

Mr Tolhurst

WANGANUI HARBOUR BOARD EMPOWERING

[LOCAL]

ANALYSIS

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A BILL INTITULED

An Act to empower the Wanganui Harbour Board to sell land vested in it under the Wanganui Harbour and River Conservators Board Act 1876 and the Wanganui Harbour and River Conservators Board Grant Act 1880

BE IT 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 Wanganui Harbour Board Empowering Act 1972.

2. Interpretation—In this Act, unless the context otherwise requires, “Board” means the Wanganui Harbour Board, incorporated under the provisions of the Harbours Act 1950.

3. Land vested in Board—The land described in the Schedule to this Act is hereby vested in the Board for the purposes

No. 92—1

Price 5c

of this Act and of the Harbours Act 1950, subject to all leases, encumbrances, liens, and easements to which they are subject at the commencement of this Act, but otherwise freed and discharged from all trusts and reservations affecting the same. The said land shall no longer be subject to the provisions of the Wanganui Harbour and River Conservators Board Act 1876 and the Wanganui Harbour and River Conservators Board Grant Act 1880, but nothing in this Act shall affect the leases or the rights of lessees in leases issued or existing in respect of the said land.

4. Land to be held in trust as an endowment—(1) The land vested in the Board by section 3 of this Act shall be held in trust by the Board as an endowment for the Board for the purposes of this Act and of the Harbours Act 1950, and may be leased by the Board under the Public Bodies Leases Act 1969.

(2) Extensions, variations, and renewals of existing leases of the said land may be entered into and executed by the Board in accordance with the provisions of such existing leases. The rents and revenues from the said land shall be held by the Board and shall form part of the funds of the Board.

5. Land may be sold to lessees—(1) Where any portion of the land vested in the Board by section 3 of this Act has, whether before or after the commencement of this Act, been leased (pursuant to the Wanganui Harbour and River Conservators Board Act 1876 and its amendments, the Harbours Act 1950 and its amendments, this Act or any other Act) under paragraphs (e), (f), or (g) of section 5 of the Public Bodies Leases Act 1908, or paragraphs (e), (f), or (g) of subsection (1) of section 7 of the Public Bodies Leases Act 1969, the Board may sell and transfer for cash to the lessee thereof the fee simple of the land comprised in the lease:

Provided that at the time of both such sale and such transfer a building which in the opinion of the Board (whose decision shall be final) is designed for residential purposes and occupied exclusively by persons residing therein as their home is erected on the said land:

Provided also that simultaneously such lessee at his own cost and to the satisfaction of the Board arranges for the registration of the effective merger of his leasehold interest in such fee simple or otherwise for the effective extinguishment of his leasehold interest.

(2) Any such sale shall be on the basis of the current unimproved value of the land, either as determined by the Board or as fixed by arbitration in manner provided by the Arbitration Act 1908, together with—

- 5 (a) The value as determined by the Board of any improvements on the said land effected by the Board or any previous proprietor of the fee simple and not previously purchased by the lessee or any previous lessee; and
- 10 (b) All valuation, survey, and other expenses of the Board relating to the fixation of the sale price and the sale and transfer of the fee simple to the lessee:

Provided that, where the lessee elects to have the value fixed by arbitration, notwithstanding any of the provisions of

15 the Arbitration Act 1908 (including the Second Schedule thereto), all costs of the reference and award including arbitrators' and umpires' fees and charges shall be paid by the lessee.

(3) On completion of any such cash sale and transfer the

20 land affected thereby shall be freed from the trusts imposed by sections 3 and 4 of the Act.

(4) In subsection (2) of this section, the terms "unimproved value" and "improvements" shall have the same meanings as they had in the Valuation of Land Act 1951 immediately

25 before the commencement of the Valuation of Land Amendment Act (No. 2) 1970.

6. Application of purchase money—Where the fee simple of land is sold to the lessee under section 5 of this Act, the purchase money shall be paid by the Board to a special

30 account to be known as the Wanganui Harbour Board Sales of Land Account and the money, together with any interest accruing thereon from the investment thereof, or any part thereof, shall be applied by the Board as it may from time to time think fit in the purchase and development of land

35 to be acquired in the name of the Board for the purposes of this Act and the Harbours Act 1950.

7. Administration of land purchased—Where any land is acquired pursuant to section 6 of this Act, the land shall be held by the Board as if the land had been vested in the Board

40 by section 3 of this Act, but the provisions of section 5 of this Act shall not apply to land so acquired.

8. **Certificates of title**—On application by or on behalf of the Board, the District Land Registrar for the Wellington Land Registration District shall, without fee, register the Board as the proprietor of the land vested in the Board by this Act or, where no certificate of title for the land is in existence or where there is no duplicate of an existing certificate of title, on payment of the prescribed fee and on the deposit of such plans as he may require, issue a certificate of title in the name of the Board. The said District Land Registrar is hereby empowered to do all such other things as may be necessary to give effect to this Act. 5 10

Section 3

SCHEDULE

First—The balance of all those areas of land in the Wellington Land District set out in the Schedule to the Wanganui Harbour and River Conservators Board Act 1876 and owned by the Wanganui Harbour Board at the date of commencement of this Act, and granted to the Board pursuant to the said Act.

Secondly—The balance of all those areas of land in the Wellington Land District set out in the Schedule to the Wanganui Harbour and River Conservators Board Grant Act 1880 and owned by the Wanganui Harbour Board at the date of commencement of this Act, and granted to the Board pursuant to the said Act.