

Servicemen's Settlement Amendment

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An Act to amend the Servicemen's Settlement Act 1950.

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

1 Short Title. 1950, No. 41.

This Act may be cited as the Servicemen's Settlement Amendment Act 1951, and shall be read together with and deemed part of the Servicemen's Settlement Act 1950 (hereinafter referred to as the principal Act).

2 Consent to transactions where purchaser a discharged serviceman who has previously owned farm land.

- (1) Section thirty of the principal Act is hereby amended by inserting in subsection one, after the words "the purchaser is a discharged serviceman", the words "who has not at any time after the commencement of this Act transferred, assigned, or otherwise disposed of other farm land of which he was the benefi-

cial owner or any estate or interest of which he was the beneficial owner in other farm land”.

- (2) Section thirty-one of the principal Act is hereby amended by inserting in subsection one, after the words “the vendor”, the words “or is a discharged serviceman who at any time after the commencement of this Act has transferred, assigned, or otherwise disposed of other farm land of which he was the beneficial owner or any estate or interest of which he was the beneficial owner in other farm land”.
- (3) Section thirty-six of the principal Act is hereby amended by inserting in subsection one, after the words “the vendor”, the words “or is a discharged serviceman who at any time after the commencement of this Act has transferred, assigned, or otherwise disposed of other farm land of which he was the beneficial owner or any estate or interest of which he was the beneficial owner in other farm land”

3 Amending procedure where Crown acquires land or nominates a purchaser.

- (1) Section thirty-one of the principal Act is hereby further amended by repealing subsection three, and substituting the following subsection:—

“(3) At any time within one month after the date of the adjournment, the Minister may, at his option, by notice signed by him or signed at his direction by the Commissioner of Crown Lands for the land district in which the land is situated, and served on the vendor, either—

“(a) Declare that the land is taken for the settlement of discharged servicemen as from a date to be specified in the notice. In every such case the Minister as soon as may be thereafter shall give notice in the *Gazette* of the taking, specifying in the notice the date upon which the land shall vest in the Crown; or

“(b) Nominate a discharged serviceman to be substituted for the purchaser specified in the application. In every such case the Minister shall as soon as may be thereafter file a copy of the notice in the Court.”

- (2) Section thirty-six of the principal Act is hereby further amended by repealing subsection two, and substituting the following subsection:—

“(2) At any time within one month after the date of the adjournment, the Minister may, at his option, by notice signed by him or signed at his direction by the Commissioner of Crown Lands for the land district in which the land is situated, and served on the vendor, either—

“(a) Declare that the interest of the lessee or licensee is taken for the settlement of discharged servicemen as from a date to be specified in the notice. In every such case the Minister as soon as may be thereafter shall give notice in the *Gazette* of the taking, specifying in the notice the date on which the interest of the lessee or licensee shall vest in the Crown;

“(b) Nominate a discharged serviceman to be substituted for the purchaser specified in the application. In every such case the Minister shall as soon as may be thereafter lodge a copy of the notice in the Principal Land Office of the land district.”

4 Crown may acquire or nominate purchaser of chattels, &c., sold with farm land.

The principal Act is hereby amended by adding to Part II the following section:—

“36a

- “(1) Where as part of a transaction to which this Part of this Act applies the parties thereto enter into a contract or agreement, whether in writing or otherwise, for the sale, transfer, hiring, or delivery of any other real or personal property, or for the granting of an option in relation thereto, and the Minister acquires or arranges for the acquisition of the land to which the transaction relates or nominates a discharged serviceman as purchaser thereof, he may also at his option exercise the same powers in respect of that other property or any part thereof as if that other property were farm land and as if the transaction in relation thereto were a transaction to which this Part of this Act applies.
- “(2) For the purposes of this section any contract or agreement as aforesaid shall be deemed to be part of a transaction to which this Part of this Act applies if—
- “(a) It is collateral with or dependent on the transaction or the transaction is dependent on it; or
 - “(b) It is contained in or evidenced by the same instrument that contains or evidences the transaction; or
 - “(c) In the absence of proof to the contrary, it is entered into between the same parties on the same date as the transaction or on any date within two months of the date of the transaction.
- “(3) Where any contract or agreement as aforesaid forms part of any transaction to which this Part of this Act applies and separate prices for the different classes of property to which the transaction relates are not specified in the transaction, the vendor in his application to the Court for its consent to the transaction shall specify the portions of the total purchase price that the parties to the transaction allocate to the following different classes of property, or such of them as may be applicable, namely:—
- “(a) Farm land:
 - “(b) Other land:
 - “(c) Farming stock, farming implements, and farming effects:
 - “(d) Other personal property.
- “(4) The amounts so allocated to the different classes of property shall for the purposes of paragraph (b) of subsection four of section thirty-one of this Act

and of paragraph (b) of subsection three of section thirty-six of this Act be deemed to be the purchase price thereof as if they had been specified as such in the contract or agreement.”