

New Zealand.



ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Appointment of Land Purchase Controller. 3. Dominion Land Purchase Board. 4. Functions of Dominion Land Purchase Board. 5. Appointment of Local Land Purchase Boards. 6. Land agents not eligible as members of Land Purchase Boards. 7. Term of office of appointed members. 8. Remuneration of appointed members. 9. Functions of Local Land Purchase Boards. 10. Repeals. 11. Governor-General may, by Proclamation, set apart areas of Crown land for special settlement. 12. Extending provisions as to sale of Crown lands as sites for dairy factories and other special purposes. 13. Fixing date of commencement of licenses of pastoral runs disposed of otherwise than at auction. 14. Section 273 of Land Act, 1908 (relating to leases for the occupation of lands in mining districts), extended. 15. Extension of special provisions as to settlement of lands in kauri-gum districts. 16. Provision for sale on application of lands not disposed of at auction. 17. Revenues derived from Crown lands in special district constituted pursuant to section 50 of Land Laws Amendment Act, 1913, may be paid to local authority towards repayment of loans for roads and bridges affording access to lands in that district. 18. Limiting right of licensee of pastoral run to obtain renewal of license. | <ol style="list-style-type: none"> 19. Extension of right to purchase settlement land held under lease in perpetuity in cases where lessee has served beyond New Zealand in the war with Germany. 20. Modification of provisions as to assessment of compensation payable by the Crown for land taken under section 65 of the Land Laws Amendment Act, 1913 (relating to land acquired by way of aggregation). Repeal. 21. Section 22 of Land Laws Amendment Act, 1915 (relating to capitalization of moneys expended by Crown for protection or benefit of Crown lands held under lease), extended. 22. Section 27 of Land Laws Amendment Act, 1914 (relating to subdivision of lands comprised in pastoral runs), modified. 23. Section 15 of Land Laws Amendment Act, 1915 (relating to revaluation of rural lands), amended. 24. Section 127 of Land Act, 1908, amended in its application to land proclaimed under section 25 of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1911. 25. Member of association under Land Settlement Finance Act may hold more than one allotment in certain cases. 26. Public Trustee may apportion mortgages in certain cases in respect of land disposed of under Land Settlement Finance Act. 27. Modification of restrictions as to acquisition of land under Land Settlement Finance Act. Repeal. |
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1919, No. 39.

Title.

AN ACT to amend the Law relating to Crown and other Lands.
[5th November, 1919.]

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

Short Title.

1. This Act may be cited as the Land Laws Amendment Act, 1919.

Appointment of
Land Purchase
Controller.

2. (1.) There shall be appointed as from the first day of January, nineteen hundred and twenty, an officer of the Public Service, to be called the Land Purchase Controller, who shall have such

duties as may from time to time be lawfully conferred on him with respect to the purchase of land by the Crown under the provisions in that behalf of the Land for Settlements Act, 1908.

(2.) The officer who immediately before the said date holds office as Land Purchase Inspector shall be deemed to have been appointed as the Land Purchase Controller under this section, and shall hold office accordingly.

(3.) All references in any Act to the said Land Purchase Inspector shall, after the said first day of January, nineteen hundred and twenty, be deemed to be references to the Land Purchase Controller appointed under this section.

3. (1.) For the purposes of the Land for Settlements Act, 1908, there is hereby established, as from the said first day of January, nineteen hundred and twenty, a Board, to be called the Dominion Land Purchase Board, consisting of—

Dominion Land
Purchase Board.

- (a.) The Land Purchase Controller;
- (b.) The Under-Secretary for Crown Lands;
- (c.) The Surveyor-General; and
- (d.) One other person to be appointed by the Governor-General.

(2.) Meetings of the Board may be summoned by the Land Purchase Controller, who shall be the Chairman of the Board, and shall preside at all meetings at which he is present.

(3.) Three members of the Board shall form a quorum.

(4.) All references in any Act to the Board of Land Purchase Commissioners under the Land for Settlements Act, 1908, shall, after the said first day of January, nineteen hundred and twenty, be deemed to be references to the Dominion Land Purchase Board under this section.

4. Subject to the provisions hereinafter set forth as to the appointment and functions of Local Land Purchase Boards, it shall be the duty of the Dominion Land Purchase Board to undertake, control, and carry out all negotiations for the purchase of land by the Crown under the Land for Settlements Act, 1908, and the performance and completion of all contracts of purchase so entered into by the Crown.

Functions of
Dominion Land
Purchase Board.

5. (1.) For the purpose of assisting in and expediting the purchase of lands by the Crown there may, at any time after the first day of January, nineteen hundred and twenty, be appointed for any land district one or more Local Land Purchase Boards, as may be required.

Appointment of
Local Land
Purchase Boards.

(2.) Every Local Land Purchase Board shall consist of—

- (a.) The Commissioner of Crown Lands for the district; and
- (b.) Three other persons to be appointed from time to time by the Governor-General.

(3.) Members of the Dominion Land Purchase Board shall, by virtue of their office, be deemed to be members of every Local Land Purchase Board.

(4.) If the Land Purchase Controller is present at any meeting of a Local Land Purchase Board, he shall have the right to preside thereat. In every other case the Commissioner of Crown Lands (who shall be the official Chairman of the Board) shall preside at all meetings of the Board at which he is present.

(5.) Three members of a Local Land Purchase Board shall form a quorum, and no business shall be transacted at any meeting of such Board unless at least a quorum is present thereat.

Land agents not eligible as members of Land Purchase Boards.

6. No person who is carrying on business as a land agent, either by himself or jointly with any person, shall be eligible to be appointed a member of the Dominion Land Purchase Board or of any Local Land Purchase Board.

Term of office of appointed members.

7. Every appointed member of the Dominion Land Purchase Board or of a Local Land Purchase Board shall be appointed for a term of two years, save that he may be reappointed, or may be at any time removed from office by the Governor-General for inefficiency, disability, insolvency, neglect of duty, or misconduct proved to the satisfaction of the Governor-General, or may at any time resign his office by writing addressed to the Minister of Lands.

Remuneration of appointed members.

8. Members of the Dominion Land Purchase Board or of any Local Land Purchase Board, not being officers of the Public Service, may be paid such remuneration by way of salary or allowances as may from time to time be approved by the Minister out of moneys appropriated by Parliament for the purpose.

Functions of Local Land Purchase Boards.

9. Any Local Land Purchase Board may, within the land district for which it is appointed, perform such of the functions of the Dominion Land Purchase Board as may be conferred on it by delegation from that Board.

Repeals.

10. Sections three, four, and five of the Land for Settlements Act, 1908, and section thirty-eight of the Land Laws Amendment Act, 1914, are hereby repealed as from the first day of January, nineteen hundred and twenty.

Governor-General may, by Proclamation, set apart areas of Crown land for special settlement.

11. (1.) The Governor-General may, by Proclamation, on the recommendation of the Land Board of any district, set apart for settlement under this section any area or areas of Crown land which in the opinion of the Board cannot by reason of its character be profitably disposed of and occupied under any of the tenures on which Crown lands may be disposed of under the Land Act, 1908.

(2.) No land which is classified under the Land Act, 1908, as first-class land shall be disposed of under this section.

(3.) All lands disposed of under this section shall be subject to the special conditions following, that is to say:—

(a.) All such lands shall be disposed of under a license to occupy, and no rent or other charge shall be made in respect of the occupation thereof.

(b.) Every license to occupy shall be for a term of ten years, and may from time to time be renewed for a like term.

(c.) No person shall, without the approval of the Minister on the special recommendation of the Board, be qualified to hold more than four hundred acres of second-class land or one thousand acres of third-class land, such areas being computed in the manner prescribed by section ninety-seven of the Land Act, 1908:

Provided that in no case shall the area comprised in any license exceed six hundred acres of second-class land or one thousand five hundred acres of third-class land, computed as aforesaid.

(d.) Within twelve months after the issue of a license under this section the licensee shall cause a suitable dwelling to be erected on the land comprised in the license to the approval of the Board, and shall thereafter during the term of the license reside in such dwelling :

Provided that the Board may dispense with the conditions of this paragraph for a period not exceeding four years if it is satisfied that the licensee is resident on any other land disposed of under this section on which a dwelling has been erected as aforesaid.

(4.) For the purpose of assisting any licensee under this section in the development and profitable occupation of the land comprised in his license the Minister of Lands may, on the recommendation of the Land Board, make advances by way of loan to that licensee in such manner and on such security as may be prescribed by regulations under this section. All moneys expended by the Crown in providing access to any lands set apart under this section may, in the discretion of the Minister of Lands, be apportioned, in such proportions as the Minister thinks just, between the several licensees of those lands; and the amount so apportioned to any licensee shall be deemed to be a loan granted to him under this section, and shall bear interest and be repayable accordingly.

(5.) No license under this section shall be capable of being assigned or transferred, and any agreement for the assignment or transfer of a license shall be void as such, and shall operate as a surrender of the license to the Crown.

(6.) Every licensee under this section shall, for a period of four years from the date of his license, be exempt in respect of the land comprised in his license from all general rates made and levied by any local authority.

(7.) At any time after the expiration of seven years from the commencement of a license under this section and before the expiry thereof, a licensee who has complied to the satisfaction of the Board with all the conditions of his license shall be entitled, without payment, to become the owner in fee-simple of the land comprised therein, and the Governor-General may, by Warrant under his hand, authorize the issue of a certificate of title in respect of that land accordingly :

Provided that such certificate of title shall be subject to all charges and encumbrances to which the license was subject at the date of the issue of the certificate and which are not then discharged.

(8.) For the purposes of this section the Minister of Finance may from time to time borrow, on the security of and charged upon the public revenues of New Zealand, such sums of money as he thinks fit, not exceeding in any financial year the sum of one million pounds.

(9.) The sums so borrowed shall, as and when borrowed, be paid into the Public Account to the credit of a special account, to be called "The Waste Lands Development Account," and shall bear interest at such rate as the Minister of Finance may prescribe.

(10.) This section shall be deemed to be an authorizing Act within the meaning of the New Zealand Loans Act, 1908, and the moneys hereby authorized to be borrowed shall be borrowed under and subject to the provisions of that Act accordingly.

(11.) There shall from time to time be charged to and paid out of the Waste Lands Development Account, without further appropriation than this section,—

- (a.) The cost and expenses incurred in raising the aforesaid moneys ;
- (b.) All sums payable in respect of interest on moneys raised under the authority of this section ;
- (c.) All moneys required for sinking funds and for the redemption of the debentures, stock, and other securities issued or created in respect of the moneys so raised ; and
- (d.) All moneys required for the opening-up of lands to be disposed of under this section, and otherwise required for the purposes of administration and of giving effect to the provisions of this section.

(12.) All moneys received by way of interest or in repayment of moneys advanced or expended under this section shall be paid into the Waste Lands Development Account.

(13.) The Minister of Lands shall in April of each year cause to be prepared a report showing for the year ending on the preceding thirty-first day of March—

- (a.) The aggregate area of land set apart under this section ;
- (b.) The number of allotments and the aggregate area disposed of ;
- (c.) The amount expended in assisting settlers under this section ; and
- (d.) Such other particulars as may be prescribed.

(14.) Every such report shall be laid before Parliament within thirty days after the receipt thereof if Parliament is then in session, and, if not, then within thirty days after the commencement of the next ensuing session.

(15.) For the purpose of giving effect to this section the Governor-General may from time to time, by Order in Council, make regulations prescribing—

- (a.) The mode of application for and the disposal of lands under this section ;
- (b.) The improvements to be effected by licensees ;
- (c.) Conditions as to the surrender and forfeiture of licenses ;
- (d.) Conditions on which advances may be made and secured under this section ; and
- (e.) Such other matters as in the opinion of the Governor-General may be necessary or expedient for the purpose of giving full effect to the provisions of this section.

(16.) On the surrender or forfeiture of any license under this section there shall be payable to the licensee the value, if any, of the improvements effected by him in excess of the amount owing by him to the Crown in respect of the said land and outstanding at the date of forfeiture or surrender. The amount so payable shall be paid by the person to whom the land is next disposed of by the Crown,

either under the authority of this section or otherwise under the provisions of the Land Act, 1908, and until so paid shall be a charge on the land.

(17.) Any Proclamation setting apart land to be disposed of under this section may be in like manner revoked, either wholly or in part.

12. Section one hundred and forty of the Land Act, 1908, is hereby amended by omitting from subsection two the words "five acres," and substituting the words "ten acres."

13. Section two hundred and thirty-two of the Land Act, 1908 (relating to the commencement of licenses of pastoral runs disposed of by way of auction under Part VI of the Land Act, 1908), shall apply with respect to licenses of such runs disposed of on application under section ninety-one of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1910, as if the references therein to the sale by auction of any such license were references to its disposal on application as aforesaid.

14. Section two hundred and seventy-three of the Land Act, 1908, is hereby amended by omitting from subsection two the words "one hundred acres," and substituting the words "two hundred acres."

15. Section twenty of the Land Laws Amendment Act, 1912, as amended by section thirteen of the Land Laws Amendment Act, 1914, is hereby amended by omitting the words "twenty-five acres," and substituting the words "two hundred acres."

16. (1.) Section twelve of the Land Laws Amendment Act, 1913, is hereby amended by omitting the words "for the period of six months thereafter."

(2.) Section forty-three of the Land Laws Amendment Act, 1913, is hereby amended by omitting from subsection two the words "for a period of six months."

17. (1.) Notwithstanding anything to the contrary in section fifty of the Land Laws Amendment Act, 1913, the Minister of Lands may agree with any local authority that all revenues derived by the Crown in respect of any specified period from the sale, letting, or other disposal of Crown lands within a special district constituted pursuant to that section shall be paid to that local authority for the repayment of any loan raised by it for the purpose of the formation and construction of any roads or bridges to afford access to lands within such special district, and for the payment of interest or other charges in respect of such loan.

(2.) Every such agreement shall be binding on the Crown, and shall have effect according to its tenor.

(3.) All moneys payable to a local authority pursuant to this section shall, as and when the Minister of Lands so directs, be paid to the local authority by the Receiver of Land Revenue out of the Deposit Account provided for in the said section fifty.

18. Section fifty-six of the Land Laws Amendment Act, 1913, is hereby amended by adding the following proviso:—

"Provided that if the licensee is the holder of two or more such licenses, or if the wife or husband, as the case may be, of the licensee is the holder of any such license, the right conferred by this section shall, except with the approval of the Minister of Lands, apply

Extending provisions as to sale of Crown lands as sites for dairy factories and other special purposes.

Fixing date of commencement of licenses of pastoral runs disposed of otherwise than at auction.

Section 273 of Land Act, 1908 (relating to leases for the occupation of lands in mining districts), extended.

Extension of special provisions as to settlement of lands in kauri-gum districts.

Provision for sale on application of lands not disposed of at auction.

Revenues derived from Crown lands in special district constituted pursuant to section 50 of Land Laws Amendment Act, 1913, may be paid to local authority towards repayment of loans for roads and bridges affording access to lands in that district.

Limiting right of licensee of pastoral run to obtain renewal of license.

only with respect to the land comprised in such one of those licenses as the licensee elects.”

Extension of right to purchase settlement land held under lease in perpetuity in cases where lessee has served beyond New Zealand in the war with Germany.

19. The right to purchase the fee-simple of the land comprised in any lease in perpetuity of settlement land which is conferred on the owners of such leases by section sixty of the Land Laws Amendment Act, 1913, is hereby revived in all cases where the owner of any such lease has served beyond the seas in any of His Majesty's Forces in the war with Germany, and may be exercised at any time within five years after the passing of this Act.

Modification of provisions as to assessment of compensation payable by the Crown for land taken under section 65 of the Land Laws Amendment Act, 1913 (relating to land acquired by way of aggregation).

20. (1.) Where any land is taken by the Crown in pursuance of section sixty-five of the Land Laws Amendment Act, 1913 (relative to the acquisition of land by way of aggregation), compensation therefor shall be paid by the Crown in manner provided by the Public Works Act, 1908, in respect of land taken by the Crown for a public work, and all the provisions of that Act with respect to compensation shall apply accordingly, subject, however, to the following provisions of this section.

(2.) Such compensation shall not exceed the Government valuation as herein defined of the land so taken, together with an additional amount equal to ten per centum thereof, and together also with the value of all improvements effected on the land since the date of its acquisition by way of aggregation.

(3.) For the purposes of this section the Government valuation of the land shall be the capital value of that land and of all estates and interests therein as assessed in the district valuation roll in force under the Valuation of Land Act, 1908, at the time of its acquisition by way of aggregation:

Provided that if such valuation has been made at any time earlier than two years before the date of the acquisition of the land by way of aggregation a fresh valuation shall be made by the Valuer-General as at that date, and that valuation shall be deemed to be the Government valuation for the purposes of this section.

(4.) If the land so taken or any part thereof is not separately valued in the said valuation roll, but is only a part of a larger area which is so valued, the Government valuation of the part so taken shall be deemed to be such proportion of the capital value of the said larger area as the Valuer-General determines to be fairly attributable to the part so taken.

Repeal.

(5.) This section is in substitution for section eight of the Land Laws Amendment Act, 1918, and that section is hereby repealed accordingly.

(6.) This section shall apply to land acquired by aggregation at any time subsequent to the passing of the Land Laws Amendment Act, 1918.

Section 22 of Land Laws Amendment Act, 1915 (relating to capitalization of moneys expended by Crown for protection or benefit of Crown lands held under lease), extended.

21. (1.) Section twenty-nine of the Land Laws Amendment Act, 1914, and section twenty-two of the Land Laws Amendment Act, 1915, shall, with the necessary modifications, extend and apply to cases in which moneys are expended by the Crown for the benefit or protection of a single holding or allotment; and in any such case the moneys so expended shall, without apportionment or deduction, be added to and deemed to form part of the capital value of that holding or allotment.

(2.) If in any case the rent payable under any lease to which section twenty-nine of the Land Laws Amendment Act, 1914, or section twenty-two of the Land Laws Amendment Act, 1915, applies is computed at a rate less than five per centum of the capital value of the land comprised therein, the additional rent to be paid pursuant to that section shall be an amount equal to five per centum of the additional capital value, and the said section shall be read and construed accordingly.

22. (1.) The right conferred by section twenty-seven of the Land Laws Amendment Act, 1914, on the holder of a pastoral lease or license to select one subdivision of the land comprised therein in the event of that land being subdivided on the expiry of the lease or license is hereby extended so as to entitle him to select a subdivision of any larger area being the lands comprised in two or more such leases or licenses if such subdivision comprises part of the land formerly held by him under the expired lease or license aforesaid.

Section 27 of Land Laws Amendment Act, 1914 (relating to subdivision of lands comprised in pastoral runs), modified.

(2.) In the event of more than one person selecting the same subdivision under this section the Board, having regard to the equity of the case, shall determine which of those persons is entitled to that subdivision, and the decision of the Board shall be final.

(3.) On the selection by a lessee or licensee of any subdivision of the land comprised in a lease or license under section twenty-seven of the Land Laws Amendment Act, 1914, or this section, the right (if any) of the lessee or licensee, or the husband or wife of the lessee or licensee, as the case may be, to select a subdivision of the land comprised in any other such lease or license, whether then expired or thereafter to expire, shall thereupon cease and determine.

23. Section fifteen of the Land Laws Amendment Act, 1915, is hereby amended by omitting from subsection seven thereof the words "of settlement lands."

Section 15 of Land Laws Amendment Act, 1915 (relating to revaluation of rural lands), amended.

24. Where by Proclamation issued under section twenty-five of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1911, any land has been declared (whether before or after the passing of this Act) to be subject to the provisions of section one hundred and twenty-seven of the Land Act, 1908, the said section one hundred and twenty-seven shall, so far as it relates to such land, be read and construed as if the reference in the proviso to paragraph (b) thereof to the first five years of a tenant's occupancy were a reference to the period of five years immediately succeeding the issue of a Proclamation.

Section 127 of Land Act, 1908, amended in its application to land proclaimed under section 25 of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1911.

25. Notwithstanding anything to the contrary in the Land Settlement Finance Act, 1909, any member of an association under that Act may, with the prior consent in writing of the Minister of Finance given on the recommendation of the Land Board of the district in which the land belonging to the association is situated, acquire any other allotment or any share or interest in any other allotment of that land.

Member of association under Land Settlement Finance Act may hold more than one allotment in certain cases.

26. Section twenty-one of the Land Settlement Finance Act 1909, is hereby amended by adding the following subsection:—

"(3.) Where part of the land subject to a mortgage as aforesaid is alienated in accordance with this section, the Public Trustee, acting as the agent of the association, may apportion the principal

Public Trustee may apportion mortgages in certain cases in respect of land disposed of under Land Settlement Finance Act.

moneys secured by such mortgage between the part so alienated and the balance of the said land in such proportions as in his discretion he thinks fit."

Modification of
restrictions as to
acquisition of land
under Land
Settlement Finance
Act.

27. (1.) Section eight of the Land Settlement Finance Amendment Act, 1910, is hereby amended by omitting from subsection two the words "two thousand five hundred pounds," and substituting the words "six thousand pounds."

(2.) In computing for the purposes of subsection two of the said section there shall not be taken into account the value of any land (not being land subject to the provisions of that section) situated within a borough or town district.

Repeal.

(3.) Section fourteen of the Appropriation Act, 1916, is hereby repealed.
