

New Zealand.



ANALYSIS.

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1925, No. 42.

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| Title. | AN ACT to make Provision for the Relief of the Occupiers of certain Crown and other Lands in respect of Hardship due to the Deterioration of such Lands or to their Natural Lack of Productivity. [1st October, 1925.] |
| Short Title. | BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:— 1. This Act may be cited as the Deteriorated Lands Act, 1925, and shall be read together with and deemed part of the Land Act, 1924. |
| Interpretation. | 2. In this Act— “Commissioner” means the Commissioner of Crown Lands for the land district to which the particular matter in the context may refer: “Committee” means a Special Revaluation Committee appointed pursuant to this Act: |

“Improvements” has the same meaning as the term “substantial improvements of a permanent character” as defined in the Land Act, 1924 :

“Land Board” means the Land Board of a land district constituted under the Land Act, 1924 :

“Minister” means the Minister of Lands.

Application of Act.

3. This Act shall apply only to such lands as the Governor-General may from time to time, by Proclamation, declare to be subject thereto : Application of Act.

Provided that the provisions of this Act relating to the reduction or remission or postponement of rent, or interest, or principal moneys, or purchase-money, shall have no application save to lands of the Crown or other lands administered by a Land Board.

Special Revaluation Committees.

4. (1.) For the purposes of this Act the Minister may, by notice in the *Gazette*, appoint one or more Committees to be called Special Revaluation Committees. Every such Committee shall consist of three persons, of whom one shall be an officer of the Department of Lands and Survey, and one shall be an officer of the Valuation Department. Minister may appoint Committees for purposes of this Act.

(2.) Every member of a Special Revaluation Committee shall hold office during pleasure.

(3.) Every such Committee shall regulate its own procedure.

Applications for Relief under this Act.

5. (1.) The owner or occupier of any land subject to this Act may at any time, not later than the thirtieth day of June, nineteen hundred and twenty-six, make application in the prescribed form, addressed to the Commissioner of Crown Lands for the district in which such land is situated, for relief under the provisions of this Act : Applications for relief under this Act.

Provided that any application received after the aforesaid date may, with the consent of the Minister of Lands, but not otherwise, be dealt with as if it had been received within the time limited by this section.

(2.) Every such application shall forthwith be submitted by the Commissioner to the appropriate Special Revaluation Committee.

(3.) The Committee shall as soon as practicable proceed to consider the application, and for that purpose may hear such evidence as it thinks fit, and may require the applicant to supply with reasonable particularity information as to his financial position.

(4.) After considering any such application the Committee may, in its discretion, do all or any of the following things, namely :—

(a.) It may revalue the land to which the application relates, showing separately as at the date of revaluation the value of the improvements effected or paid for by the lessee or licensee, and the capital value of the land exclusive of those improvements :

(b.) It may recommend the remission of any rent or interest owing or to become owing in respect of the land, or the postponement for any term not exceeding fifteen years of any such

rent or of any instalment of purchase-money and interest, whether then owing or that may thereafter become owing :

- (c.) It may recommend that any land to which an application relates or any part thereof may be united, for purposes of holding, with any other area, whether subject to this Act or not :
- (d.) It may recommend that any lands subject to this Act be reclassified, or that any other lands adjacent to lands subject to this Act be classified or reclassified, in order to facilitate or encourage the profitable occupation of land subject to this Act :
- (e.) In the case of applications for advances under section eleven hereof it may recommend what advances (if any) should be made, and for what purposes.

(5.) The determination or recommendations of the Committee in relation to any of the aforesaid matters shall forthwith be forwarded by the Committee to the Commissioner.

(6.) For the purposes of this section the value of any land or improvements may be fixed by any two members of the Committee, and if no two members are able to agree the value for the purposes of this Act shall, notwithstanding anything to the contrary in the foregoing provisions, be determined by the Land Board.

Nature of Relief to be granted.

Rent or price of land may be reduced on revaluation.

6. (1.) Where the rent or the periodical instalments of purchase-money and interest payable under any lease or license in respect of land to which an application under this Act relates have been based on the original capital value of that land, then, if the value of the land as determined for the purposes of this Act, exclusive of the value of improvements as so determined, is less than such original capital value, the rent, or the price and the instalments of purchase-money and interest payable under the lease or license, shall be proportionately reduced as from the first day of January, nineteen hundred and twenty-three, or the date of acquisition, whichever is the later.

(2.) Where the rent or price payable under any such lease or license as aforesaid has been fixed otherwise than by reference to the original capital value as aforesaid, and is excessive having regard to the revaluation of the land made for the purposes of this Act, such rent or price and the instalments of purchase-money and interest payable in respect of the price shall, as from the first day of January, nineteen hundred and twenty-three, or the date of acquisition, whichever is the later, be reduced to such amount as the Land Board considers reasonable.

(3.) The provisions of this section shall be given effect to by resolution of the Land Board.

Minister may remit rent or interest, or may postpone payment of rent, interest, or purchase-money.

7. With respect to recommendations made by the Committee for the remission of any rent or interest, or for the postponement of any rent or instalment of purchase-money and interest, as provided in paragraph (b) of subsection four of section five hereof, the Minister may, on the recommendation of the Land Board, remit any such rent or interest, or postpone the payment of any such rent or instalment of purchase-

money and interest, but so that the value of the relief afforded in any such case shall not exceed the value of the relief recommended by the Special Revaluation Committee.

8. With respect to recommendations made by the Committee for the classification or reclassification of any lands, or for the inclusion in one holding of separate areas of land, as provided in paragraphs (c) and (d) of subsection four of section five hereof, the Land Board may, in its discretion, reclassify any such land into any of the classes of first-class, second-class, or third-class land as defined in subsection two of section one hundred and twenty-seven of the Land Act, 1924; or may in the case of any land that has not been classified, and notwithstanding anything to the contrary in subsection nine of section one hundred and seven of the Land Act, 1924, classify such land in such manner as in its discretion it thinks fit.

Land Board may classify or reclassify lands for purpose of giving effect to recommendations of Committee.

9. (1.) If any rent or any instalment of purchase-money and interest the payment of which has been postponed as aforesaid is paid within the extended period, the person by whom the same is paid shall be entitled to the same rebate (if any) as if such rent or instalment had been paid on the due date.

Rights as to rebates not prejudiced by postponement of payment under this Act.

(2.) Any such rent or instalment of purchase-money and interest the payment of which has been postponed as aforesaid shall not be deemed to be payments in arrear for the purpose of determining whether any person is entitled to any rebate on account of punctual payment.

10. The foregoing provisions of this Act as to the grant of relief in respect of purchase-money or of interest payable in respect of purchase-money shall apply, with the necessary modifications, with respect to principal moneys owing under a mortgage to the Crown and to interest payable in respect thereof.

Application of Act to lands subject to mortgages to Crown.

11. (1.) Financial assistance, in accordance with this section, may be granted by way of loan to occupiers of land subject to this Act for the purchase of fencing-materials, lime, or manure, or to assist the occupiers to defray any capital expenditure.

Advances for purchase of fencing-materials, &c.

(2.) Applications for relief under this section shall be considered in the first place by the Special Revaluation Committee, and shall be reported on to the Land Board, with such recommendations (if any) as the Committee thinks fit to make.

(3.) The Minister may thereupon, on the recommendation of the Land Board, make advances, without further appropriation than this section, for any of the purposes aforesaid, but for no other purpose, out of the Deteriorated Lands Account hereinafter established.

(4.) All moneys advanced by the Minister under the authority of this section shall bear interest at such rate as may be prescribed, and shall be secured by way of mortgage over the land in respect of which the application is made or over the applicant's interest in such land. Except with the approval of the Minister given on the recommendation of the Land Board, such security shall be a first mortgage of the land or of the applicant's interest in the land as aforesaid.

(5.) Every such mortgage shall contain such other terms and conditions as may be prescribed, and in particular may make provision for the postponement of the payment of interest, or of any instalment of principal and interest, as the case may be, for any period not exceeding five years from the date of the advance.

Financial Provisions.

Minister of Finance
may borrow
£100,000 for purpose
of making advances
under this Act.

12. (1.) For the purpose of providing funds to give effect to the provisions of this Act the Minister of Finance may from time to time raise, on the security of and charged upon the public revenues of New Zealand, such sums of money as he thinks fit, not exceeding in the aggregate the sum of one hundred thousand pounds.

(2.) The sums so raised shall as and when raised be paid into the Public Account to the credit of an account to be called the Deteriorated Lands Account, and shall bear interest at such rate as the Minister of Finance may prescribe.

(3.) This Act 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 raised shall be raised under and subject to the provisions of that Act accordingly.

(4.) There may from time to time be charged to and paid out of the Deteriorated Lands Account, without further appropriation than this Act,—

- (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 advanced under the provisions of the last preceding section or otherwise required for the purpose of giving effect to that section, or generally for the purposes of the administration of this Act.

(5.) All moneys received by way of interest or in repayment of moneys advanced or expended under this Act shall be paid into the Deteriorated Lands Account.

Special provisions
as to accounts
where lands of
different kinds are
incorporated so as
to constitute one
holding.

13. Where for the purpose of regrouping lands into more suitable holdings, pursuant to the authority of this Act, the boundaries of any existing holdings are to be altered so as to incorporate with such holdings any lands the ownership of which is vested in His Majesty the following provisions shall apply :—

- (a.) The Governor-General may, by Proclamation, declare any land so incorporated with an existing holding, whether ordinary Crown land, national-endowment land, settlement land, or other kind of land, to be of a like kind as the holding with which it is incorporated :
- (b.) With respect to any land which is the subject of a Proclamation as aforesaid, an equitable adjustment shall be made, without further authority than this Act, between such accounts or funds as are affected by the change in kind and to which would be credited any capital receipts from the sales of the said land :

Provided that where there is not sufficient money to the credit of any account or fund to satisfy in full a charge for which it becomes liable hereunder, interest at a rate not exceeding five per centum per annum on the unpaid balance shall, until the charge is fully satisfied, be charged

against and paid out of the revenue account into which is payable the rent or other revenue receipts derived from the land with respect to which the adjustment is made.

Miscellaneous.

14. Notwithstanding any restriction contained in the Land Act, 1924, the provisions of sections one hundred and five and one hundred and forty-nine of that Act shall, with the necessary modifications, be deemed to apply to any land incorporated pursuant to the provisions of this Act with any other land.

Application of certain provisions of Land Act as to registration of titles, &c.

15. Any application for relief under this Act shall be deemed to be disposed of when notice is given to the applicant by the Land Board of the decision with respect thereto.

Disposal of applications for relief under this Act.

16. The Governor-General may from time to time, by Order in Council, make all such regulations as may be required for the purpose of giving effect to the provisions of this Act.

Regulations.