

Auckland Education Reserves Act 1912

Local Act 1912 No 5
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An Act to provide for the Administration of certain Lands in the City of Auckland, and for the Distribution of the Rents and Profits thereof for Educational Purposes.

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 Auckland Education Reserves Act 1912.

2 Certain land in Auckland vested in Public Trust for education purposes

- (1) The land described in Schedule 1 hereto, and hitherto known as the Auckland High Court site, is hereby vested in the Public Trust as a reserve for education purposes in the Education District of Auckland in the manner hereinafter described.
- (2) The Public Trust shall have power to let the said land or any part thereof in accordance with paragraphs (e), (f), (g), or (h) of section five of the Public Bodies Leases Act, 1908, but not otherwise; and for the purposes of this section the Public Trust shall be a leasing authority within the meaning of that Act.
- (3) Leases already made of any part of the said land may be surrendered with a view to new leases being granted under this section, and preliminary contracts (not inconsistent with the provisions of this section) may be made for effecting any such surrender and new lease.
- (4) The rents and profits of the said land, including the accumulated rents and profits thereof now in the hands of the Public Trust, shall be applied by it in the manner hereinafter described.

The words “High Court” in subsection (1.) were substituted, as from 1 April 1980, for the words “Supreme Court” pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

The heading to section 2 was amended, as from 1 March 2002, by section 170(2) Public Trust Act 2001 (2001 No 100) by substituting the words “Public Trust” for the words “Public Trustee”. *See* clause 2 Public Trust Act Commencement Order 2002 (SR 2002/11).

Section 2 was amended, as from 1 March 2002, by section 170(2) Public Trust Act 2001 (2001 No 100) by substituting the words “Public Trust” for the words “Public Trustee”, wherever they occur. *See* clause 2 Public Trust Act Commencement Order 2002 (SR 2002/11).

Subsection (4) was amended, as from 1 March 2002, by section 170(2) Public Trust Act 2001 (2001 No 100) by substituting the word “it” for the word “him”. *See* clause 2 Public Trust Act Commencement Order 2002 (SR 2002/11).

3 Auckland Hospital and Charitable Aid Board authorized to sell land to Auckland Education Board

- (1) The Auckland Hospital and Charitable Aid Board may sell and the Auckland Education Board may purchase in fee-simple the land described in Schedule 2 hereto.

- (2) The price to be paid on such sale and purchase shall be agreed on between the said Boards with the consent in writing of the Minister.
- (3) The price so agreed on shall be paid to the Auckland Hospital and Charitable Aid Board by the Public Trust out of the rents and profits derived from the land referred to in section two hereof. The proceeds of such sale shall be reinvested in other lands to be held in trust for the same purposes as the original trust.
- (4) The Auckland Education Board shall, on completion of the purchase, hold the said land in trust as a playground for the public schools of Auckland:

Provided that it shall be lawful for the said Board to set apart a portion of the land, not exceeding an area of two acres, for the purposes of agricultural instruction.

Subsection (3) was amended, as from 1 March 2002, by section 170(2) Public Trust Act 2001 (2001 No 100) by substituting the words "Public Trust" for the words "Public Trustee". See clause 2 Public Trust Act Commencement Order 2002 (SR 2002/11).

4 How Public Trust to dispose of profits vested in it by section 2

Subject to the provisions of subsection three of section sixteen of the Reserves and Other Lands Disposal Act, 1940, the Public Trust shall each quarter pay over the rents and profits of the lands described in Schedule 1 hereto to the Council of the University of Auckland, and the Council shall apply the amount so paid as follows:—

- (a) One-third shall be expended on the maintenance of any hostel for students established by the Council or for such other purpose in connection with the said College as the Council from time to time decides:
- (b) Two-thirds shall be paid into a fund which shall be used for all or any of the following purposes:
 - (i) The establishment, building, maintenance, repair, renovation, extension, rebuilding, alteration, management, decorating, and furnishing of hostels for students of the said University; or

- (ii) With the consent of the Minister of Education (given either specifically in relation to any particular matter, or generally) for such other purposes in connection with the said University as shall from time to time be determined by the Council.

Section 4 was substituted, as from 21 October 1949, by section 19 Reserves and other Lands Disposal Act 1949 (1949 No 34).

The words “Council of the University of Auckland” were substituted, as from 16 October 1957, for the words “Auckland University College Council” pursuant to section 5(2) University of Auckland Amendment Act 1957 (1957 No 25).

The heading to section 4 was amended, as from 1 March 2002, by section 170(2) Public Trust Act 2001 (2001 No 100) by substituting the words “Public Trust” for the words “Public Trustee”. The heading was further amended, as from 1 March 2002, by section 170(2) Public Trust Act 2001 (2001 No 100) by substituting the word “it” for the word “him”. *See* clause 2 Public Trust Act Commencement Order 2002 (SR 2002/11).

Paragraph (b) was substituted, as from 20 October 1966, by section 2 Reserves and other Lands Disposal Act 1966 (1966 No 102).

Section 4 was amended, as from 1 March 2002, by section 170(2) Public Trust Act 2001 (2001 No 100) by substituting the words “Public Trust” for the words “Public Trustee”. *See* clause 2 Public Trust Act Commencement Order 2002 (SR 2002/11).

5 Memorandum of lease

- (1) The memorandum of lease, copy of which is contained in Schedule 3 hereto, shall henceforth be deemed to have been validly and effectually granted by the Public Trust in exercise of the powers vested in it by the Auckland Hospitals Act Amendment Act, 1905, and of all other powers in any way enabling him in that behalf, and the said memorandum of lease is hereby ratified and confirmed, and shall be registered by the District Land Registrar when presented for that purpose.
- (2) The Public Trust is hereby expressly authorized to accept proper registrable surrenders of the existing lease and grant of bridge-way as provided by paragraph 12 of the said memorandum of lease.
- (3) Notwithstanding anything in the said memorandum of lease, the Public Trust is hereby authorized in the meantime, while the construction of the buildings to be erected by the lessees in terms of the second paragraph of the said memorandum

of lease is with all reasonable expedition proceeded with and until such date as the said buildings are completely finished (of all of which facts the Public Trust shall be the sole and final judge), to accept in lieu of the yearly rent of seventeen hundred dollars, reserved by the said memorandum of lease, the lower yearly rent of seven hundred and forty dollars, being the aggregate yearly sum payable by the lessees as rent under the existing leases and grant of bridge-way at the date of execution of the said memorandum of lease.

- (4) Nothing in subsection three of section two of this Act shall apply to the memorandum of lease referred to in this section.

The words “seventeen hundred dollars” and “seven hundred and forty dollars” were substituted, as from 10 July 1967, for the words “eight hundred and fifty pounds” and “three hundred and seventy pounds” pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

Section 5 was amended, as from 1 March 2002, by section 170(2) Public Trust Act 2001 (2001 No 100) by substituting the words “Public Trust” for the words “Public Trustee” wherever they occur. *See* clause 2 Public Trust Act Commencement Order 2002 (SR 2002/11).

Subsection (1) was amended, as from 1 March 2002, by section 170(2) Public Trust Act 2001 (2001 No 100) by substituting the word “it” for the word “him”. *See* clause 2 Public Trust Act Commencement Order 2002 (SR 2002/11).

Schedule 1

ALL that area in the Auckland Land District, being Lots 1, 2, 3, and part of Lot 4 of Section 15, City of Auckland, and containing by admeasurement 3 roods and 28 perches, more or less: bounded towards the north-east by Victoria Street, 328 links; towards the south-east by Queen Street, 283.4 links; towards the south-west by Darby Street, 328 links; and towards the north-west by Elliott Street, 283.4 links: be all the aforesaid linkages more or less: as the same is delineated on the plan marked L 1351, deposited in the Head Office, Department of Lands, at Wellington.

Schedule 2

ALL that area in the Auckland Land District, being parts of Sections 98 and 99, Suburbs of Auckland, and containing by admeas-