

LEASES (SPECIAL PURPOSES)

No. 46 of 1970

An Ordinance to amend the *Leases (Special Purposes) Ordinance 1925-1943*.

1.—(1.) This Ordinance may be cited as the *Leases (Special Purposes) Ordinance 1970*.^{*} Short title and citation.

(2.) The *Leases (Special Purposes) Ordinance 1925-1943*[†] is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Leases (Special Purposes) Ordinance 1925-1970*.

2. This Ordinance shall come into operation on the first day of January, One thousand nine hundred and seventy-one. Commencement.

3. Section 3 of the Principal Ordinance is amended by omitting sub-section (4.). Power to grant leases.

4. Section 5AB of the Principal Ordinance is repealed and the following sections inserted in its stead:—

“5AB.—(1.) This section applies to and in relation to a lease granted under the *Leases (Special Purposes) Ordinance 1925* or that Ordinance as amended and in force on the date on which the lease was granted, not being a lease granted under sub-section (2.) of section three of the *Leases (Special Purposes) Ordinance 1925-1929* or that Ordinance as amended and in force on the date on which the lease was granted. Rent.

“(2.) In this section, the prescribed date is the first day of January, One thousand nine hundred and seventy-one.

“(3.) The rent—

(a) to be reserved under a lease to which this section applies granted on or after the prescribed date; and
(b) payable, on and after the prescribed date, under a lease to which this section applies granted before that date,
shall be Five cents per annum to be paid if and when demanded by the Minister.

“(4.) On and after the prescribed date—

(a) a provision in a lease to which this section applies granted before the prescribed date reserving the rent payable under the lease;
(b) a covenant in such a lease by the lessee to pay rent or additional rent under the lease; and

^{*} Made on 15 December 1970; notified in the *Commonwealth Gazette* on 17 December 1970.

[†] Ordinance No. 11, 1925, as amended by No. 5, 1927; No. 14, 1929; No. 8, 1930; No. 7, 1932; No. 3, 1936; and No. 4, 1943.

(c) a covenant in such a lease by the lessee or the Commonwealth or any mutual covenant in such a lease by the lessee and the Commonwealth providing for the determination of the lease in the event of the rent payable under the lease remaining unpaid for any period, cease, subject to sub-section (6.) of this section, to have any force or effect.

“(5.) On and after the prescribed date, a provision or a covenant in a lease to which this section applies granted before the prescribed date whereby any amount payable under the lease is deemed to be rent payable under the lease shall, subject to the next succeeding sub-section, cease to have any force or effect, and any amount which, but for this sub-section, would have been deemed to be rent payable under the lease is recoverable as a debt due and payable to the Commonwealth by the lessee.

“(6.) Nothing in the last two preceding sub-sections prevents the enforcement of a provision or covenant referred to in either of those sub-sections in respect of rent, additional rent or amounts deemed to be rent that had become payable before the prescribed date.

Application of sections 5AD, 5A and 5B to certain leases only.

“5AC. The next three succeeding sections apply only to and in relation to a lease granted, whether before or after the commencement of this section, under sub-section (2.) of section three of the *Leases (Special Purposes) Ordinance 1925-1929* or that Ordinance as amended and in force on the date on which the lease was granted.

Unimproved value.

“5AD.—(1.) For the purposes of the next two succeeding sections, the unimproved value of land subject to a lease is the capital sum that might be expected to have been offered on the relevant date for the lease, it being assumed—

- (a) that the only improvements on or to the land were the improvements (if any) by way of clearing, draining, grading, filling, levelling or excavating made by the Commonwealth or the cost of which the Commonwealth has paid;
- (b) that on the relevant date the lease had an unexpired term of ninety-nine years; and
- (c) that the rent payable under the lease was a nominal rent only.

“(2.) For the purposes of the last preceding sub-section ‘the relevant date’ is the date on which the unimproved value of the land is re-appraised under sub-section (1.) of section five A of this Ordinance.”.

Re-appraisal of unimproved value of leased land.

5. Section 5A of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1.) the words “of land under this Ordinance” and inserting in their stead the words “to which this section applies”;
- (b) by omitting from sub-section (1.) the words “the prescribed authority” and inserting in their stead the words “the Minister”;

(c) by omitting from sub-section (3.) the words "by the prescribed authority" and inserting in their stead the words "by or on behalf of the Minister"; and

(d) by omitting sub-section (4.).

6. Section 5B of the Principal Ordinance is amended—

Appeals
against re-
appraisement.

(a) by omitting from sub-section (2.) all words after the word "land" and inserting in their stead the words "as at the date of the re-appraisement";

(b) by omitting sub-section (3.); and

(c) by omitting sub-section (5.) and inserting in its stead the following sub-sections:—

"(5.) In this section, 'the Board' means the Valuation Review Board referred to in section thirty of the *Rates Ordinance* 1926-1970.

"(6.) For the purposes of this section, the Board has all the powers that it has under the *Rates Ordinance* 1926-1970 when reviewing a decision of the Minister under that Ordinance, and sub-section (5.) of section thirty, and section thirty-one, of that Ordinance apply to and in relation to an appeal to the Board under this section in the same manner as they apply to and in relation to a review of a decision of the Minister under that Ordinance.

"(7.) The Minister or the lessee may appeal to the Supreme Court from a determination of the Board under this section.

"(8.) The Supreme Court has jurisdiction to hear and determine an appeal under the last preceding sub-section."

7. Section 5c of the Principal Ordinance is amended by omitting from sub-section (1.) the words "of any land leased under" and inserting in their stead the words "under a lease granted under sub-section (2.) of section three of".

Payment of
survey fees.

8. Section 8 of the Principal Ordinance is repealed and the following section inserted in its stead:—

"8. An amount payable under section six or seven of this Ordinance is recoverable as a debt due to the Commonwealth."

Recovery of
cost of fencing
or cleaning
land.