

AUSTRALIAN CAPITAL TERRITORY

CITY AREA LEASES (AMENDMENT) ORDINANCE 1983

ORDINANCE NO. 54 OF 1983

EXPLANATORY STATEMENT

The City Area Leases Ordinance 1936 (the existing Ordinance) creates a restriction on the transfer of certain property except with the permission of the Minister. Difficulties have arisen when the Family Court of Australia, which exercises wide discretionary powers, has ordered the transfer of property under a property settlement.

The City Area Leases (Amendment) Ordinance 1983 amends certain provisions of the City Area Leases Ordinance 1936 to exclude its application to orders relating to the transfer or assignment of a lease made by a Court exercising jurisdiction under the Family Law Act 1975.

Details of the Ordinance are set out below:

Sections 1 and 2 are interpretation provisions.

Section 3 amends sub-section 28(2B)(a) of the Principal Ordinance to permit a lease containing a building and development covenant to be transferred or assigned without prior Ministerial consent if made in pursuance of an order of a Court having jurisdiction under the Family Law Act 1975.

Section 4 amends sub-section 28A(3)(b) of the Principal Ordinance so that it will not prevent the transfer of a lease containing a covenant restricting the right to transfer or to hold in trust an interest in the land during the period of 5 years after the date of the lease if the transfer of the lease is made in pursuance of an order of a Court having jurisdiction under the Family Law Act 1975.

Section 5 amends sub-section 28B(3) of the Principal Ordinance so that a lease granted at an auction at which the right to bid is restricted under sub-section 13(3) of the Principal Ordinance may be transferred without first obtaining the consent of the Minister if the transfer is made in pursuance of an order of a Court having jurisdiction under the Family Law Act 1975.

Section 6 amends sub-section 28DA(2) of the Principal Ordinance to eliminate the restriction placed on the transfer or assignment of a lease the reserve price of which has not been paid in full by the lessee if the transfer or assignment is made in pursuance of an order of a Court having jurisdiction under the Family Law Act 1975.

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