

Waste Lands Boards Appeal Act 1867

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An Act to provide for the more effectual determination of Differences and Disputes heard before Waste Land Boards.

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

1 Short Title.

The Short Title of this Act shall be “The Waste Lands Boards Appeal Act 1867.”

2 Decisions of Waste Lands Boards where no rehearing or appeal provided subjected to the provisions of this Act.

Whenever by the Acts Ordinances or regulations in force in any of the Provinces of New Zealand affecting the administration of the Waste Lands of the Crown in such Province power is given to the Waste Lands Board of or in any such Province hereinafter collectively referred to as “the said Board” with or without the consent sanction or concurrence of the Superintendent of any Province or of any other person or authority to hear and determine applications for the purchase leasing occupation or other acquisition of land or for pasturage or for timber or other licenses or to hear and determine disputes between the holders of pasturage or timber or other licenses respecting boundaries of runs or of spaces or areas occupied under licenses or to hear and determine any of such matters then and in either of such cases the decisions of any such Board shall be subject to the following provisions—

3 Rehearing provided.

Any Waste Lands Board of or for any Province may at any time within fifteen days after the making of any decision by it on any matter on which it is empowered to decide grant on the application of any person aggrieved by such decision a rehearing of the case decided by it if it shall think that justice requires it and on such rehearing may reverse alter modify or confirm the previous decision in the same case.

4 Appeal to Judge of the Supreme Court.

If any person consider himself aggrieved by any decision of the said Board such person may appeal to the Supreme Court provided that such person shall within thirty days after the giving of such decision give notice of such appeal to the Board and also to such persons if any as shall have appeared before the Board as opponents of the case or claim or application of such person and also give security to be approved of by the Registrar of the Supreme Court for the costs of the appeal and after hearing the parties the Court shall give its decision and cause the same to be certified in writing by the Registrar or Deputy Registrar of the Court to the Board and the Board shall be bound to follow such decision and shall reverse alter modify or confirm their decision in accordance therewith and the Supreme Court may make such order as to payment of costs to either party as to it shall seem meet.

5 Appeal to be by case stated if agreed on or the Court to hear and determine.

Such appeal shall be in the form of a case agreed on by such Board and the Appellant and if they cannot agree upon the case to be stated then such appeal shall not be in the form of a case but the Supreme Court shall hear such appeal and may receive evidence either orally or by affidavit and it shall be lawful for the Supreme Court if to the Court it shall seem fit instead of

deciding any matter of fact in dispute upon affidavits or personal examination by it of witnesses to order any such question of fact to be found and determined by a jury and to settle an issue or issues for that purpose.

6 Question of law may be submitted by Board for opinion of Judge.

The Board may either at the instance of a party or of their own motion in any case of doubt upon a question of law submit a case thereon in writing to a Judge or Judges of the Supreme Court who after hearing the parties or their counsel or without as to such Judge or Judges shall seem fit shall certify his or their opinion thereon in writing to the Board and the Board shall be guided by such opinion.

7 Judges of Supreme Court empowered to make rules.

The Judges of the Supreme Court or any two or more of them may from time to time make general rules for regulating the practice and proceedings on such appeals and on the hearing and deciding questions stated under the sixth section of this Act which rules shall be as valid as if included in this Act.

8 Application of Act notwithstanding other provisions in Waste Lands Act of any Province.

This Act shall apply to any Waste Lands Board of or in any Province and to the decisions of such Board notwithstanding that in the Act Ordinance or regulations regulating the sale occupation or other disposal of the Waste Lands of the Crown therein special provision may be made for appeals from the decisions of such Board and any such provision so far as the same is inconsistent with or repugnant to the provisions of this Act or would prevent the operation of this Act with regard to any Waste Lands Board of or in such Province or the decisions of any such Board shall be deemed to be repealed.

9 Pastoral license or lease.

Where under any Waste Land law in force in any Province it is provided that any pastoral license or lease shall be forfeited or shall cease and determine upon any rent payable for under or in respect thereof not being paid at the time when such rent is payable it is hereby expressly provided that such forfeiture shall not accrue and such license or lease shall not cease and determine if within three months after the day on which such rent becomes payable the licensee or lessee shall pay the rent accrued due together with a sum of one shilling for every pound of rent due for each month or fraction of a month during which such rent shall be in arrear.

10 No appeal connected with the title of the Crown to lands.

Nothing herein contained shall authorize or permit an appeal from the decision of any Waste Lands Board upon any question affecting the title of the Crown to any lands.