

Hon. Mr. Mason

CHURCH OF ENGLAND TRUSTS AMENDMENT

[PRIVATE BILL]

ANALYSIS

Title.	2. Power to lend money on lease-
Preamble.	
1. Short Title.	3. Private Act.

A BILL INTITULED

AN ACT to amend the Church of England Trusts Act, Title.
1913.

5 WHEREAS it is desirable to confer upon the trustees Preamble.
mentioned in the Church of England Trusts Act, 1913,
power, subject to certain safeguards, to lend money
upon leasehold security:

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

1. This Act may be cited as the Church of England Short Title.
Trusts Amendment Act, 1945, and shall be read together
with and deemed part of the Church of England Trusts
Act, 1913 (hereinafter referred to as the Principal Act).

15 2. The Schedule to the principal Act is hereby
amended as follows:— Power to lend
money on lease-

(a) By adding to clause one the words “ or where
the trustees are mortgagees of a lease under
paragraph seven hereof ”:

20 (b) By inserting in clause two, after the word
“ exchange ”, the words “ (except where the
trustees are mortgagees of a lease under
clause seven hereof) ”:

(c) By adding the following new clause:—

“7. Power, where not expressly forbidden by the trust, to lend any part of the funds of the trustees on first mortgage of any leasehold granted by them, in any case where the following conditions are complied with, namely:— 5

“(a) That the tenancy is for a term not exceeding twenty-one years, with a right of renewal for the same or any shorter term, either in perpetuity or for a period ending not earlier than forty years from the date of the loan, at a rent to be determined by valuation in accordance with the provisions of the First Schedule to the Public Bodies’ Leases Act, 1908: 15

“(b) That the money so lent shall be used in erecting buildings or other permanent improvements on the land so leased: 20

“(c) That the amount to be lent on the security of each such leasehold and permitted by the terms of the mortgage to remain owing at any time during the currency of the mortgage thereof shall not exceed two-thirds of the value of the lessee’s interest in the said land and such buildings and improvements as aforesaid: 25 30

“(d) That the amount so lent shall be wholly repayable within seven years, or by the date on which the current lease expires, whichever period is the shorter: 35

“Provided, nevertheless, that the trustees may agree to accept repayment by periodical payments of principal and interest extending over the remaining period of the current lease or any part thereof.” 40

Private Act.

3. This Act is hereby declared to be a private Act.