

AUSTRALIAN CAPITAL TERRITORY

No. 23 of 1979

An Ordinance to amend the *City Area Leases Ordinance* 1936

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

Dated this seventh day of August 1979.

ZELMAN COWEN
Governor-General

By His Excellency's Command,

R. ELLICOTT
Minister of State for the Capital Territory

CITY AREA LEASES (AMENDMENT) ORDINANCE 1979

1. This Ordinance may be cited as the *City Area Leases (Amendment) Ordinance* 1979.¹ Short title
2. In this Ordinance, "Principal Ordinance" means the *City Area Leases Ordinance* 1936.² Principal Ordinance
3. Section 12A of the Principal Ordinance is amended by omitting from sub-section (3) "those determined by the Minister," and substituting "such provisions, covenants and conditions, not inconsistent with this Ordinance, as are determined by the Minister,". Terms, &c., of leases the right to the grant of which is obtained after 1 January 1971
4. Section 29 of the Principal Ordinance is amended by adding at the end thereof the following sub-sections: Land leased to be held as undivided parcel but may be sub-let

"(3) Notwithstanding any provision of the *Real Property Ordinance* 1925, where a lease to which this sub-section applies includes a covenant, not being a covenant authorized or required by this Ordinance, that the lessee will not, within a period specified in the covenant, transfer or assign by way of sale the lease or any interest in the lease except with the consent of the Minister—

- (a) the covenant has no effect; and

(b) the lease has, and shall be taken always to have had, the same effect as it would have had if the covenant had not been included in the lease.

“(4) Sub-section (3) applies to a lease granted under this Ordinance on or after 1 January 1974.

“(5) A right acquired, or liability incurred, before the commencement of the *City Area Leases (Amendment) Ordinance 1979* in respect of the breach of a covenant referred to in sub-section (3), is, by force of this sub-section, discharged.”

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 9 August 1979.
2. 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; Nos. 3 and 58, 1973; Nos. 13, 19, 25, 50 and 56, 1974; No. 32, 1975; Nos. 12 and 25, 1976; Nos. 57 and 64, 1977; and No. 18, 1978.