

22 November 2015

Rangiora High School
Attention: The Commissioner
East Belt
RANGIORA

By email:
bev.moore@xtra.co.nz

Dear Bev

RANGIORA HIGH SCHOOL

Further to our conversation please find **enclosed** the following titles:

1. Historical title search of the land currently occupied by the Nursery School. You will see there is no caveat registered against this title; and
2. Historical title search of the land previously owned by the High School referred to as the School "Farm Land".
3. Historical title search of the previous underlying title to the Farm Land.

In relation to the Farm Land you can see it was transferred to the Rangiora High School Board on 3 March 1931. This title to the land shows it originally contained 19.8346 hectares. A new title was subsequently issued reducing the area of land owned by the High School Board to 18.2716 hectares.

While the land was owned by the High School Board there were no caveats registered against the title.

As you will see the land is shown as being held for the purpose of "High School Reserves". This means that upon the sale of land the use of the funds will be subject to the Ministry of Education's consent.

Unfortunately you cannot ascertain from the title search how the School paid for the land.

I have previously forwarded to you the Ministry of Education's opinion on how the proceeds of Farm Land can be utilised. That letter notes

"High School Reserve land (where it is not used directly for a school site or public education related purpose) is part of a legacy endowment funding system for schooling operations (ie it is not a current Ministry funding policy). Traditionally, "waste" land of the Crown, or private land endowments, were held specifically for the benefit of a named school or schooling activities within a district. It was therefore investment land that could be leased to provide income to be used for that named school or schooling district's schooling operations. Occasionally the land itself could be income-producing such as timber felling.

*Accordingly, **the Ministry advises that section 11 of the Education Lands Act 1949 does not require the proceeds of the sale of the farm land to be applied to purchase new farm land.** The relevant purpose that is required to be maintained relates to the use of the investment income not the specific activity carried out on the original (in this case farm) land. As the original land was held for the purpose of generating income for the benefit of Rangiora High School's schooling operations, any replacement land (or replacement*

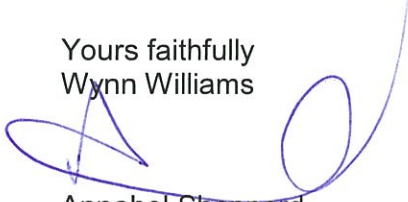
prescribed investment in s11(1)(b)) should generate income for the benefit of Rangiora High School's schooling operations.

In answer to your questions, therefore, **any replacement land purchased with the sale proceeds does not need to be farm land and does not need to be for an educational purpose.** For example, it could be commercial/industrial land that generates rental income, as long as the income generated continues to be used for the benefit of Rangiora High School's schooling operations. I

I understand that there has been allegations that there has been a caveat registered against the titles which is clearly not the case. A caveat can only be registered against land if someone has a caveatable interest. This means they must have an underlying interest in the land. If a caveat is registered then the Registered Proprietor would always be notified.

Let me know if you need any further information.

Yours faithfully
Wynn Williams



Annabel Sheppard
Partner

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