

No. 19 of 1974

AN ORDINANCE

To amend the *City Area Leases Ordinance 1936-1973*, as amended by the *City Area Leases Ordinance 1974*.

I, THE GOVERNOR-GENERAL of Australia, acting with the advice of the Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1973*.

Dated this thirtieth day of May, 1974.

PAUL HASLUCK
Governor-General.

By His Excellency's Command,

GORDON BRYANT
Minister of State for the Capital Territory.

CITY AREA LEASES ORDINANCE (No. 2) 1974

1. (1) This Ordinance may be cited as the *City Area Leases Ordinance (No. 2) 1974*.^{*} Short title and citation.

(2) Section 1 of the *City Area Leases Ordinance 1974*[†] is amended by omitting sub-section (3).

(3) The *City Area Leases Ordinance 1936-1973*,[‡] as amended by the *City Area Leases Ordinance 1974* and by this Ordinance, may be cited as the *City Area Leases Ordinance 1936-1974*.

2. After section 35 of the *City Area Leases Ordinance 1936-1973*, as amended by the *City Area Leases Ordinance 1974*, the following section is inserted:—

“ 36. (1) Where—

- (a) a person (in this section called ‘the vendor’) has, with the consent of the lessee of a parcel of land, entered into a contract with a person (in this section called ‘the purchaser’) for the assignment of the lease of that parcel to the purchaser;
- (b) the purchaser pays or tenders to the lessee a sum equal to the aggregate of all moneys payable by the purchaser to the vendor under the contract and remaining unpaid; and
- Obligation of lessee to assign in certain circumstances.

^{*} Notified in the *Australian Government Gazette* on 30 May 1974.

[†] Ordinance No. 13, 1974.

[‡] Ordinance No. 31, 1936, as amended by Nos. 38 and 40, 1936; No. 21, 1938; No. 14, 1947; No. 18, 1950; No. 8, 1951; No. 18, 1957; No. 21, 1959; No. 12, 1961; No. 18, 1963; No. 7, 1964; No. 19, 1966; No. 13, 1967; Nos. 3 and 28, 1968; No. 25, 1969; No. 45, 1970; No. 11, 1971; and Nos. 3 and 58, 1973.

(c) the purchaser requests the lessee to assign the lease of the parcel of land to the purchaser,
the lessee shall thereupon assign the lease of that parcel of land to the purchaser.

“(2) Where a lessee has failed to comply with a request made in accordance with sub-section (1), the purchaser by whom the request was made may make application to the Supreme Court for an order under sub-section (5).

“(3) The Supreme Court has jurisdiction to hear and determine an application under sub-section (2).

“(4) An application under sub-section (2) shall be made by motion.

“(5) Where, on an application under sub-section (2), the Supreme Court is satisfied that the lessee of a parcel of land has failed to comply with a request made by the applicant in accordance with sub-section (1), the Supreme Court may make an order directing that lessee to assign to the applicant the lease of that parcel of land.

“(6) Where the Supreme Court makes an order directing the lessee of a parcel of land to assign the lease of the parcel to a person, the Supreme Court may also, by its order—

- (a) specify a period within which that lease is to be so assigned; and
- (b) direct the lessee to deliver to that person such documents and instruments as the Court thinks necessary.

“(7) Where—

- (a) the Supreme Court makes an order under sub-section (5); and
- (b) any moneys tendered to the lessee in accordance with sub-section (1) have not been accepted by the lessee,

the Supreme Court shall, by its order, give such directions as to the time and manner of payment of those moneys to the lessee as it thinks proper.

“(8) Payment of moneys by a purchaser to a lessee for the purpose of sub-section (1) or in accordance with directions given under sub-section (7) shall, for the purposes of the contract between the purchaser and the vendor, be deemed to be payment to the vendor.

“(9) Where moneys paid, for the purpose of sub-section (1) or in accordance with directions given under sub-section (7), to a lessee by a purchaser exceed the amount payable by the vendor to the lessee, the vendor is entitled to recover from the lessee the amount of the excess.

“(10) Where a purchaser makes a payment to a lessee for the purpose of sub-section (1) or in accordance with directions given under sub-section (7), the purchaser shall give to the vendor notice in writing of the fact and amount of the payment.

Penalty: \$50.

“ (11) Notice for the purpose of sub-section (10) may be given by post.

“ (12) This section applies whether a contract was entered into before or after the date of commencement of this Ordinance.

“ (13) Where a person enters into a contract for the assignment of the lease of a parcel of land of which he is not the lessee, the contract shall, for the purposes of this section and of any application under this section, be taken to have been entered into with the consent of the lessee of parcel unless the contrary is proved.”.