

NORTHERN TERRITORY OF AUSTRALIA

SPECIAL PURPOSES LEASES REGULATIONS 1955

As in force at 1 October 1991

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 October 1991

SPECIAL PURPOSES LEASES REGULATIONS 1955

Regulations under the *Special Purposes Leases Act 1953*

1 Citation

These Regulations may be cited as the *Special Purposes Leases Regulations 1955*.

2 Interpretation

- (1) In these Regulations, unless the contrary intention appears:

qualified person means a person, Government, association, statutory corporation established under a law of the Commonwealth or of a State or Territory, or company to whom or to which the Minister may grant a lease for a special purpose in accordance with the Act.

the Act means the *Special Purposes Leases Act 1953*.

- (2) In these Regulations, a reference to a form by number is a reference to the form so numbered in the Schedule.

3 Form of application

- (1) An application for a lease may be made by a qualified person in accordance with Form 1.
- (2) The application shall be lodged at the Lands Office, Darwin.

4 Fee payable on application

- (1) An application for a lease, other than a lease within the Darwin Town Area or a municipality, shall be accompanied by a fee of 3 dollars.
- (2) If an application is not granted, the Minister shall refund the fee paid with the application, less any expenses incurred by the Minister in connection with the application.
- (3) If an application is granted, no additional fee shall be payable for the preparation and registration of the lease.

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- (4) If an application is withdrawn or is deemed to have been withdrawn, the fee paid with the application shall not be refunded.

5 General conditions of leases

A lease shall contain:

- (a) a reservation of a right of entry in favour of the Minister, or an officer authorized in writing by the Minister, at all reasonable times and in any reasonable manner, to enter upon the leased land or any part of it and to inspect the leased land or any part of it and any improvements on it;
- (b) a reservation to the Crown of all minerals and mineral substances in or on the leased land, including gold, silver, copper, tin, other metals, ores and substances containing metals, gems, precious stones, coal, shale, mineral oils and valuable earths or substances, together with the right to authorize any persons to enter upon the land to mine, work for, win, recover and remove them or any of them, and to do all things necessary or convenient for those purposes;
- (c) a reservation of a power to resume the leased land in accordance with the Act;
- (d) a reservation of a right of entry for the purposes of providing and maintaining water, sewer, electricity and other services on the land leased, or on other land;
- (e) a covenant by the lessee that he will pay the rent annually in advance;
- (f) a covenant by the lessee that he will use the land only for the purpose, or a purpose ancillary to the purpose, for which the lease is granted;
- (g) a covenant by the lessee that he will pay all rates and taxes which may at any time become due in respect of the leased land;
- (h) a condition that the lease does not confer any rights on the lessee until the rent for the first year of the term has been paid;
- (i) a condition that the lessee has no right of entry on the land which is the subject of the lease until the rent for the first year of the term has been paid;
- (j) a condition that, if the rent (other than the rent for the first year) is not paid on or before the expiry of 3 months from

the date on which it becomes payable, an additional amount (which shall be deemed to be recoverable as rent) at the rate of 5 per cent per annum from the expiry of that period shall become payable by the lessee in respect of the rent overdue, if demanded by the Minister; and

- (k) a condition that the lessee, having paid all rent due by him, may at any time surrender the lease in accordance with the provisions of the Act and these Regulations.

6 Procedure where applicant fails to execute lease

- (1) Where an applicant fails to give written agreement of acceptance to the Minister within 3 months after the day of receipt of an offer of a special purposes lease, the Minister may, by notice in writing to the applicant, advise a time after which the offer will be withdrawn.
- (2) The time specified in a notice under subregulation (1) shall not be less than 14 days after the date of the notice.
- (3) Where an applicant to whom a notice under subregulation (1) has been given fails, within the time specified in the notice, to give the written agreement of acceptance referred to in that subregulation, the offer is withdrawn.

8 Suits for moneys due but unpaid

Moneys which are due under a lease but are unpaid may be sued for and recovered in any Court of competent jurisdiction in the name of the Territory by a person authorized in that behalf by the Minister.

9 Form for the purpose of section 5AA

For the purposes of section 5AA of the Act, a form lodged under that section shall be in accordance with Form 3.

The Schedule

FORM 1

regulation 3

THE NORTHERN TERRITORY OF AUSTRALIA

Special Purposes Leases Act 1953

APPLICATION FOR A LEASE

Application is hereby made under the *Special Purposes Leases Act 1953*, for a lease for a period of years, of the following land, being unleased land belonging to the Crown in the Northern Territory:

The applicant is qualified to apply, under section 4 of that Act, as

The amount of capital which the applicant is prepared to invest on the land proposed to be leased is

The land shall, if the lease is granted, be used for the following purpose:

The applicant undertakes to pay, if the land is not within the Darwin Town Area or a municipality, the amount determined by the Minister to be the cost of surveying the land.

If the lease now applied for is granted, the applicant undertakes to use the land for the purpose set out in this application, to execute a lease in duplicate, and to perform the covenants and conditions and observe the reservations of the lease as executed.

The applicant declares that the particulars set out above are true in every respect.

The applicant deposits the application fee of 3 dollars in accordance with regulation 4(1).

Dated this day of , 19 .

(Applicant)

To:

The Minister for Lands and Housing,

Darwin.

FORM 3

regulation 9

NORTHERN TERRITORY OF AUSTRALIA

Special Purposes Leases Act 1953 No.

LODGED AT THE REGISTRAR-GENERAL'S OFFICE ON

AT DUPLICATE TO

**NOTICE OF A RIGHT
TO A GRANT
OF A LEASE**

The Minister, under the *Special Purposes Leases Act 1953*, lodges with the Registrar-General details of the means by which the grant of a lease arose, for the purposes of creating a folio in the Register.

(NOTE 1)	Location	Parcel	Plan
Land			
(NOTE 2)			
Details of the Interest			
(NOTE 3)			
Commencing			
Expiring			
(NOTE 4)			
Person who possesses the right to a grant	Name		
	Address::		
(NOTE 5)			
Means by which the right to grant arose			
(NOTE 6)			
Reservations, provisions, covenants and encumbrances			

(NOTE 7)

Lease conditions

.....
Signed by

on (Date)

.....
in the presence of

Registered on At

SCHEDULE OF NOTES

1. Full details of the land must be shown.
2. Type of Crown Lease e.g. Special Purpose Lease No.
3. Commencing date may be date of grant. Expiry date may be in perpetuity.
4. Full name. Person includes body corporate. ACN should be specified. Copy of certificate of registration for a body corporate must be appended. Address for service of notices may be a postal address or the registered office of a company.
5. Must be shown, i.e. auction, direct grant pursuant to section 5B, determination pursuant to section 5A(5).
6. Reservations including standard reservations (minerals, etc.), sewerage easement, statutory restrictions should be identified (e.g. by a general reference to a statute [e.g. *all reservations implied by the *Special Purposes Leases Act 1953*] or by specific reference to a particular document).
7. Lease conditions should be identified.

ENDNOTES
1**KEY**

Key to abbreviations

amd = amended
 app = appendix
 bl = by-law
 ch = Chapter
 cl = clause
 div = Division
 exp = expires/expired
 f = forms
 Gaz = Gazette
 hdg = heading
 ins = inserted
 lt = long title
 nc = not commenced

od = order
 om = omitted
 pt = Part
 r = regulation/rule
 rem = remainder
 renum = renumbered
 rep = repealed
 s = section
 sch = Schedule
 sdiv = Subdivision
 SL = Subordinate Legislation
 sub = substituted

2**LIST OF LEGISLATION*****Special Purposes Leases Regulations (SL No. 10, 1955)***

Notified	21 December 1955
Commenced	21 December 1955

Ordinances Revision Ordinance 1973 (Act No. 87, 1973)

Assent date	11 December 1973
Commenced	11 December 1973

Amendments of the Special Purposes Leases Regulations (SL No. 6, 1978)

Notified	2 June 1978
Commenced	2 June 1978

Transfer of Powers (Self-Government) Ordinance 1978 (Act No. 54, 1978)

Assent date	1 July 1978
Commenced	1 July 1978 (s 2)

Real Property (Consequential Amendments) Act 1991 (Act No. 33, 1991)

Assent date	25 June 1991
Commenced	1 October 1991 (Gaz S49, 1 October 1991)

Amendments of Special Purposes Leases Regulations (SL No. 50, 1991)

Notified	1 October 1991
Commenced	1 October 1991 (r 1, s 2 <i>Real Property (Consequential Amendments) Act 1991</i> (Act No. 50, 1991) and Gaz S49, 1 October 1991)

3**GENERAL AMENDMENTS**

General amendments of a formal nature (which are not referred to in the list of amendments to this reprint) are made by s 11 of the *Ordinances Revision Ordinance 1973* (Act No. 87, 1973) (as amended) to the following provisions: rr 2, 4, 5, 6 and sch.

4 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: rr 1 and 2 and sch.

5 LIST OF AMENDMENTS

r 2	amd No. 6, 1978, r 1
r 4	amd No. 6, 1978, r 2; Act No. 54, 1978, s 6
r 5	amd No. 6, 1978, r 3; Act No. 54, 1978, s 6
r 6	amd Act No. 54, 1978, s 6; Act No. 33, 1991, s 7
r 7	rep Act No. 33, 1991, s 7
r 8	amd Act No. 54, 1978, s 6
r 9	ins No. 50, 1991, r 2
sch	amd No. 6, 1978, r 4; Act No. 54, 1978, s 6; No. 50, 1991, r 3