

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and having this day passed as now printed is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
14th July, 1881.*

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE (B), 16TH AUGUST, 1881.]

Mr. Stewart.

OTAGO HARBOUR BOARD LEASING.

ANALYSIS.

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A BILL INTITULED

AN ACT to authorize the Otago Harbour Board to Lease Lands vested in the Board. Title.

WHEREAS it is desirable to authorize the Otago Harbour Board to lease the lands vested in it on terms different from that enacted in "The Harbours Act, 1878 :"
Preamble.

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 Otago Harbour Board Leasing Act, 1881."
Short Title.

Clause struck out.

2. It shall be lawful for the Otago Harbour Board (hereinafter called "the Board,") to lease any lands vested in it at such rents, issues, and profits, and upon such terms and conditions, as to the Board shall seem expedient, subject to the following limitations :—

- (1.) The lease shall not be for any term exceeding twenty-one years from the execution thereof :
- (2.) The Board may covenant and agree to renew the lease for twenty-one years, and that the incoming tenant shall pay the full valuation for all buildings erected on the land leased :
- (3.) Such renewed lease may provide for further renewal or renewals :
- (4.) The rent shall be fixed every twenty-one years :
- (5.) Every lease shall be sold by auction, and prior to such sale an upset price shall be fixed by the Board :
- (6.) Two months' notice of such auction shall be given in some newspaper circulating in Dunedin :

Board may lease and re-lease.

New clause.

2. It shall be lawful for the Otago Harbour Board (hereinafter called "the Board,") in granting leases under the powers conferred by "The Harbours Act, 1878," to provide for the renewal from time to time, by way of new lease, of all or any of such leases, on such terms and conditions as the Board may determine, or for payment by the incoming tenant, or otherwise, of the value of the buildings or other improvements upon lands so leased, subject to the following limitations:—

- (1.) That every such renewal or new lease shall be granted upon or after the expiration of the then existing lease, and not otherwise :
- (2.) That notwithstanding any covenant for renewal, every lease shall be offered for sale at auction, and such auction shall take place not less than six nor more than seven months previously to the expiration of the then existing lease :

7. (3.) That if the upset price is not bid at the auction, the Board may *within six months* thereafter lease the land at the upset price, or at a price beyond it, by private treaty.

New subclause.

(4.) That, except so far as they may be inconsistent with this Act, all the provisions contained in "The Harbours Act, 1878," herein referred to, shall apply to such renewals or new leases :

Clause erased.

3. It shall be lawful for the said Board, on such terms as it may determine, to assimilate the terms of all leases held by tenants of the Board to the provisions contained in the last preceding section, with the consent of the lessees under the said leases, provided that the rent now payable is not lessened.

Board may assimilate leases.

New clause.

3. It shall be lawful for the Board, within twelve months after the commencement of this Act, with the consent of the lessees, their executors, administrators, or assigns respectively, and on such terms as it may deem fit, to assimilate the covenants and conditions of all or any leases heretofore granted to the provisions contained in the last preceding section: Provided that no premium, fine, or foregift shall be taken as the consideration for such assimilation, and that the rent to be payable under any such assimilated lease shall be fixed by the Crown Lands Commissioner of the District of Otago, the Resident Magistrate of the District of Dunedin, and the Chief Surveyor of the Provincial District of Otago, or any two of them; and all the expenses to and incidental to the ascertaining and fixing of such rent shall be paid as they, or any two of them, may direct.

The rent fixed in manner herein provided shall in no case be less than that now payable.

Board may enter into contracts.

4. It shall be lawful for the Board to enter into contracts to lease any lands vested in it without at the same time executing ~~the said~~ any lease and such contracts shall be binding on the Board and the said lessee to grant and accept the said lease respectively.

Sub-leases may be granted.

5. It shall be lawful for the Board, with the consent of the lessee, his executors, administrators, or assigns, and any person having any interest under such lease, to give a sub-lessee a lease direct from the Board, provided that the rent payable to the Board is not ~~thereby~~ lessened, or the term for which the existing lease was granted extended thereby.