Version
as at 28 October 2021

Land Valuation Proceedings Act 1948

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Commencement	see section 1

Act name: amended, on 1 April 1969, by section 3(2) of the Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

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The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

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An Act to provide for the constitution of a Land Valuation Court, and to define the jurisdiction, powers, and procedure of the court; and for matters incidental thereto

1 Short Title and commencement

This Act may be cited as the Land Valuation Proceedings Act 1948 and shall come into force on 1 January 1949.

Section 1: amended, on 1 April 1969, by section 3(2) of the Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

2 Interpretation

In this Act, unless the context otherwise requires,—

additional member means a person appointed under section 3 to be an additional member of the High Court for the purposes of this Act

appropriate office of the District Court, in relation to any claim, objection, application, or other matter, means the office of that court in the town in which is situated the office of the High Court nearest to the place where the land to which the claim, objection, application, or other matter relates is situated

court means the High Court, including the additional members

Land Valuation Tribunal or **Tribunal** means a Land Valuation Tribunal established under this Act; and **the Land Valuation Tribunal** or **Tribunal**, when used in relation to any land, claim, objection, application, or other matter, means the particular Land Valuation Tribunal to which any claim, objection, application, or other matter arising under this Act and relating to that land or to which that claim, objection, application, or other matter has been referred

Registrar means a Registrar of the High Court; and includes a Deputy Registrar.

Section 2 **additional member**: inserted, on 1 April 1969, by section 4 of the Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

Section 2 **additional member**: amended, on 15 August 1991, by section 3(4) of the Judicature Amendment Act 1991 (1991 No 60).

Section 2 **additional member**: amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 2 **appropriate office of the District Court**: inserted, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 2 **appropriate office of the District Court**: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 2 **appropriate office of the District Court**: amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 2 **court**: replaced, on 1 April 1969, by section 4 of the Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

Section 2 **court**: amended, on 15 August 1991, by section 3(4) of the Judicature Amendment Act 1991 (1991 No 60).

Section 2 **court**: amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 2 **Land Valuation Committee**: repealed, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 2 **Land Valuation Tribunal** or **Tribunal**: inserted, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 2 **Registrar**: replaced, on 1 April 1969, by section 4 of the Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

Section 2 **Registrar**: amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Part 1
The High Court and Land Valuation Tribunal

Part 1 heading: amended, on 15 August 1991, by section 3(4) of the Judicature Amendment Act 1991 (1991 No 60).

Part 1 heading: amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Part 1 heading: amended, on 1 September 1977, pursuant to section 6(7) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

High Court

Heading: amended, on 15 August 1991, by section 3(4) of the Judicature Amendment Act 1991 (1991 No 60).

Heading: amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

3 Additional members of High Court for purposes of Act

(1) For the purposes of the exercise by the High Court of—

(a) its jurisdiction and powers under or by virtue of this Act; and

(b) the jurisdiction and powers formerly vested in the Land Valuation Court under or by virtue of any other enactment in force at the commencement of this section—

there shall be 2 additional members of the court (not being Judges of the High Court), who shall be appointed by the Governor-General.

(2) The additional members shall be appointed to hold office for 5 years, and shall be eligible for reappointment.

(3) Any additional member may resign his office at any time by written notice given to the Minister of Justice.

(4) Any additional member may be removed from office at any time by the Governor-General for inability to perform the functions of the office, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Governor-General.

(5) Every additional member shall retire from office on attaining the age of 72 years.

(6) There shall be paid to the additional members, out of money appropriated by Parliament for the purpose, remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and

Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if the court were a statutory Board within the meaning of that Act.

Section 3: replaced, on 1 April 1969, by section 5 of the Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

Section 3 heading: amended, on 15 August 1991, pursuant to section 3(4) of the Judicature Amendment Act 1991 (1991 No 60).

Section 3 heading: amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 3(1): amended, on 15 August 1991, by section 3(4) of the Judicature Amendment Act 1991 (1991 No 60).

Section 3(1): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 3(4): amended, on 1 January 2002, by section 70(1) of the Human Rights Amendment Act 2001 (2001 No 96).

Section 3(6): amended, on 15 August 1991, by section 3(4) of the Judicature Amendment Act 1991 (1991 No 60).

4 Constitution of court

[Repealed]

Section 4: repealed, on 1 April 1969, by section 5 of the Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

5 Appointment of Judge of court

[Repealed]

Section 5: repealed, on 1 April 1969, by section 5 of the Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

6 Salary, allowances, and superannuation of Judge of court

[Repealed]

Section 6: repealed, on 1 April 1969, by section 5 of the Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

7 Appointment of other members

[Repealed]

Section 7: repealed, on 1 April 1969, by section 5 of the Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

8 Judge of court to take judicial oath

[Repealed]

Section 8: repealed, on 1 April 1958, by section 32(1) of the Oaths and Declarations Act 1957 (1957 No 88).

9 Oath to be taken by additional members

Before entering upon the exercise of the duties of their office, the additional members shall take and subscribe an oath before a Judge of the High Court that they will faithfully and impartially perform the duties of their office.

Section 9: replaced, on 1 April 1969, by section 6 of the Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

Section 9: amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

10 Registrars and other officers of the court

[Repealed]

Section 10: repealed, on 1 April 1969, by section 13(1) of the Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

11 Rules of court

(1) The Governor-General may from time to time, by Order in Council, make rules for regulating the practice and procedure of the court in all matters within its jurisdiction, and prescribing the fees payable in respect of any matters relating to the proceedings of the court.

(2) Subject to the provisions of this Act and of any rules made under the authority of this section, the practice and procedure of the court shall be determined by the court as it thinks proper.

(3) Rules under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 11(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

12 Evidence in proceedings before court

(1) The court may receive as evidence any statement, document, information, or matter that in the opinion of the court may assist it to deal effectually with the matters before it, whether or not the same would be otherwise admissible in a court of law.

(2) *[Repealed]*

Section 12(2): repealed, on 1 April 1969, by section 13(1) of the Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

13 Quorum and decisions of court

(1) The presence of a Judge of the High Court and of at least 1 additional member shall be necessary to constitute a sitting of the court.

(2) The decision of a majority (including the Judge, or, where more than 1 Judge sits, including a majority of the Judges) of the members present at a sitting of the court shall be the decision of the court. If the members present are equally divided in opinion, the decision of the Judge, or of a majority of the Judges, shall be the decision of the court.

(3) If any question before the court cannot be decided in accordance with subsection (2), the question shall be referred to the Court of Appeal for decision in accordance with the practice and procedure of that court, which for that purpose shall have all the powers of the court under this Act. The decision of the Court of Appeal in any proceedings under this subsection shall be final and shall take effect and be enforced as if it were a decision of the court under this Act.

(4) Notwithstanding anything in the foregoing provisions of this section, a Judge of the High Court sitting alone shall have jurisdiction to make any of the following orders:

(a) an order on any application made in the course of any proceedings:

(b) an order which is not opposed:

(c) an order in any proceedings which the parties agree should be heard and determined by a Judge alone:

(d) an order in any proceedings where the matter in issue is substantially a question of law only:

(e) an order made on the application of any party directing that any proceedings should be heard and determined by a Judge alone on the ground that the matter in issue is substantially a question of law only:

(f) an order granting the leave of the court to appeal to the Court of Appeal.

Section 13: replaced, on 1 April 1969, by section 7 of the Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

Section 13(1): amended, on 15 August 1991, by section 3(4) of the Judicature Amendment Act 1991 (1991 No 60).

Section 13(4): inserted, on 8 October 1970, by section 2 of the Land Valuation Proceedings Amendment Act 1970 (1970 No 25).

Section 13(4): amended, on 15 August 1991, by section 3(4) of the Judicature Amendment Act 1991 (1991 No 60).

14 Procedure where additional member unable to act

(1) Where any additional member of the court becomes for any cause incapable of acting, or where any additional member is interested in any claim, objection, application, or other proceeding pending before the court, or in any case where any additional member deems it not proper or desirable that he should adju-

dicate on any proceeding pending before the court, the Governor-General in Council may appoint a suitable person to be a deputy additional member of the court. The person so appointed shall, subject to the conditions or limitations and for the period specified in his appointment, have all the powers, duties, and functions of the additional member whose deputy he is.

(2) The fact that any person is acting as the deputy of any additional member of the court shall be conclusive evidence of his authority so to do, and no person shall be concerned to inquire whether the occasion for his appointment had arisen or ceased.

(3) *[Repealed]*

(4) No member of the court shall be deemed to be interested in any proceeding solely on account of his liability to pay rates on which any compensation awarded may become a charge, or, unless he is the objector, solely on account of the fact that his name appears on the district valuation roll in respect of which any objection is made under the Rating Valuations Act 1998.

Section 14 heading: amended, on 1 April 1969, pursuant to section 13(1) of the Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

Section 14(1): amended, on 1 April 1969, by section 13(1) of the Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

Section 14(2): amended, on 1 April 1969, by section 13(1) of the Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

Section 14(3): repealed, on 1 April 1969, by section 13(1) of the Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

Section 14(4): amended, on 1 July 1998, pursuant to section 53 of the Rating Valuations Act 1998 (1998 No 69).

15 Seal of court

[Repealed]

Section 15: repealed, on 1 April 1969, by section 13(1) of the Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

16 Court may exercise powers and functions of Land Valuation Tribunal

It shall not only be the duty of the court to sit as a judicial body for the determination of appeals and other matters formally submitted to it, but pursuant to section 22(2) it may also exercise any power or function of a Land Valuation Tribunal.

Section 16: replaced, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

17 Proceedings before court not to be questioned for want of form or appealed against

[Repealed]

Section 17: repealed, on 1 April 1969, by section 8(2) of the Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

18 Stating of case for Court of Appeal

The Judge of the court may, on the application of any party to any proceedings before the court, or of his own motion, state a case for the opinion of the Court of Appeal on any question of law arising in the proceedings.

18A Appeal to Court of Appeal in certain cases

(1) Notwithstanding anything in any enactment, any party to any proceedings before the court who is dissatisfied with any award or order of the court may, with the leave of the court or of the Court of Appeal, appeal to the Court of Appeal; and section 56 of the Senior Courts Act 2016 shall apply to any such appeal.

(2) In determining whether to grant leave to appeal under this section, the court to which the application for leave is made shall have regard to the following matters:

(a) whether any question of law or general principle is involved:

(b) the importance of the issues to the parties:

(c) the amount of money in issue:

(d) such other matters as in the particular circumstances the court thinks fit.

(3) The court granting leave under this section may in its discretion impose such conditions as it thinks fit, whether as to costs or otherwise.

(4) The decision of the Court of Appeal on any such appeal shall be final.

Section 18A: inserted, on 1 April 1969, by section 8(1) of the Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

Section 18A(1): amended, on 1 March 2017, by section 183(b) of the Senior Courts Act 2016 (2016 No 48).

Land Valuation Tribunals

Heading: replaced, on 1 September 1977, pursuant to section 6(7) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

19 Land Valuation Tribunals

(1) For the purposes of this Act, there shall be established such number of Land Valuation Tribunals as the Governor-General in Council thinks necessary. Every Land Valuation Tribunal shall be given such distinctive name as the Governor-General in Council determines, and any such name may from time to time be changed by the Governor-General in Council.

(2) Every Land Valuation Tribunal shall consist of—

(a) 1 member, being a District Court Judge, who shall be appointed as Chairman of the Tribunal:

(b) 2 other members, one or both of whom shall be valuers registered under the Valuers Act 1948.

(3) The members of the Tribunal shall be appointed by the Governor-General, and shall hold office as follows:

(a) the member appointed under subsection (2)(a) shall hold office during the pleasure of the Governor-General:

(b) the members appointed under subsection (2)(b) shall be appointed for a term not exceeding 6 years, and shall be eligible for reappointment.

(4) Any member appointed under subsection (2)(b)—

(a) may at any time resign his office by notice in writing to the Minister of Justice:

(b) may be removed from office at any time by the Governor-General for inability to perform the functions of the office, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Governor-General.

(5) There shall be paid out of money appropriated by Parliament for the purpose to the members of any Land Valuation Tribunal remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if the Tribunal were a statutory Board within the meaning of that Act.

(6) The quorum at sittings of the Tribunal shall be 2 members, including the Chairman or his deputy or another District Court Judge acting under subsection (10).

(7) At every meeting of the Tribunal the Chairman shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

(8) Notwithstanding anything in the foregoing provisions of this section, the District Court Judge who is the Chairman of the Tribunal sitting alone shall have jurisdiction to make any of the following orders:

(a) an order on any application made in the course of any proceedings:

(b) an order which is not opposed:

(c) an order in any proceedings which the parties agree should be heard and determined by the District Court Judge alone:

(d) an order in any proceedings where the matter in issue is substantially a question of law only:

(e) an order made on the application of any party directing that any proceedings should be heard and determined by the District Court Judge alone on the ground that the matter in issue is substantially a question of law only.

(9) The Governor-General may from time to time appoint any person to be the deputy of any member of any Land Valuation Tribunal (being a person who is qualified to be appointed as the member whose deputy he is). The deputy of any member shall have authority to act as a member of the Tribunal in the

event of the absence from any meeting of the member whose deputy he is, and while so acting shall be deemed to be a member of the Tribunal and, in the case of the deputy of the Chairman, to be the Chairman of the Tribunal.

(10) In any case where the Chairman of the Tribunal is prevented by illness or any other cause from acting in his office, any District Court Judge may act in his place, and while so acting shall have all the powers and may perform all the functions of the Chairman.

(11) The fact that any District Court Judge acts in accordance with subsection (10) shall be conclusive evidence of his authority to do so; and no acts done by him as Chairman, whether together with any other member of the Tribunal or not, and no acts done by the Tribunal while he is acting as such, shall in any proceedings be questioned on the ground that the occasion for his so acting had not arisen or had ceased.

(12) Any person may be appointed to hold office concurrently as a member or deputy member of 2 or more Land Valuation Tribunals.

(13) In the event of the sickness or other incapacity of any member of a Land Valuation Tribunal, the Governor-General may appoint any person (being a person who is qualified to be appointed to the office of that member) to act in the place of that member during his incapacity.

(14) Every Land Valuation Tribunal shall, within the scope of its jurisdiction, be deemed to be a commission under the Commissions of Inquiry Act 1908, and, subject to this Act and to any rules or regulations made under this Act, all the provisions of that Act shall apply accordingly.

(15) The procedure of a Land Valuation Tribunal shall, subject to this Act and to any rules or regulations made under this Act, be such as that Tribunal thinks fit.

Section 19: replaced, on 1 September 1977, by section 2 of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 19(2)(a): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 19(4)(b): amended, on 1 January 2002, by section 70(1) of the Human Rights Amendment Act 2001 (2001 No 96).

Section 19(6): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 19(8): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 19(8)(c): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 19(8)(e): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 19(10): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 19(11): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

20 Oath to be taken by members of Tribunal

Before entering upon the exercise of the duties of their office the members and deputy members of every Land Valuation Tribunal, except a District Court Judge, shall take and subscribe an oath before the Judge or a Registrar that they will faithfully and impartially perform the duties of their office.

Section 20 heading: amended, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 20: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 20: amended, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 20: amended, on 1 April 1969, by section 9(2) of the Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

21 Filing of claims and other matters

(1) Subject to subsection (2), every claim, objection, application, or other proceeding shall be filed in the appropriate office of the District Court.

(2) Every objection to a valuation made by the Valuer-General shall be lodged with the Valuer-General. Where under the provisions of the Rating Valuations Act 1998 the Valuer-General files in the District Court a list of objections to be determined by the Land Valuation Tribunal, he shall also file therewith a copy of every objection set out in the list.

(3) Every claim, objection, application, or other proceeding shall contain or be accompanied by such particulars, information, or documents as may be prescribed or as may be required by the Land Valuation Tribunal.

(4) Any claim, objection, application, or other proceeding may be amended by the Land Valuation Tribunal of its own motion or on the application of any person interested in the proceedings, at any time before the proceedings are finally determined, and upon or subject to such conditions as the Tribunal thinks fit.

Section 21: replaced, on 1 September 1977, by section 3 of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 21(1): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 21(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 21(2): amended, on 1 July 1998, pursuant to section 53 of the Rating Valuations Act 1998 (1998 No 69).

22 Proceedings to be referred to Land Valuation Tribunal

(1) As soon as conveniently may be after the filing of any claim, objection, application, or other proceeding, the Registrar of the District Court in whose office the claim, objection, application, or other proceeding has been filed shall refer the matter to the appropriate Land Valuation Tribunal to be dealt with by that Tribunal in accordance with the provisions of this Act.

(2) Notwithstanding anything in this Act or in any other Act, where under this Act or any other Act any claim, objection, application, or other proceeding is to be referred to and dealt with by a Land Valuation Tribunal, then, with the leave of the Tribunal, the matter may be referred to and dealt with by the court:

provided that if the Tribunal refuses leave to refer the claim, objection, application, or other proceeding to the court, the court may grant such leave.

(3) Where pursuant to subsection (2) any claim, objection, application, or other proceeding is referred to the court, then, unless the context otherwise requires, the Act pursuant to which the claim, objection, application, or other proceeding is made or held shall have effect, with the necessary modifications, in relation to that claim, objection, application, or other proceeding as if every reference therein to a Land Valuation Tribunal were a reference to the court.

(4) The decision of the court on any application under the proviso to subsection (2) for leave to refer any claim, objection, application, or other proceeding to the court shall be final.

Section 22: replaced, on 1 September 1977, by section 4 of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 22(1): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

23 Procedure where matters are referred to a Land Valuation Tribunal

(1) Where any claim, objection, application, or other matter is referred to a Land Valuation Tribunal to be dealt with by that Tribunal in accordance with the provisions of this Act, the Tribunal shall as soon as practicable fix a time and place for the hearing, and shall give notice of the time and place so fixed to all parties:

provided that nothing contained in this subsection shall in any way restrict the power of the Land Valuation Tribunal under section 28 of the Land Settlement Promotion and Land Acquisition Act 1952 to grant its consent to any transaction without calling on the applicant or hearing evidence.

(2) Every party, and every other person who satisfies the Tribunal that he is interested in the hearing (whether as a party to any transaction or proposed transaction or otherwise), shall be entitled to appear at the hearing personally or by his solicitor, counsel, or agent, and to be heard and to produce evidence and to cross-examine witnesses, and may himself be required to give evidence as to his interest in the proceedings and be cross-examined thereon.

(3) The Tribunal may from time to time alter the time and place fixed for the hearing and may adjourn the hearing from time to time and from place to place.

(4) If any party fails to appear before the Tribunal at the time and place appointed, the Tribunal may, upon proof of the service of the notice of the sitting, proceed to hear and determine the claim, objection, application, or other matter.

Section 23 heading: amended, on 1 September 1977, pursuant to section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 23(1): amended, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 23(1) proviso: amended, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 23(1) proviso: amended, on 1 April 1969, by section 13(1) of the Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

Section 23(2): amended, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 23(3): amended, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 23(4): amended, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

24 Land Valuation Committee may refer matters to court for directions

[Repealed]

Section 24: repealed, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

25 Orders of Tribunals to be sealed

(1) Notice of the making of every final order of a Land Valuation Tribunal under this Act shall forthwith be given to the parties and to such other persons, and in such manner, as may be prescribed.

(2) *[Repealed]*

Section 25 heading: amended, on 1 September 1977, pursuant to section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 25(1): amended, on 1 September 1977, pursuant to section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 25(2): repealed, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

26 Appeals to court against orders of Land Valuation Tribunals

(1) Within the prescribed time after the making of any final order of a Land Valuation Tribunal or within such further time as may be allowed by the court, the Sovereign (acting by any Minister or by a Crown representative appointed under section 36) or any person affected by the order may, in accordance with the rules of the court, appeal to the court from the order or from any part thereof. Every such appeal shall be by way of rehearing.

(2) The prescribed time for the purposes of this section shall be—

(a) 21 days in the case of an order on a claim for compensation under the Public Works Act 1981:

(b) 7 days in the case of an order under Part 2 of the Land Settlement Promotion and Land Acquisition Act 1952 granting unconditionally an

application for consent to any transaction where there is no objection from the Crown representative appointed under section 36 of this Act:

(c) 14 days in any other case.

(2A) Every application for an extension of time within which to appeal to the court from a final order of a Land Valuation Tribunal or from any part thereof may be made either before or after the prescribed time for appeal.

(3) *[Repealed]*

(4) Upon any such appeal the court may confirm, discharge, or vary the order of the Tribunal, or direct that the matter be referred to the Tribunal for further consideration, as it thinks fit, and generally may make such order as it considers just and equitable in the circumstances of the case.

(4A) The Tribunal may of its own motion state a case for the opinion of the court on any question of law arising in proceedings before the Tribunal.

(5) Subject to subsection (3) of section 13 and section 18A, the decision of the court on any such appeal shall be final.

Section 26 heading: replaced, on 1 April 1969, by section 11 of the Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

Section 26 heading: amended, on 1 September 1977, pursuant to section 6(7) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 26(1): editorial change, made by the PCO, on 1 August 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

Section 26(1): amended, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 26(2): replaced, on 1 April 1969, by section 11(1) of the Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

Section 26(2)(a): amended, on 1 February 1982, pursuant to section 248(1) of the Public Works Act 1981 (1981 No 35).

Section 26(2A): replaced, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15)

Section 26(3): repealed, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 26(4): amended, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 26(4A): inserted, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 26(5): inserted, on 1 April 1969, by section 11(2) of the Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

Section 26(5): amended, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

27 Proceedings of Tribunal not bad for want of form

(1) *[Repealed]*

(2) Proceedings before a Land Valuation Tribunal shall not be held bad for want of form.

Section 27: replaced, on 1 April 1969, by section 12 of the Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

Section 27 heading: replaced, on 1 September 1977, pursuant to section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 27(1): repealed, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 27(2): amended, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Part 2
Jurisdiction of the Land Valuation Tribunal

Part 2 heading: amended, on 1 September 1977, pursuant to section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Claims for compensation under the Public Works Act 1928

28 Claims for compensation under the Public Works Act 1928

(1) As from the commencement of this Act, all claims for compensation which under the provisions of the Public Works Act 1928, or of any other Act, would be required to be determined by a Compensation Court constituted under the said Public Works Act 1928 shall be heard and determined by a Land Valuation Tribunal; and for that purpose all the powers and jurisdiction of a Compensation Court under that Act are hereby vested in and may hereafter be exercised by a Land Valuation Tribunal:

provided, however, that nothing contained in this Act shall affect any claim for compensation to which section 34 of the Finance Act (No 3) 1944 or the Lake Taupo Compensation Claims Act 1947 applies; and all such claims shall be heard and determined as if this Act had not been passed.

(2) *[Repealed]*

(3) *[Repealed]*

(4) All claims for compensation which before the commencement of this Act have been served on the respondent under section 51 of the Public Works Act 1928 may be heard and determined by a Compensation Court as if this Act had not been passed:

provided that where the hearing of any such claim has not commenced before a Compensation Court before 1 July 1949, that claim shall be heard and determined by the Land Valuation Court under this Act.

Section 28(1): amended, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 28(2): repealed, on 1 April 1969, by section 13(1) of the Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

Section 28(3): repealed, on 1 April 1969, by section 13(1) of the Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

Applications and objections under the Servicemen's Settlement and Land Sales Act 1943

[Repealed]

Heading: repealed, on 1 April 1969, pursuant to section 13(1) of the Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

29 Land Sales Court abolished and jurisdiction transferred to the Land Valuation Court

[Repealed]

Section 29: repealed, on 1 April 1969, by section 13(1) of the Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

Objections to valuations under the Valuation of Land Act 1925

[Repealed]

Heading: repealed, on 1 July 1998, pursuant to section 54(1) of the Rating Valuations Act 1998 (1998 No 69).

30 Assessment Courts under Valuation of Land Act 1925 abolished and jurisdiction transferred to the Land Valuation Court

[Repealed]

Section 30: repealed, on 1 April 1969, by section 13(1) of the Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

31 Local authority may appoint member of Land Valuation Tribunal

[Repealed]

Section 31: repealed, on 1 July 1998, by section 54(1) of the Rating Valuations Act 1998 (1998 No 69).

Appeals against valuations of land for death duty, gift duty, and stamp duty purposes

[Repealed]

Heading: repealed (with effect on 21 July 1955), on 28 October 1955, pursuant to section 89(1) of the Estate and Gift Duties Act 1955 (1955 No 105).

32 Land Valuation Court to determine appeals against valuations of land for death duty, gift duty, and stamp duty purposes

[Repealed]

Section 32: repealed (with effect on 21 July 1955), on 28 October 1955, by section 89(1) of the Estate and Gift Duties Act 1955 (1955 No 105).

Additional jurisdiction

33 Governor-General may confer additional jurisdiction on Land Valuation Tribunals

(1) Subject to the provisions of any other Act, the Governor-General may from time to time, by Order in Council, confer on Land Valuation Tribunals generally or any specified Land Valuation Tribunal jurisdiction to hear and determine any specified matter or class or classes of matters relating to the determination of the value of any land or any interest in land, or any claim for compensation in respect of damage to land, subject to such conditions and restrictions as may be specified in the Order in Council.

(2) Where in any Act, regulation, contract, agreement, or other document provision is made for the determination of any question relating to the value of any land or of any interest in land by arbitration under the Arbitration Act 1996 or otherwise, that question may, with the consent of the parties and of a Land Valuation Tribunal, be referred to and heard by that Tribunal.

(3) Where in any contract, agreement, or other document provision is made for the determination by a Land Valuation Tribunal of any question relating to the value of any land or of any interest in land, a Land Valuation Tribunal may, if it thinks fit, hear and determine any such question.

(4) Subject to this Act and to any rule or regulation made thereunder and to any Order in Council under subsection (1), the procedure of the Land Valuation Tribunal in any proceedings to which this section relates shall be such as the Tribunal thinks fit, and, subject to section 26, every order of the Tribunal in any such proceedings shall bind the parties thereto and there shall be no appeal therefrom.

(5) Subject to the provisions of any Order in Council under subsection (1), or of any agreement between the parties to any proceedings referred to a Tribunal under subsection (2) or subsection (3), the Tribunal may make such order as it thinks fit as to the costs of any proceedings heard by the Tribunal under this section.

(6) An Order in Council under subsection (1) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 33 heading: amended, on 1 September 1977, pursuant to section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 33(1): amended, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 33(2): amended, on 1 July 1997, pursuant to section 18 of the Arbitration Act 1996 (1996 No 99).

Section 33(2): amended, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 33(3): amended, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 33(4): replaced, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 33(5): amended on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 33(6): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Part 3
Miscellaneous

34 Proceedings to be in public

(1) All proceedings before the court or a Land Valuation Tribunal shall be heard in public:

provided that the court or Tribunal may deliberate in private as to its decision in the proceedings or as to any question arising in the course of the proceedings.

(2) The court or a Land Valuation Tribunal may make an order prohibiting the publication of any report or description of the proceedings or of any part of the proceedings in any matter before the court or the Tribunal:

provided that no such order shall be made prohibiting the publication of the names and descriptions of the parties to the matter, particulars of the land affected, or the amount claimed or awarded as compensation, or, as the case may be, the amount of the purchase money, rent, or other consideration for which the consent of the Tribunal is applied for or granted, or the value of the land in respect of which the objection or appeal was made.

Section 34(1): amended, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 34(1) proviso: amended, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 34(2): amended, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 34(2) proviso: amended, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

35 Land Valuation Tribunal may dismiss frivolous or vexatious objections, etc

The Land Valuation Tribunal may at any time dismiss any claim, objection, application, or other matter under this Act if it is satisfied that the claim, objection, application, or other matter is frivolous or vexatious or is made solely for the purpose of delay.

Section 35 heading: amended, on 1 September 1977, pursuant to section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 35: amended, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

36 Crown representatives

(1) On the hearing of any proceedings before a Land Valuation Tribunal or of any appeal before the court the Crown may be represented by any person appointed in that behalf by the Minister of the Crown charged with the administration of the Act under which the proceedings are commenced, either generally or in respect of any class of proceedings or in respect of any particular proceedings.

(2) The Crown representative at the hearing of any proceedings shall have a right to be heard and to produce evidence and to cross-examine witnesses.

Section 36(1): amended, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

37 General jurisdiction of court and Land Valuation Tribunals

(1) In order that full effect may be given to the intent and purpose of this Act the court and every Land Valuation Tribunal shall, in every matter coming before it, have full power and jurisdiction to deal with and determine the matter in such manner and to make such order, not inconsistent with this Act, as it deems just and equitable in the circumstances of the case, notwithstanding that express provision in respect of the matter is not contained herein.

(2) In the course of any proceedings before it the court and every Land Valuation Tribunal may, with or without any application, and upon such terms as to notice to parties and otherwise as it thinks fit, proceed to exercise any part of its jurisdiction the exercise of which in those proceedings it deems necessary or advisable:

provided that the parties and the Crown representative shall be given an opportunity of being present when the court or Land Valuation Tribunal, as the case may be, so proceeds to exercise any part of its jurisdiction, and of being heard thereon and of producing evidence and cross-examining witnesses.

Section 37 heading: amended, on 1 September 1977, pursuant to section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 37(1): amended, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 37(2): amended, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 37(2) proviso: amended, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

37A Orders as to costs

(1) On the determination of any appeal to the court (not being an appeal from a decision of a Land Valuation Tribunal on a claim for compensation under the Public Works Act 1981 or in proceedings under the Land Settlement Promotion and Land Acquisition Act 1952), the court may make such order as to the payment and amount of costs to any party to the appeal as it thinks fit.

(2) This section shall bind the Crown.

Section 37A: inserted, on 5 September 1967, by section 2 of the Land Valuation Proceedings Amendment Act 1967 (1967 No 21).

Section 37A(1): amended, on 1 February 1982, pursuant to section 248(1) of the Public Works Act 1981 (1981 No 35).

Section 37A(1): amended, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 37A(1): amended, on 19 December 1968, pursuant to section 2(3) of the Land Settlement Promotion and Land Acquisition Amendment Act 1968 (1968 No 152).

38 Enforcement of orders

For the purpose of enforcing any order of a Land Valuation Tribunal (other than an award on a claim for compensation under the Public Works Act 1981), a copy of the order signed by the District Court Judge who is the Chairman of the Tribunal may be filed upon payment of such fee as may be prescribed in any office of the High Court or of the District Court, as the Tribunal directs, whereupon the order shall have the effect of a judgment of the High Court or of the District Court, as the case may be, and may be enforced accordingly.

Section 38: replaced, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 38: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 38: amended, on 1 February 1982, pursuant to section 248(1) of the Public Works Act 1981 (1981 No 35).

Section 38: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 38: amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

39 Members of court or of Land Valuation Tribunals not to be deemed to be public servants

No person shall be deemed to be employed in the service of the Sovereign for the purposes of the Public Service Act 2020 or of the Government Superannuation Fund Act 1956 by reason of his being a member of the court or of any Land Valuation Tribunal.

Section 39 heading: amended, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 39: editorial change, made by the PCO, on 1 August 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

Section 39: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 39: amended, on 1 September 1977, by section 6(1) of the Land Valuation Proceedings Amendment Act 1977 (1977 No 15).

Section 39: amended, on 1 November 1976, pursuant to section 3(3) of the Government Superannuation Fund Amendment Act 1976 (1976 No 30).

40 Regulations

(1) The Governor-General may from time to time, by Order in Council, make all such regulations as in his opinion may be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.

(1A) Without limiting the general power to make regulations conferred by subsection (1), regulations may be made under that subsection prescribing the fees payable in respect of any matters relating to proceedings before Land Valuation Tribunals.

(2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(2) *[Repealed]*

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 40(1A): inserted, on 20 October 1978, by section 2 of the Land Valuation Proceedings Amendment Act 1978 (1978 No 137).

Section 40(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 40(2): repealed, on 19 December 1989, by section 11 of the Regulations (Disallowance) Act 1989 (1989 No 143).

41 Savings as to existing awards and orders

All awards and orders of a Compensation Court under the Public Works Act 1928, or of the Land Sales Court under the Servicemen's Settlement and Land Sales Act 1943, or of an Assessment Court or of a Magistrate's Court under the Valuation of Land Act 1925 shall continue in full force and effect and may be enforced as if this Act had not been passed.

Schedule 1
Amendments consequential on the establishment of the Land Valuation Court

[Repealed]

s 28(3)

Schedule 1: repealed, on 1 April 1969, by section 13(1) of the Land Valuation Proceedings Amendment Act 1968 (1968 No 42).

Schedule 2
Repeals consequential on the abolition of the Land Sales Court and of Land Sales Committees

s 29(5)

Land Laws Amendment Act 1944 (1944 No 34)

Amendment(s) incorporated in the Act(s).

Servicemen's Settlement and Land Sales Act 1943 (1943 No 16)

Amendment(s) incorporated in the Act(s).

Servicemen's Settlement and Land Sales Amendment Act 1945 (1945 No 34)

Amendment(s) incorporated in the Act(s).

Servicemen's Settlement and Land Sales Amendment Act 1946 (1946 No 15)

Amendment(s) incorporated in the Act(s).

Schedule 3
Amendments consequential on the abolition of Assessment Courts

[Repealed]

s 30(4)

Schedule 3: repealed, on 1 April 1954, pursuant to section 473(1) of the Maori Affairs Act 1953 (1953 No 94).

Schedule 4
Consequential amendments as to appeals from valuations for death duty, gift duty, and stamp duty purposes

[Repealed]

s 32(2)

Schedule 4: repealed (with effect on 21 July 1955), on 28 October 1955, by section 89(1) of the Estate and Gift Duties Act 1955 (1955 No 105).

Notes

1 General

This is a consolidation of the Land Valuation Proceedings Act 1948 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Secondary Legislation Act 2021 (2021 No 7): section 3

Public Service Act 2020 (2020 No 40): section 135

District Court Act 2016 (2016 No 49): section 261

Senior Courts Act 2016 (2016 No 48): section 183(b)

Human Rights Amendment Act 2001 (2001 No 96): section 70(1)

Rating Valuations Act 1998 (1998 No 69): sections 53, 54(1)

Arbitration Act 1996 (1996 No 99): section 18

Judicature Amendment Act 1991 (1991 No 60): section 3(4)

Regulations (Disallowance) Act 1989 (1989 No 143): section 11

Public Works Act 1981 (1981 No 35): section 248(1)

District Courts Amendment Act 1979 (1979 No 125): section 18(2)

Judicature Amendment Act 1979 (1979 No 124): section 12

Land Valuation Proceedings Amendment Act 1978 (1978 No 137)

Land Valuation Proceedings Amendment Act 1977 (1977 No 15)

Government Superannuation Fund Amendment Act 1976 (1976 No 30): section 3(3)

Land Valuation Proceedings Amendment Act 1970 (1970 No 25)

Land Settlement Promotion and Land Acquisition Amendment Act 1968 (1968 No 152): section 2(3)

Land Valuation Proceedings Amendment Act 1968 (1968 No 42)

Land Valuation Proceedings Amendment Act 1967 (1967 No 21)

Oaths and Declarations Act 1957 (1957 No 88): section 32(1)

Estate and Gift Duties Act 1955 (1955 No 105): section 89(1)

Maori Affairs Act 1953 (1953 No 94): section 473(1)

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