

## New Zealand.



Id. BE's fees: Preparatn & appvl  
of leases etc.: Gaz. 1912 p. 2544.

### ANALYSIS.

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## 1928, No. 33.

AN ACT to consolidate and amend certain Enactments of the General Assembly relating to Education Reserves. [6th October, 1928.] Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Education Reserves Act, 1928, and it shall come into force on the first day of January, nineteen hundred and twenty-nine. Short Title and commencement.

2. (1) In this Act, if not inconsistent with the context,—

“Education Board” means an Education Board constituted under the Education Act, 1914: Interpretation.  
1908, No. 53, s. 2  
1927, No. 65, s. 2

“Education reserves” means reserves made for educational purposes of a public character, whether made provisionally or permanently, and includes reserves made for the endowment of educational institutions of a public character:

“Minister” means the Minister of Education:

“Primary education” means the course of instruction in a public school prescribed under the Education Act, 1914:

“Public school” means a public school under the Education Act, 1914:

(2) For the purposes of this Act the terms “high schools” and “secondary education” have respectively the same meanings as the terms “secondary schools” and “secondary instruction” as used in the Education Act, 1914.

*Public-school Sites.*

3. (1) The Governor-General may from time to time reserve any Crown lands or any lands taken under the New Zealand Settlements Act, 1863, or any Act amending the same or construed therewith, as sites for public schools. Governor-General may reserve school-sites.  
1908, No. 53, s. 3

(2) Such lands shall be granted to the Education Board of the district in which they are situate in trust for the purpose aforesaid.

4. The Trustees of any high school and, with the consent of the Governor-General in each case, every Education Board may from time to time set apart as sites for public schools any part of the education reserves or lands vested in them or it. Education Boards may set apart school-sites.  
Ibid., s. 4  
1910, No. 65, s. 8

5. All lands reserved or set apart under or by virtue of this or any other Act as sites for public schools shall from the time of the making or setting-apart thereof vest, without grant, conveyance, or transfer, in the Education Board of the district wherein the same are situate. School-sites to vest in Education Board.  
1908, No. 53, s. 5

6. (1) The Education Board may with the consent of the Minister sell or exchange any site for a public school. School sites may be sold or exchanged.  
Ibid., s. 6

(2) In the case of a sale the money received shall as soon as conveniently may be be paid into the Public Account, and shall be applied towards the provision of sites and buildings for public schools.

Governor-General may reserve Crown lands for endowment of primary and secondary education.

1908, No. 53, s. 7  
1910, No. 65, s. 8

### *Endowments.*

7. The Governor-General may from time to time by Proclamation provisionally reserve any Crown lands or any lands taken under the New Zealand Settlements Act, 1863, or any Act amending the same or construed therewith, as endowments for primary and for secondary education within the provincial district in which such lands are, subject, however, to the following conditions:—

- (a) A full and complete description of every provisional reserve, and the purpose for which it has been dedicated, shall be gazetted.
- (b) Copies of every such Proclamation, with plans and description of each provisional reserve, shall be laid before Parliament within fourteen days after the publication thereof; or if Parliament is not then in session, then within ten days after the commencement of the next ensuing session.
- (c) The two Houses of Parliament may by resolution alter, vary, or modify the area of any provisional reserve as they think fit, or they may nullify the same by resolution.
- (d) A copy of every such resolution shall forthwith after the passing thereof be transmitted by the Clerk of each House to the Minister of Internal Affairs, who shall without delay gazette the same.
- (e) In the absence of any resolution of both Houses with respect to any such provisional reserve, the said reserve shall forthwith after the termination of the session be proclaimed by the Governor-General as not having been disapproved.
- (f) In the event of a resolution of both Houses altering, varying, or modifying the area of any provisional reserve, the Governor-General may if he thinks fit proclaim the same in its amended form.
- (g) The land or any part thereof comprised in any provisional reserve shall cease to be a reserve in the event of a resolution of both Houses disapproving the same, and such land may then be dealt with as it might have been if it had never been proclaimed as a reserve.
- (h) From and after the date of any Proclamation issued under either paragraph (e) or paragraph (f) hereof, the land comprised therein shall be deemed to be and shall be reserved for the purposes mentioned in such Proclamation.

### *High-school Reserves.*

8. All reserves and endowments made for high schools and vested in any persons under any Act shall vest in such persons from the coming into operation of such Act without any grant, conveyance, or transfer.

9. The persons in whom for the time being is vested the real property of any high school (hereinafter called the Trustees) shall have all such powers of selling, exchanging, and leasing the hereditaments and premises vested in them, or any part thereof, as are hereinafter mentioned.

Reserves and endowments to vest without grant.

1908, No. 53, s. 9

Powers of Trustees as to real estate of schools.

*Ibid.*, s. 10

10. (1) Every sale of lands under the last preceding section shall be made by public auction or public tender, and at least two months' notice of such intended sale shall be publicly notified by advertisement in one or more newspapers circulating in the land district, and also in the capital town of the provincial district, wherein the lands are situate.

Lands to be sold at auction or by tender.  
1908, No. 53, s. 11  
1911, No. 18, s. 3

(2) All profits derived from any such sale shall from time to time be paid into the proper fund and be appropriated thereout for the purposes to which the proceeds of any real estate vested in the Trustees are for the time being properly applicable.

Application of proceeds.

11. (1) The Trustees may with the approval of the Minister, but not otherwise, grant leases of any lands vested in them.

Leasing-powers of Trustees.

(2) All such leases shall be subject to the provisions of the Public Bodies' Leases Act, 1908, and the Trustees of every such school are hereby declared to be a leasing authority within the meaning of that Act.

1911, No. 18, s. 2  
1927, No. 65, s. 8

(3) Notwithstanding the provisions of section three of the Public Bodies' Leases Act, 1908, the powers of leasing hereby conferred upon the Trustees of high schools may be validly exercised, notwithstanding any restriction or limitation of leasing-powers imposed by any other Act in force at the passing of this Act.

(4) All rents derived from any such lease shall from time to time be paid into the proper fund and be appropriated thereout for the purposes to which the annual income of the Trustees is for the time being properly applicable.

(5) On the expiry of any lease granted by the Trustees of any high school and existing on the twenty-eighth day of October, nineteen hundred and eleven (being the date of the commencement of the Education Reserves Amendment Act, 1911), the Trustees may grant the former lessee a new lease of the same land, or of any part thereof, under the provisions of the Public Bodies' Leases Act, 1908, for a period not exceeding twenty-one years, with perpetual right of renewal for periods not exceeding twenty-one years, at a rent for the first term of the lease to be fixed by valuation or arbitration in such manner as the Trustees determine.

(6) Leases already made before that date may be surrendered with a view to new leases being granted under this section to the former lessees, and preliminary contracts (not inconsistent with the provisions of this section) may be made for effecting any such surrender and new lease.

12. (1) The Trustees of any high school under this Act may with the approval of the Minister grant leases in accordance with the following provisions of this section of any lands vested in them. The powers hereby conferred are in addition to the leasing-powers conferred on such Trustees by the last preceding section.

Additional leasing powers of Trustees.  
*Ibid.*, s. 5

(2) Where the Trustees propose to lease any land in accordance with this section they may appoint a day for the receipt of applications for such land, and shall give public notice thereof in one or more newspapers circulating in the district in which the land is situated. All applications received in respect of such land on or before the day so appointed shall be deemed to be simultaneous, and where simultaneous

applications are made in respect of the same land the order of selection shall be decided by ballot.

(3) Lands which have been notified for application under this section and which have not been selected on the day mentioned in the notification shall remain open for selection, and where simultaneous applications are made in respect of any such lands the provisions of the last preceding subsection as to selection by ballot shall apply.

(4) Before taking a ballot or otherwise disposing of any applications under this section the Trustees may in such manner as they think fit inquire into all matters affecting an applicant's suitability, and may reject any applicant who refuses to answer any inquiries as to such matters or who fails to answer any such inquiries to the satisfaction of the Trustees.

(5) No person under the age of twenty-one years shall be eligible to acquire a lease under this section save by will or by operation of law.

(6) Any lease granted by the Trustees under this section may be subject to any or all of the following conditions, namely:—

- (a) That the lessee shall be required to reside on the land comprised in his lease for such period as the Trustees may determine:
- (b) That the lessee shall not graze upon any land comprised in his lease a greater number of stock than the Trustees may from time to time authorize:
- (c) That no improvements of a permanent character shall be made by the lessee without the consent in writing of the Trustees first having been obtained thereto:
- (d) That the lessee shall from time to time plant and properly maintain on defined portions of the land comprised in his lease such numbers and varieties of trees as the Trustees may appoint:
- (e) That the lessee at the expiration or sooner determination of his lease shall be entitled to receive in respect of all trees planted and maintained as aforesaid the actual cost to the lessee of those trees on the ground, and the cost of planting the same, in the same manner as he may be entitled under his lease to receive the value of permanent improvements made by him with the approval of the Trustees:
- (f) Such other conditions under the Public Bodies' Leases Act, 1908, as are not inconsistent with the foregoing provisions of this section.

13. (1) The Trustees may with the approval of the Minister accept the surrender of any lease granted before the fifth day of December, nineteen hundred and twenty-seven (being the date of the commencement of the Education Reserves Amendment Act, 1927), over any land used for pastoral purposes, and may in lieu thereof grant to the lessee a new lease for any term not exceeding thirty-five years at such rental and subject to such conditions as may be fixed by the Trustees with the approval of the Minister.

(2) Every new lease issued pursuant to this section shall be deemed to be subject to all existing encumbrances, liens, and interests (if any) registered against the surrendered lease at the date of surrender, and the provisions of paragraph (c) of section ninety-six of the Land Act, 1924, shall with the necessary modifications apply thereto.

Trustees may accept  
surrender of leases  
of pastoral lands  
and grant new  
leases in lieu thereof.  
1927, No. 65, s. 6

14. Notwithstanding anything to the contrary in the Public Bodies' Leases Act, 1908, or in any lease granted by the Trustees of a high school, the Trustees at any time not earlier than two years before the expiry of any lease of pastoral land that does not confer a right of renewal may with the approval of the Minister reoffer that land for selection by way of lease.

Notice of intention to offer new lease of pastoral land.  
1927, No. 65, s. 7

15. The Trustees may out of the rents and profits of any reserves and endowments vested in them by this or any Act pay the whole or any part of the cost of surveying, constructing, or improving any road, bridge, ferry, or ford necessary in the opinion of the Trustees to the leasing or subdivision of any land now or hereafter vested in them, the construction or improvement of which has been approved by the Minister; and the Trustees are hereby empowered to pay or contract to pay such cost in any manner they think fit.

Roading, &c., of high-school reserves.  
1910, No. 65, s. 9

16. (1) Where any block of land has been set aside as an endowment for any high school under any enactment in force on or immediately before the twenty-eighth day of August, eighteen hundred and eighty (being the date of the commencement of the High Schools Reserves Act, 1880), with power to any Land Board to sell or deal with the same or otherwise dispose thereof, the Land Board of the district wherein the land so set aside is situate may from time to time sell or otherwise deal with and dispose of the same in like manner as Crown lands may be sold, dealt with, or disposed of.

Where powers of management and disposal vested in Land Board.  
1908, No. 53, s. 13

(2) The Receiver of Land Revenue shall after deducting the costs of survey of the land so set aside pay over the profits and proceeds thereof in the manner provided by any enactment regulating the application of such moneys.

17. (1) The Trustees with the sanction of the Governor-General may sell and absolutely dispose of, either together or in parcels, by public sale, all or any part of the lands vested in them in respect of which no trust has been created inconsistent with the exercise of this present power; or may exchange the said lands, or any part thereof, for any other lands held in fee-simple in New Zealand; and may (out of any money in their hands applicable to such purpose) give or receive any money by way of equality of exchange, and may execute all such conveyances as are requisite for carrying out such sale or exchange.

Trustees may sell or exchange lands, &c., vested in them.  
Ibid., s. 14

(2) The provisions of section thirty-seven hereof shall apply to lands vested in the Trustees.

(3) All property so received in exchange shall be held by the Trustees in whom it becomes vested for the same purposes as the property given in exchange was held subject to.

Lands received in exchange to be held for same purposes.

18. All moneys arising from such sale, or received by the Trustees for equality of exchange as aforesaid, shall after payment of the cost and expenses payable by the Trustees in connection with such sale or exchange, and within three months after the receipt of such moneys by the Trustees, be either—

Proceeds of sale to be applied in purchase of other lands.  
Ibid., s. 15

(a) Expended in the purchase of other lands held in fee-simple in New Zealand, to be held for the same purposes as the property sold or given in exchange; or

Trustees may with consent of governors of schools invest such proceeds.

(b) Invested (with the sanction of the governors of the high school to which such money belongs) upon first mortgage of lands held in fee-simple in New Zealand, or in the stock, bonds, bills, or debentures of the Government thereof, or of any municipal corporation established therein, with power to the Trustees from time to time to vary any such investment.

Lands foreclosed upon to be held on like trusts, &c.  
1908, No. 53, s. 16

19. Where any such moneys have been invested on mortgage as aforesaid, and the lands mortgaged become vested in the Trustees under any power of sale expressed or implied in the mortgage, the Trustees shall hold the lands so becoming vested in them on the same trusts and subject to the same powers and conditions as the lands from the sale of which such moneys were derived.

Power of Trustees to borrow money.  
Ibid., s. 17  
1913, No. 48, s. 2  
1920, No. 83, s. 42  
Rate of interest.

20. (1) The Trustees of any high school may from time to time with the consent of the Minister of Finance borrow money on the security of the rents and profits of the lands vested in them, or of any part thereof.

(2) No money shall be borrowed as aforesaid at a higher rate of interest than five and a half per centum per annum :

Provided that the Trustees of any high school may, with the consent of the Minister of Finance and subject to such conditions as may be imposed by him, borrow money by way of bank overdraft at a rate of interest in excess of the rate herein specified.

(3) The power to borrow money conferred on the Trustees of a high school by this section shall be read subject to the provisions of the Local Government Loans Board Act, 1926, and the Trustees shall be deemed to be a local authority for the purposes of that Act.

May apply moneys in building.  
1908, No. 53, s. 18

21. The Trustees may from time to time with the sanction of the Governor-General, out of such moneys as come into their hands under this Act, expend any reasonable sum in erecting suitable buildings and premises for the use of the high school or in connection therewith :

Value of buildings not to exceed one-fifth value of whole property of school.

Provided that no sale or other disposal of land shall be permitted for the purpose of applying the proceeds to the construction of buildings and premises in any case where the estimated value of all buildings and premises used as a high school, or in connection therewith, will be thereby so augmented as to exceed the one-fifth part of the estimated value of all the property belonging to such school.

#### *Administration of Lands by Land Boards.*

Endowments vested in the Crown in trust for education purposes.  
1910, No. 65, s. 2

22. (1) All reserves and endowments heretofore vested in any School Commissioners, and all reserves at any time after the first day of April, nineteen hundred and eleven (being the date of the commencement of the Education Reserves Amendment Act, 1910), made or set apart under any Act as endowments for primary or secondary education, shall be vested in the Crown in trust for the purposes for which they are reserved, and shall be administered and dealt with by the Land Board of the district in which they are situated, in accordance with the provisions of this Act.

(2) The Land Board may grant leases and issue licenses under the Land Act, 1924, over the said reserves and endowments on the same terms and conditions in all respects as in the case of Crown lands, save that the term of any renewable lease granted under that Act, and of the successive renewals thereof, shall be thirty-three years instead of sixty-six years.

Administration by  
Land Boards.

(3) Any reserves or endowments may be leased under the provisions of the Public Bodies' Leases Act, 1908 (if in the opinion of the Board it is desirable to do so), in the same manner as if the Board were a leasing authority under that Act.

(4) On the expiry of any lease granted by any School Commissioners and existing at the commencement of this Act, the Land Board may grant the former lessee a new lease of the same land, or of any part thereof, under the provisions of the Public Bodies' Leases Act, 1908, for a period not exceeding twenty-one years, with a perpetual right of renewal for periods not exceeding twenty-one years, but the rent for the first term of such lease shall be fixed by valuation or arbitration in such manner as the Land Board determines.

(5) Nothing in this section shall affect any land set apart as an endowment for any specified school or college.

23. (1) All funds, and all mortgages and other investments representing the same, which were vested in the Public Trustee by section three of the Education Reserves Amendment Act, 1910, shall be held and administered by him on the same trusts on which they were held and administered by the School Commissioners :

Application of  
funds vested in  
Public Trustee.  
1910, No. 65, s. 3  
1914, No. 45, s. 2 (2)

Provided that the Governor-General in Council may at any time direct the sale of any such mortgages or other investments, and may direct the Public Trustee to expend any capital moneys for the time being in his hands in the purchase of lands held in fee-simple in New Zealand, or to invest any such moneys upon first mortgage of lands held in fee-simple in New Zealand, or in the stock, bonds, bills, or debentures of the Government of New Zealand or of any municipal corporation established therein. All such lands and investments shall be held by the Public Trustee on the same trusts as those on which the funds or investments represented thereby were held by the School Commissioners.

(2) The revenues derived from any such fund or the investments thereof shall (after deducting such sum for the administration of that fund as is prescribed) from time to time be paid by the Public Trustee into the appropriate account as mentioned in section thirty hereof, and shall be dealt with by the Minister of Finance in pursuance of that section and in accordance with the trusts affecting the said revenues.

24. Nothing in this Act shall affect any lease or license granted by any School Commissioners and existing on the commencement of this Act, save that all references in any such lease or license to the School Commissioners shall be deemed to be references to the Land Board of the land district in which the land affected by the lease or license is situated ; and all rents and other payments under any such lease or license shall be paid to the Receiver of Land Revenue of that land district.

Saving of existing  
leases granted by  
School  
Commissioners.  
1910, No. 65, s. 5



REFER: S. 288 1924 No. 31.

Determination of leases granted by School Commissioners which confer rights of renewal.

1913, No. 48, s. 3  
1914, No. 45, s. 4

25. (1) Any lease or license now in existence which has been heretofore granted by School Commissioners under the Education Reserves Act, 1908, or any former Act relating to education reserves or endowments, and which confers upon the lessee or licensee any right, whether absolute or contingent, to a renewal of the lease or license, whether on the same or on different terms and conditions, may be at any time determined by the Governor-General by Order in Council if the Land Board reports to the Minister that the land comprised in such lease or license should be subdivided.

(2) Every such Order in Council shall take effect either on the day of the making thereof or on any later day to be specified in the Order, which may be either the day of the expiry of the then-existing term or any earlier or later day, but shall in no case be later than one year after the date of the Order in Council.

(3) So soon as any such Order in Council takes effect the then-existing lease or license and any right of renewal thereof, together with all subleases or other derivative interests, shall absolutely cease and determine.

(4) The land included in the lease or license so determined shall be subdivided in such manner as the Minister approves, and the subdivisions thereof shall be available for the grant of leases or licenses by the Land Board in accordance with this Act:

Provided that the lessee or licensee shall be entitled, without competition, to a lease or license of such one of the subdivisions as he selects, and the issue of such lease or license, and the terms and conditions thereof, shall be taken into account by the Court in assessing the amount of compensation payable as hereinafter provided.

(5) No such determination shall take away or affect any liability or obligation incurred by the lessee or licensee, or by any sublessee or owner of any derivative interest, prior to such determination, and all rent and other periodical payments then accruing due by any such person shall be apportioned.

(6) Compensation shall be payable in respect of the determination of the lease or license, and of the consequent destruction of the aforesaid right of renewal, and of all derivative interests, in the same manner, with all necessary modifications, as in the case of land taken for a public work under the Public Works Act, 1928, and all the provisions of that Act shall apply accordingly as if the Order in Council were a Proclamation taking land under that Act.

(7) In this section the term "right of renewal" includes a right to have a new lease or license offered for sale by public auction or public tender, and any other right which in any manner limits, restricts, or affects the power of the Land Board to grant leases or licenses of the land or any part thereof on the expiry of the lease or license by effluxion of time.

(8) This section shall extend and apply to any lease or license which, whether before or after the commencement of this Act, has been granted by the Land Board in pursuance or intended pursuance of any right of renewal conferred by a lease or license heretofore granted by School Commissioners, whether the lease or

license so granted by the Land Board confers any right of renewal or not.

(9) This section shall not extend or apply to any lease or license of land which does not exceed fifty acres in area.

26. (1) Except as otherwise provided in this section, the owner of any lease granted in respect of land comprised in an education reserve administered by a Land Board and in force at the commencement of this Act may, with the approval of the Minister given on the recommendation of the Land Board and on payment of such valuation fee as may be required, surrender his lease and obtain from that Board in exchange therefor a new lease of the same land in accordance with the provisions of paragraph (e) of section five of the Public Bodies' Leases Act, 1908, as modified by this section.

REFER: S. 19&20 1930 No. 35.

Lessee of land  
comprised in  
education reserve  
may surrender lease  
in exchange for new  
lease.

1927, No. 65, s. 3

(2) Every new lease granted under this section shall be for a term of twenty-one years, with a perpetual right of renewal for further terms of twenty-one years, and shall provide for an annual rental of an amount equal to five per centum of the capital value of the land comprised in the lease reduced by an amount equal to the amount as determined by the Land Board which the lessee would be entitled in accordance with the terms of his lease to receive from an incoming lessee in respect of the value of improvements as at the date of surrender.

(3) All the provisions of Part III of the Land Act, 1924, relating to conditions as to residence in respect of renewable leases (including the provisions as to exemptions from such conditions) shall apply with respect to leases granted under this section.

(4) Every new lease issued pursuant to this section shall be deemed to be subject to all existing encumbrances, liens, and interests (if any) registered against the surrendered lease at the date of surrender, and the provisions of paragraph (c) of section ninety-six of the Land Act, 1924, shall with the necessary modifications apply thereto.

(5) For the purpose of fixing the rental to be reserved by any renewed lease granted in terms of a lease granted under this section no account shall be taken of any improvements existing at the time of such renewal that have been effected or that have been paid for by the lessee.

(6) Clause fifteen of the First Schedule to the Public Bodies' Leases Act, 1908, shall have no application to any lease granted under this section.

(7) The provisions of this section shall not apply with respect to any land which if it were Crown land available for disposal under the Land Act, 1924, would in the opinion of the Land Board be classified under section one hundred and twenty-seven of that Act as town land, or village land, or suburban land, or to any land unless in the opinion of the Board and the Minister such land is not suitable for subdivision. In determining whether or not any land is suitable for subdivision as aforesaid regard shall be had not only to the suitability for subdivision of the land in itself, but also to its suitability for subdivision in conjunction with any area or areas of adjoining Crown land or other land administered by the Land Board which may then be or may thereafter become available for disposal.

Authorizing sale or exchange of portion of education reserves for public purposes.

1914, No. 45, s. 3  
1924, No. 24, s. 10  
1927, No. 65, s. 4

27. (1) The Land Board charged with the administration of any reserve or endowment set apart for the purposes of primary or secondary education may with the consent of the Minister of Education sell or exchange, in such manner and on such terms as the Board and the said Minister think fit, any portion of such reserve or endowment, not exceeding five acres in any one case, or the whole of any such reserve or endowment the area of which does not exceed five acres, as a site for any building to be erected for any educational, religious, charitable, or public purpose, or for any other purpose which in the opinion of the Board and the Minister renders such a sale or exchange expedient in the public interest.

(2) The Board may also sell or exchange in the manner aforesaid and for any purpose any reserve or endowment, or portion thereof, if the Board and the Minister are of opinion that the sale or exchange is for the benefit of the reserve or endowment or otherwise to the advantage of primary or secondary education, as the case may be.

(3) The proceeds of every sale under this section, after deducting such costs and expenses incidental to the sale as may be prescribed, may in the discretion of the Minister be invested—

(a) In the purchase of other land; or

(b) In any manner in which trust funds may be invested pursuant to the Trustee Act, 1908.

(4) Any land purchased or received in exchange pursuant to this section shall become vested in His Majesty in trust for the same educational purposes as the land sold or given in exchange therefor, and shall be administered and dealt with accordingly by the Land Board of the district in which it is situated.

(5) Where any moneys have been invested on mortgage pursuant to subsection three hereof, and the lands mortgaged thereafter become vested in His Majesty under any power of sale expressed or implied in the mortgage, such lands shall be held in trust for the educational purposes for which the land from the sale of which such moneys were derived was held.

28. Where in any special case it is proposed to pay to the outgoing occupier of land comprised in a lease or license of any education reserve or endowment the value of any improvements effected thereon, and to include that value in the capital value of the land, for the purposes of its subsequent disposition, the Land Board may with the approval of the Minister add to the capital value of the land the value of such improvements, and in such case the amount payable to the outgoing occupier in respect of the value of the improvements may be paid out of the Consolidated Fund as provided in the next succeeding section.

29. (1) In respect of the administration by Land Boards of education reserves and endowments the following moneys shall be payable in the first instance out of the Ordinary Revenue Account of the Consolidated Fund without further appropriation than this section, that is to say:—

(a) All compensation payable under section twenty-five hereof (relating to the resumption of reserves and endowments):

(b) The value of any improvements payable to an outgoing occupier as provided in the last preceding section,

Value of improvements may in certain cases be paid by Crown and added to capital value of land.

1924, No. 24, s. 2

Certain payments in respect of education reserves and endowments to be made in first place out of Consolidated Fund.

*Ibid.*, s. 3

(2) All moneys paid out of the Consolidated Fund as aforesaid shall constitute a charge upon such parts of the funds for the time being vested in the Public Trustee pursuant to section twenty-three hereof, as are held by him for the purposes of primary education or secondary education, as the case may be, in the provincial district in which is situated the reserve or endowment in respect of which the payment out of the Consolidated Fund was made.

To constitute a charge on certain other funds and accounts.

(3) In satisfaction of every such charge the Public Trustee shall as soon as may be pay the amount thereof into the Consolidated Fund out of the capital of the fund so charged.

(4) In the event of the capital of any such fund having been exhausted or being insufficient to meet any charge in full, the whole of such capital (if any) shall be paid into the Consolidated Fund; and the amount by which the charge remains unsatisfied, together with interest thereon at the rate of four per centum per annum, shall constitute a charge—

(a) Upon the Primary Education Endowments Deposit Account, where the payment out of the Consolidated Fund was made in respect of a reserve or endowment set apart for the purposes of primary education; or

(b) Upon the appropriate Secondary Education Endowments Deposit Account, where the payment out of the Consolidated Fund was made in respect of a reserve or endowment set apart for the purposes of secondary education.

(5) Payments into the Consolidated Fund in respect of charges as aforesaid shall be made out of the Primary Education Endowments Deposit Account and the several secondary Education Endowments Deposit Accounts without further appropriation than this section.

30. (1) The revenues derived from education reserves and endowments administered by a Land Board pursuant to section twenty-two hereof shall be paid by the Receiver of Land Revenue into the Public Account to the credit of a special deposit account to be called the "Primary Education Endowments Deposit Account" in the case of revenues derived from reserves and endowments set apart for primary education, and to the credit of a special deposit account for each provincial district to be called the "[Name of district] Provincial District Secondary Education Endowments Deposit Account" in the case of revenues derived from reserves and endowments set apart for secondary education.

Application of revenue from education reserves and endowments. 1924, No. 24, s. 4 1927, No. 65, s. 9

(2) All moneys paid into the Primary Education Endowments Deposit Account shall, save as otherwise specially provided in this or any other Act, be applied from time to time without further appropriation than this Act towards the payment of amounts which by any Act now in force or hereafter to be passed are charged on the Consolidated Fund for the purposes of primary education.

(3) All moneys paid into the Secondary Education Endowments Deposit Account for any provincial district shall, save as otherwise specially provided in this or any other Act, be paid by quarterly instalments without further appropriation than this Act to the governing bodies of secondary schools in that district in proportion to the number of pupils in average attendance at the several secondary schools, exclusive of the pupils in any lower department. For the purposes

of this subsection the number of pupils in average attendance at any school shall be computed in accordance with regulations made under the Education Act, 1914.

Expenses of administration and maintenance, &c., of education reserves and endowments.  
1924, No. 24, s. 5

31. (1) Out of the moneys standing to the credit of the Primary Education Endowments Deposit Account and the several Secondary Education Endowments Deposit Accounts there shall in each quarter be paid to the Consolidated Fund without further appropriation than this section the expenses of the administration during the previous quarter of education reserves and endowments.

(2) The amount to be so paid out of any such account shall be such amount as the Minister of Lands may approve, not exceeding in any quarter five per centum of the rents actually received during the previous quarter and credited to such account.

(3) In addition to the amounts payable out of any deposit account as aforesaid in respect of the expenses of administration, there shall from time to time be transferred from the deposit account to the Consolidated Fund, by way of refund, without further appropriation than this section an amount equal to the amount theretofore expended out of the Ordinary Revenue Account of the Consolidated Fund and not theretofore refunded in respect of rates, insurance premiums, surveys, valuations, legal charges and expenses, or the maintenance, upkeep, repair, or permanent improvement of or in respect of any education reserve or endowment the revenues from which are payable to the said deposit account.

Education reserves and endowments to be subject to Land Transfer Act.  
1915, No. 61, s. 2

32. All reserves and endowments that by virtue of the provisions of section two of the Education Reserves Amendment Act, 1910, have heretofore been or that by virtue of the provisions of section twenty-two hereof may hereafter become vested in the Crown in trust for the purposes for which they are reserved shall be deemed to be subject to the provisions of the Land Transfer Act, 1915; and the District Land Registrar of the district in which any such reserve or endowment is situated shall, on the request in writing of the Commissioner of Crown Lands and on the completion of such surveys (if any) as may be necessary, issue a certificate of title in the name of His Majesty the King in respect of the land comprised in such reserve or endowment.

School-sites on education reserves.  
1911, No. 18, s. 5

33. The Governor-General may, on the recommendation of the Land Board of the district in which are situated any reserves or endowments vested in the Crown by or in pursuance of section two of the Education Reserves Amendment Act, 1910, or of section twenty-two hereof, set apart as sites for public schools, secondary schools, or technical schools any part of such reserves or endowments.

Transfers, &c., of leases require approval of Land Board.  
Ibid., s. 6

34. No transfer, sublease, or mortgage executed after the twenty-eighth day of October, nineteen hundred and eleven (being the date of the passing of the Education Reserves Amendment Act, 1911), of any lease of an education reserve or endowment administered by a Land Board, or of any part thereof, shall be valid until and unless the written consent thereto of that Land Board has been obtained.

Notice of forfeiture of lease, &c., to be sent to District Land Registrar.  
1924, No. 24, s. 6

35. In case of the forfeiture of any lease or license of any education reserve or endowment the Commissioner of Crown Lands may send to the District Land Registrar a notice of such forfeiture, which shall be a sufficient authority for the said Registrar to enter upon the

register a note of the said forfeiture, and he shall make such entry accordingly.

36. (1) The Board shall charge such fees for the preparation and approval of leases and for the approval of transfers, subleases, and mortgages in respect to the reserves and endowments administered by it as the Governor-General in Council by regulations in that behalf from time to time prescribes.

Board to charge prescribed fees.  
1911, No. 18, s. 10

(2) All such fees shall be paid into the Public Account and shall form part of the Consolidated Fund.

#### *Exchanges of Reserves.*

37. (1) The Governor-General may in the name and on behalf of His Majesty grant to any Trustees any Crown land or land vested in or acquired by the Crown in exchange for the whole or any portion of any endowment or reserve or any other land deemed by the Governor-General and the Trustees agreeing to the exchange to be of equal value with the land so granted; and the Governor-General and such Trustees may do or cause to be done all acts and things, and may make, sign, or execute all instruments necessary to carry out any such exchange.

Reserve may be exchanged for land of equal value to be appropriated to like purpose.  
1908, No. 53, s. 29

(2) All land so received in exchange shall be held by the Trustees for the objects and purposes and upon the trusts (if any) for and upon which the land so given in exchange was held.

(3) No such exchange shall be made without the previous consent in writing of the Trustees.

(4) For the purposes of this section "Trustees" means all persons and authorities, whether incorporate or not, in whom is vested, or who have the control of, any land set apart by way of endowment for any university or high school, or any school under this Act, or for the purposes of primary or secondary or university education; and in the case of reserves vested in the Crown means the Governor-General.

#### *Miscellaneous.*

38. (1) Every Education Board may let any lands vested in it at such rents and on such terms and conditions as may be deemed fit, subject nevertheless to the trusts and conditions contained in any instrument by which such lands have been so vested.

Education Board may lease lands.  
Ibid., s. 25  
1910, No. 65, s. 8

(2) Such letting shall be by public auction or public tender, of which at least one month's public notice shall be given.

(3) The term of the lease shall not exceed twenty-one years, except in the case of land situate within a town or city and suitable for building purposes, when the term may be any period not exceeding forty-two years; but no such lease shall contain any covenant or provision for a renewal or extension of the said term of forty-two years.

(4) This section shall be construed subject to the provisions of the Land Act, 1924, relating to the leasing of educational endowments and reserves, in so far as those provisions are applicable.

Land heretofore reserved for secondary or technical school purposes may be vested in Education Board or other governing body.  
1924, No. 24, s. 8

39. (1) The Governor-General may by Order in Council declare that any land that has heretofore been or that may hereafter be reserved or set apart for any of the purposes of a secondary school or technical school shall be vested in an Education Board, or Board of Managers, or governing body of a secondary school or technical school named in such Order; and thereupon such land shall be deemed to have been duly transferred to such Board or governing body, and shall be held by it upon trust for the purposes for which it is reserved or set apart.

(2) The District Land Registrar, when requested so to do by the Education Board, or Board of Managers, or governing body in which such land is vested, shall make all necessary endorsements on the certificate of title in respect of such land, or, if no such certificate has been issued, shall issue a certificate in the name of such Board or governing body, as the case may require.

References to School Commissioners in other Acts.

1910, No. 65, s. 7

Repeals.

Savings.

1908, No. 53, s. 1 (2)

40. All references in any unrepealed Act to School Commissioners shall be deemed to be references to the Land Board.

41. The enactments mentioned in the Schedule hereto are hereby repealed, and with respect to those enactments the following provisions shall apply:—

- (a) All Proclamations, orders, resolutions, appointments, notices, reservations, and generally all acts of authority which originated under any of the said enactments, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.
- (b) All Trustees, schools, reserves, endowments, and lands who or which on the coming into operation of this Act are subject to any of the said enactments shall be deemed to be similarly subject to this Act, and the provisions of this Act shall apply thereto accordingly.
- (c) All matters and proceedings commenced under any of the said enactments, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

Schedule.

## SCHEDULE.

### ENACTMENTS REPEALED.

- 1908, No. 53.—The Education Reserves Act, 1908.  
1910, No. 65.—The Education Reserves Amendment Act, 1910.  
1911, No. 18.—The Education Reserves Amendment Act, 1911.  
1913, No. 48.—The Education Reserves Amendment Act, 1913.  
1914, No. 45.—The Education Reserves Amendment Act, 1914.  
1915, No. 61.—The Education Reserves Amendment Act, 1915.  
1920, No. 83.—The Finance Act, 1920: Section 42.  
1924, No. 24.—The Education Reserves Amendment Act, 1924.  
1927, No. 65.—The Education Reserves Amendment Act, 1927.