

*Hon. Mr Couch*

## CARTER TRUST AMENDMENT

[PRIVATE]

### ANALYSIS

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### An Act to amend the Carter Trust Act 1961

WHEREAS under the Carter Trust Act 1961 (hereinafter called the principal Act) the lands described in the preamble to that Act vested in the Public Trustee on trust for the purpose of applying the net income derived from them towards the upkeep of a home for old people situate in the Borough of Carterton and now called "Carter Court" and for other purposes prescribed in the said Act; And whereas since the passing of the said Act the Carter Home has been sold, and the capital funds from the sale thereof have been paid to the Society and the disposition of all chattels has been completed; And whereas the Carter Reserve has been transferred to, and is now vested in, the Carterton Borough Council; And whereas the Parkvale School having closed on the 16th day of December 1966, the Public Trustee considers that there is no further need to reserve that part of the trust lands containing 8 acres 1 rood 2 perches (3.3437 hectares), more or less, for the purposes of the said school; And whereas the Carter Homes Committee has transferred all its funds,

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assets, books, documents, papers and records to the society and has gone out of existence; And whereas those leases granted in respect of the trust lands for a term of 21 years with a perpetual right of renewal for the same term and containing no right of rental review except on the expiry of any such term, all expire on the 21st day of October 1979; And whereas the Public Trustee, as leasing authority within the meaning of the Public Bodies Leases Act 1969, desires in accordance with the provisions of section 22 of that Act to include in all such renewed leases a provision for the review of the yearly rental payable thereunder at periodic intervals during the term or any renewed term thereof:

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

**1. Short Title**—This Act may be cited as the Carter Trust Amendment Act 1979.

**2. Interpretation**—In this Act, unless the context otherwise requires—

“Carter Court” means the institution of that name situated in the Borough of Carterton containing 1.1551 hectares more or less being all the land in Certificate of Title Volume B4 Folio 1420 (Wellington Registry);

“Carter Reserve” means all that piece of land containing 31.5877 hectares more or less and comprised in Certificate of Title Volume 463 Folio 113 (Wellington Registry);

“Society” means the Carter Society Incorporated;

“Trust lands” means all those lands at present vested in the Public Trustee pursuant to the principal Act.

**3. Leasing Powers**—(1) In respect of the trust lands the Public Trustee shall be deemed to be a leasing authority within the meaning of the Public Bodies Leases Act 1969 and may lease the trust lands or any part or parts thereof in accordance with the provisions of that Act:

Provided that every such lease shall be subject to the condition that no assignment, sub-lease, or encumbrance of such lease shall be valid and lawful without the prior consent in writing of the Public Trustee first had and obtained and further that the lessee, and any executor, administrator, sub-

lessee, or assign of the lessee shall continuously reside on the leased land, except as so far as the lessee is for the time being specifically exempted from the requirements of residence by the consent in writing of the Public Trustee.

5 (2) For the purposes of leasing the trust lands the Public Trustee may subdivide the same, lay out, form, widen and dedicate roads, and generally do all such things as he thinks proper for the subdivision and leasing thereof to the best advantage for the purposes of the Trust.

10 **4. Repeal**—Sections 2, 3, 4, 5, 6, 9, 10, 11, and 16 of the principal Act are hereby repealed.

**5. Private Act**—This Act is hereby declared to be a private Act.