

## New Zealand.



### ANALYSIS.

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1895, No. 44.

AN ACT to afford Relief to Pastoral Tenants of the Crown, and Others, who have suffered Exceptional Loss of Live-stock by reason of the Unexampled Severity of the Winter of this Present Year. Title.

[31st October, 1895.]

WHEREAS in certain high-lying parts of the colony exceptional loss of live-stock has been caused to persons engaged in pastoral pursuits by the unexampled severity of the past winter, and in particular by the heavy falls of snow that then occurred: And whereas it is expedient in exceptional cases to afford some measure of relief to the sufferers: Preamble.

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

1. The Short Title of this Act is "The Pastoral Tenants' Relief Act, 1895." Short Title.

2. In this Act, if not inconsistent with the context,— Interpretation.

"Lease" includes "license":

"Minister" means the Minister of Lands or any member of the Executive Council for the time being acting for the Minister:

"Pastoral tenant of the Crown" and "tenant" include every person occupying lands of the Crown for pastoral purposes by virtue of any form of lease under "The Land Act, 1892," or any Act thereby repealed:

"Person" includes "company":

"Prescribed" means prescribed by regulations under this Act.

## AS TO PASTORAL TENANTS OF THE CROWN.

Applications for relief.

3. Any pastoral tenant of the Crown may, at any time not later than the twenty-first day of November, one thousand eight hundred and ninety-five, make application in the prescribed form to the Land Board of the district for relief under this Act, on the ground that he has suffered exceptional loss of live-stock by reason of the severity of the winter of this present year, and the heavy falls of snow, and that such loss has crippled his resources.

Contents of application.

4. (1.) In such application the tenant shall specify with reasonable particularity—

- (a.) The number of each description of live-stock grazing on the land in his lease at the beginning of the winter;
- (b.) The number of each description of live-stock that perished;
- (c.) The estimated value thereof;
- (d.) The percentage of loss during each of the three previous winters;
- (e.) The extent to which the loss during the winter of this present year exceeded the usual loss; and
- (f.) Such further information as is prescribed.

(2.) If, in addition to the land he occupies as pastoral tenant of the Crown, such tenant also occupies other land contiguous thereto, the foregoing particulars shall be shown separately in respect of such contiguous land.

Land Board to hold inquiry.

5. The Land Board shall hold an inquiry as to each application for relief, and for that purpose may take evidence, and may require the tenant to supply such particulars of his financial position as the Board may deem necessary, and generally exercise all the powers conferred upon it by "The Land Act, 1892."

Report to Minister.

6. After holding such inquiry the Land Board shall report thereon to the Minister, and may recommend such relief (if any) to be granted as in each instance the Board thinks fit:

Provided that where, after inquiry as aforesaid, the Land Board decides that the applicant is not entitled to any relief under this Act, notice of such decision may be given to the applicant by the Board, under the hand of the Chairman or any two members thereof, and in such case the application shall be deemed to be finally disposed of, without the necessity of any report to the Minister.

Nature of relief.

7. (1.) Such relief shall, in respect of the loss occurring to live-stock on the land of which he is such tenant as aforesaid, consist of one or more of the concessions following, that is to say:—

- (a.) The remission or refund of the whole or any part of one year's rent, payable or paid, as the case may be, under the tenant's lease from the Crown, and the waiver of any penalty incurred or breach of covenant committed by reason of the non-payment thereof;
- (b.) The extension of the term of the lease: Provided that the unexpired portion of the term when so extended does not exceed the maximum term prescribed by "The Land Act, 1892," for similar leases;
- (c.) The surrender of the lease and the issue in lieu thereof of a new lease or license, of any description whatsoever, contained in "The Land Act, 1892," subject, nevertheless, to the provisions hereinafter set forth;

(d.) The remission or refund of the whole or any part of the sheep-rate due on the first day of September, one thousand eight hundred and ninety-five, and paid or payable, as the case may be, under "The Stock Act, 1893," and the waiver of any penalty incurred by reason of the non-payment thereof.

(2.) Such relief shall, in respect of the loss occurring to stock on such contiguous land as aforesaid (if any), consist of the concession specified in paragraph (d) of subsection one of this section.

8. With respect to every new lease or license issued in pursuance of this Act, the following provisions shall apply, that is to say, such new lease or license—

Provisions with respect to issue of new leases or licenses.

(1.) May be issued without compliance with any of the conditions of "The Land Act, 1892," precedent to the issue of leases; and

(2.) May be for any term not exceeding the maximum term prescribed by "The Land Act, 1892," in the case of leases or licenses of the same description; and

(3.) May comprise the whole or any portion of the land in the surrendered lease; and

(4.) May be at such rent as is agreed on between the Land Board and the tenant, and approved by the Minister; and

(5.) When issued, shall be deemed a lease or license duly issued under the provisions of "The Land Act, 1892," relative to leases or licenses of the same description, and shall be held subject to those provisions accordingly, anything in that Act to the contrary notwithstanding.

9. (1.) The report of the Land Board shall, in each instance, specify the nature and extent of the relief (if any) recommended to be granted, and, with the approval of the Governor, the Minister may grant the same or any modification thereof not inconsistent with this Act.

Land Board to specify relief recommended.

(2.) In any such case the application for relief shall be deemed to be finally disposed of when notice of the Minister's decision is given to the applicant by the Land Board under the hand of the Chairman or any two members thereof.

10. In any case where a tenant applies or signifies his intention to apply for relief under this Act, and makes request in the prescribed form that the payment of any rent or sheep-rate be postponed until the application for relief is finally disposed of, the Minister, if he thinks fit, may grant such postponement.

Payment of rent or sheep-rate may be postponed.

11. In order to prevent frivolous or unwarranted applications for relief, and requests for postponement of rent or sheep-rate, it is hereby declared as follows:—

Provisions to prevent frivolous applications.

(1.) The tenant shall be liable to pay interest at the rate of five per centum per annum on the amount of all rent and sheep-rate, the payment whereof is postponed as aforesaid, computed from the respective due dates thereof until the same is paid.

(2.) Such postponement shall not relieve the tenant from the penalties (if any) to which he would otherwise be liable by reason of non-payment of such rent or sheep-rate.

(3.) If, after obtaining such postponement, the tenant omits to duly make application for relief, or his application is not granted, proceedings shall forthwith thereafter be taken to enforce payment as well of the rent or sheep-rate in arrear as also of all such interest and penalties, unless the Land Board reports to the Minister that the tenant had acted throughout in good faith and had reasonable grounds to suppose himself entitled to relief, in which case the Minister may waive such interest and penalties upon such terms (if any) as he thinks fit to impose.

Colonial Treasurer to pay moneys required.

12. The Colonial Treasurer, without any other appropriation than this Act, shall from time to time pay out of the Consolidated Fund such sums as are from time to time required in order to refund pastoral rents or sheep-rates, pursuant to the provisions of this Act.

Certificate as to remission.

13. In any case where the payment of pastoral rents or sheep-rates is remitted, or any breach, interest, or penalty is waived, pursuant to the provisions of this Act, a certificate under the hand of the Minister of Lands shall be sufficient evidence of such remission or waiver.

How extension of lease to be effected.

14. In any case where the term of a lease is to be extended under this Act, the extension shall be effected by memorandum indorsed on the original lease, and signed by the Commissioner of Crown Lands and by the tenant.

Memorandum to be registered.

15. Such memorandum may be registered (without fee) in like manner in all respects as an original lease, and the covenants, stipulations, and conditions of the original lease shall apply to the extended term in like manner in all respects as if it were the term specified in the original lease, anything in "The Land Act, 1892," to the contrary notwithstanding.

#### AS TO OTHER THAN PASTORAL TENANTS OF THE CROWN.

Relief to other than tenants.

16. All the provisions of this Act shall, *mutatis mutandis*, extend and apply to any person engaged in pastoral pursuits, although not a pastoral tenant of the Crown: Provided that the relief which may be granted to such person shall consist of the concession specified in paragraph (d) of subsection one of section seven hereof.

#### GENERAL.

Minister may extend time.

17. The Minister may in special cases extend for not more than one month the time within which any application under the Act is required to be made.

Governor may make regulations.

18. The Governor may, from time to time, make regulations prescribing the forms and contents of applications and other documents under this Act, the method of serving notices, and generally whatever he deems necessary in order to give full effect to this Act. All such regulations shall be gazetted.

Extent of Act.

19. This Act, if not sooner repealed, shall expire at the end of the thirtieth day after the commencement of the next session of Parliament, but without prejudicially affecting anything lawfully done hereunder.