

Supplementary Order Paper

HOUSE OF REPRESENTATIVES

Tuesday, the 24th Day of November 1970

PUBLIC WORKS AMENDMENT BILL

Proposed Amendments

Hon. Mr ALLEN, in Committee, to move the following amendments:

Clause 6, proposed new section 101A, subsection (1): To omit the definition of the term 'owner', and substitute the following definition:

'Owner', in relation to any land, includes any person who is in occupation of the land under any lease, sub-lease, or licence, or any renewal thereof, granted by the owner of the fee simple, or the lessee, of the land (other than a weekly or monthly tenancy agreement); and also includes a tenant for life of the land and a beneficial owner of the land:

Proposed new section 101A: To insert, after subsection (1), the following subsection:

"(1A) In section 101c of this Act, unless the context otherwise requires, 'owner', in relation to any land, includes a beneficial owner of the land.

Proposed new section 101B, subsection (1): To insert, after paragraph (a), the following paragraph:

"(aa) Is zoned for residential purposes in a proposed or operative district scheme under the Town and Country Planning Act 1953, and

Subsection (3): To insert in paragraph (a), after the word "owner" in line 4 on page 5, the words "; or the spouse of the owner,"

To omit from paragraph (b) the word "still" in line 7 on page 5.

Subsection (5): To insert, after the word "lessee" in line 22 on page 5, the words "or sub-lessee".

To insert, after the word "lease" in line 22, the words "or sub-lease".

To insert, after the word "lease" in line 28, the words "or sub-lease".

To insert, after the word "lessee" in line 31, the words "or sub-lessee".

Subsection (6): To insert, after the word "lease" in line 34, the words "or sub-lease".

Proposed new section 101c, subsection (1): To insert, after the word "standard" in line 7 on page 6, the words "and value".

To add, after the word "standard" in line 15, the words "and value".

Subsection (2): To insert in paragraph (b), after the word "owner" in line 21 on page 6, the words ", or the spouse of the owner,".

To omit from paragraph (c) the word "still" in line 24.

Subsection (6): To insert in paragraph (b), after the word "paid" in line 13 on page 7, the words "or (if that person was married when the land was acquired) by the surviving partner of the marriage".

Proposed new section 101E: To omit subsection (3) on page 8, and substitute the following subsection:

"(3) No compensation shall be paid under this section unless—

"(a) Not less than 14 days' notice of the proposed move has been given by the tenant to the designating authority; and

"(b) Application for payment by the tenant is made to the designating authority before the expiry of 2 months after the date on which the removal costs were incurred or on which the abandonment or spoiling of floor coverings or soft furnishings occurred, as the case may be.

EXPLANATORY NOTE

Clause 6, proposed new section 101A, subsection (1): The proposed amendment will ensure that sub-lessees, life tenants, and beneficial owners will qualify for the *solatium* payment.

Proposed new section 101A: The proposed new subsection (1A) will ensure that beneficial owners of land (e.g., a widow to whom title has yet to be transferred) will qualify for additional compensation under the proposed new section 101c.

Proposed new section 101B, subsection (1): The amendment restricts payment of the *solatium* to persons occupying land that is zoned for residential purposes.

Subsection (3): The purpose of the proposed amendments is to ensure that a widow or widower will be qualified to receive the *solatium* payment where the deceased husband or wife owned the property when it was designated and died before it was acquired.

Subsection (5) and subsection (6): The proposed amendments are consequential on the inclusion of sub-lessees within the ambit of the new section 101B.

Proposed new section 101c, subsection (1): At present, additional compensation under this section is payable for the acquisition of another residence of a comparable standard.

The amendment provides that the other residence must also be of a comparable value.

Subsection (2): The purpose of the proposed amendments is to ensure that a widow or widower will be qualified to receive additional compensation where the deceased husband or wife owned the property when it was designated and died before it was acquired.

Subsection (6): As at present worded, where the additional compensation is repayable, it is to be repaid on the vacation of the dwelling purchased with its assistance by the person to whom it was paid.

The amendment provides that, if the person to whom the compensation was paid was married when the dwelling was acquired, the compensation is not repayable until the vacation of the dwelling by the surviving partner of the marriage.

Proposed new section 101E: The proposed amendment provides that compensation payable to tenants for removal costs will not be paid unless not less than 14 days' notice of the proposed move has been given by the tenant to the designating authority.