

Hawera Borough Reserves Act 1900

Local Act 1900 No 33
Date of assent 20 October 1900

Contents

	Page
Title	1
Preamble	1
1 Short Title	2
2 Council may lease reserve	2
3 Lease may contain special covenants, etc	3
4 Power to extend to any lands in Schedules	3
5 Covenant to grant renewals, etc	3
6 Incoming tenant to pay valuation	4
7 Rent to go to Borough Fund	4
8 Council may lay off streets, etc	4
Schedule 1	4
Schedule 2	4
Schedule 3	5
Schedule 4	5
Schedule 5	5
Schedule 6	6

An Act to empower the Hawera Borough Council to grant Leases of Borough Reserves.

Preamble

WHEREAS the land comprised in the 1 Schedule hereto was granted to the Hawera Borough Council “as a site for offices of the borough” by Crown grant registered in the Taranaki District Land Registry,

Volume Six, folio two hundred and fifty-three: And whereas the lands comprised in Schedules 2, 3, and 4 hereto were respectively vested to the said Hawera Borough Council as town endowments by certificates of title registered in the Taranaki District Land Registry, Volume Twenty-two, folio six, Volume Twenty, folio one hundred and sixty-four, and Volume Twenty-eight, folio one hundred and forty-six, respectively: And whereas the land comprised in Schedules 5 and 6 hereto were respectively vested in the Hawera Borough Council “for town purposes” by Crown grants registered in the Taranaki Land Registry, Volume One, folios two hundred and twenty-seven and two hundred and twenty-nine respectively: And whereas it is expedient that the said Hawera Borough Council should have the extended leasing-powers in respect of the said lands comprised in the said Schedules 1, 2, 3, 4, 5, and 6 hereto:

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

The Short Title of this Act is The Hawera Borough Reserves Act 1900.

2 Council may lease reserve

It shall be lawful for the Borough Council from time to time to lease the land comprised in Schedules 1, 2, 3, 4, 5, and 6 hereto, or any portion thereof, for a term of years not exceeding, for an agricultural lease, twenty-one years; for a lease of mills, water-way leases, water leases, or other rights or easements, forty years; or for a building lease, ninety-nine years; and for a repairing lease, sixty years:

Provided that on every such lease shall be reserved the best rent, or reservation in the nature of rent, either uniform or not, that can be reasonably obtained by public competition, of which reasonable public notice shall be given, with the time, place, and hour of such competition, in some journal circulating in the borough and printed and published therein, to be made payable half-yearly or oftener, without taking any fine or other benefit in the nature of a fine, and that every such lease shall be by deed or memorandum of lease, as

the case may be, and every such lessee shall execute a counterpart thereof, and every such lease shall contain a condition for re-entry on non-payment of the rent reserved for a period of not less than twenty-eight days nor more than three months after it became due.

3 Lease may contain special covenants, etc

Subject and in addition to the conditions hereinbefore contained, every such lease shall contain such covenants, stipulations, and conditions as the Borough Council shall deem expedient with reference to the special circumstances of the demise.

4 Power to extend to any lands in Schedules

The power to grant leases conferred by this Act shall extend to the granting of leases of the whole or any part of the land of any of the said reserves described in Schedules 1, 2, 3, 4, 5, and 6 hereto, and such power may be exercised from time to time.

5 Covenant to grant renewals, etc

The said Borough Council may in such lease covenant to grant renewals from time to time for a period not exceeding the term of the lease hereby authorised as the case may be, but at a rent to be fixed by valuation or arbitration. Any such lease may provide for the payment at the end of the term to the lessee by the incoming tenant of the amount of the then value of all improvements theretofore from time to time made upon the land, whether by the lessee named in such lease, his executors, administrators, or assigns, or his other tenants, or other persons who shall have held all or any part of the demised premises under him or them respectively; the value of the said improvements at the end of the term to be ascertained by arbitration in the manner provided by The Arbitration Act 1996.

A reference to The Arbitration Act 1908 was substituted, as from 4 August 1908, for a reference to The Arbitration Act 1890 pursuant to section 2(1) Arbitration Act 1908 (1908 No 8). That reference was further substituted, as from 1 July 1997, by a reference to The Arbitration Act 1996 pursuant to section 18 Arbitration Act 1996 (1996 No 99).

6 Incoming tenant to pay valuation

Any lease granted under the provisions of this Act may provide that the incoming tenant of all or any part of the lands thereby demised shall not be allowed to enter into possession thereof or of any part thereof unless he shall have paid to or secured to the satisfaction of the lessee therein named, his executors, administrators, or assigns, the valuation (if any) to be paid pursuant to the terms of such lease to such lessee, his executors, administrators, or assigns, by such incoming tenant in respect of improvements made upon such land.

7 Rent to go to Borough Fund

The rents and profits arising from the lease of any land under this Act shall form part of the Borough Fund.

8 Council may lay off streets, etc

It shall be lawful for the Borough Council from time to time hereafter as they shall think advisable to lay off, make, maintain, and dedicate such public streets and footpaths through the borough reserves comprised in the said Schedules 4 and 5 hereto as they may deem necessary, not exceeding one-fifth of the whole of each such reserve.

Schedule 1

ALL that piece or parcel of land, situate in the Land District of Taranaki, Colony of New Zealand, containing by admeasurement 1 acre and 10 perches, be the same a little more or less, being Section No 7, Block XIX, in the Town of Hawera, and being the whole of the land referred to in Crown grant registered in the Taranaki District Land Registry, Volume 6, folio 253.

Schedule 2

ALL that piece or parcel of land, situate in the Land District of Taranaki, Colony of New Zealand, containing by admeasurement 31 perches, being Section No 5, Block XIX, in the Town of Hawera,

and being the whole of the land referred to in the certificate of title registered in the Taranaki District Land Registry, Volume 22, folio 6.

Schedule 3

ALL that piece or parcel of land, situate in the Land District of Taranaki, Colony of New Zealand, containing by admeasurement 20 perches, be the same a little more or less, being part Section No 15, Block XIX, in the Town of Hawera, and being the whole of the land referred to in the certificate of title registered in the Taranaki District Land Registry, Volume 20, folio 164.

Schedule 4

ALL that piece or parcel of land, situate in the Land District of Taranaki, Colony of New Zealand, containing by admeasurement 4 acres 2 roods 11 perches, more or less, being part of Block XXX, in the Town of Hawera, and being the whole of the land referred to in certificate of title registered in the Taranaki District Land Registry, Volume 28, folio 146.

Schedule 5

ALL that piece or parcel of land, situate in the Land District of Taranaki, Colony of New Zealand, containing by admeasurement 3 acres 2 roods 37 perches, more or less, being Sections Nos 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, Block XXXV, in the Town of Hawera, and being the whole of the land referred to in Crown grant registered in the Taranaki District Land Registry, Volume 1, folio 227.

Schedule 6

ALL that piece or parcel of land, situate in the Land District of Taranaki, Colony of New Zealand, containing by admeasurement 46 acres and 20 perches, more or less, being Section No 37, Block IX, Hawera Survey District, and being the whole of the land referred to in Crown grant registered in the Taranaki District Land Registry, Volume 1, folio 229.