board ~~deciding to construct~~ *constructing* the proposed viaduct to the Freeman's Bay Reclamation or any extension or alteration thereof, to grant to any lessee or licensee holding rights of access by water a lease or leases of any areas owned by the Board (without first offering the same by public auction or public tender) at such rentals and upon such terms as may be agreed upon between the Board and such lessee or licensee in full or partial compensation for any loss or restriction of access by water which may or might be caused by or result from the construction of such viaduct ~~or other operations of the Board.~~

15

20

Board may accept surrender of certain leases and grant new leases.

3. (1.) In any case where adjoining lands are held by a lessee (hereinafter called "the lessee") under separate leases from the Board, and the terms of such leases expire on different dates and a building has been erected partly upon the whole or part of the land comprised in one such lease and partly upon the whole or part of the land comprised in the other such lease, it shall be lawful for the Board, and it is hereby empowered, from time to time, at its discretion, to accept a surrender of the lease expiring the earlier in time and, without submitting the same to public auction or public tender, to grant to the lessee as herein defined a new lease of the land comprised in such surrendered lease for a term expiring not later than the date of expiry of the other lease of such adjoining land as aforesaid.

25

30

(2.) Such new lease shall reserve such rent and shall contain such provisions and stipulations as the Board may determine and, where such surrendered lease contained a provision entitling the lessee to compensation for improvements, may contain provision for the payment by the Board to the lessee his, her, their, or its executors, administrators, successors, or assigns, at the expiration of the term of the new lease to be granted as aforesaid, of one-half of the value of the improvements then upon the land, such ~~valuation~~ *value* in the event of difference to be determined by arbitration by two arbitrators or their umpire in the manner provided by the Arbitration Act, 1908.

35

40

(3.) Despite the granting of such lease the respective portions of any building erected partly upon the land in one lease and partly upon the land in another shall be valued separately and as though the other portion were separately owned and occupied and shall not be valued as a whole.

45

Power to expend money in the publication of a history of the Port of Auckland.

4. The Board is hereby empowered to expend a sum not exceeding five hundred pounds in the compilation and publication of a book containing the history of the Port of Auckland and the Board's operations in connection therewith.

50