

New Zealand



ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. Construction. 2. Land Purchase Inspector. 3. Additional members of Board. Chairman. 4. Owner may, on application, be granted lease in perpetuity of homestead site. 5. Area, rent, and conditions. 6. How capital value to be fixed. | <ol style="list-style-type: none"> 7. Powers of Land Board as to lease. 8. Act to apply to land already acquired. 9. Limitations and conditions applicable in cases of partnership or co-ownership. 10. Section 19 of principal Act amended. 11. Road-lines may be closed in certain cases. 12. Crown lands adjacent to land acquired under principal Act may be dealt with. |
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1895, No. 41.

AN ACT to amend "The Land for Settlements Act, 1894" (hereinafter called "the principal Act"). Title.
[31st October, 1895.]

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

1. The Short Title of this Act is "The Land for Settlements Amendment Act, 1895," and it shall be read with the principal Act. Short Title.
Construction.

2. (1.) The Governor may from time to time appoint a fit person to be a Land Purchase Inspector, whose duties shall be to inspect and report to the Minister upon all lands proposed to be acquired under the principal Act, and to perform such other functions as the Governor from time to time directs. Land Purchase
Inspector.

(2.) The Land Purchase Inspector—

(a.) Shall hold office during pleasure;

(b.) Shall be paid such salary as may be fixed and appropriated from time to time by the General Assembly; and

(c.) Shall be subject to the laws for the time being in force affecting and regulating the Civil Service of the colony.

(3.) The person holding office as Land Purchase Inspector at the time of the passing of this Act shall be deemed to be appointed under this Act.

3. (1.) In addition to the persons named in section three of the principal Act, the following persons shall be members of the Board of Land Purchase Commissioners, that is to say— Additional members
of Board.

(a.) The person for the time being holding the office of Land Purchase Inspector; and

(b.) Such person as the Minister appoints by *Gazette* notice in that behalf, being a member of the Land Board of the

Land District in which is situate any land proposed to be acquired under the principal Act.

Chairman.

(2.) The Land Purchase Inspector shall be the Chairman of the Board, and at all meetings of the Board three members shall form a quorum.

(3.) Section three aforesaid is hereby modified and amended in so far as it conflicts with this Act.

Owner may, on application, be granted lease in perpetuity of homestead-site.

4. In any case where land hereafter acquired from any person under the principal Act contains a homestead, such person may obtain a lease in perpetuity of the homestead, and land surrounding it, not exceeding in all six hundred and forty acres, as he may select:

Provided—

(1.) That he makes application to the Land Board in writing within fourteen days after the land becomes vested in Her Majesty;

(2.) That in such application he sets forth by description and plan the area so selected;

(3.) That the Land Board approves of the application, and is satisfied that the grant of the lease will not prejudicially affect the settlement of the residue of the land so acquired.

Area, rent, and conditions.

5. Upon all the foregoing conditions being complied with, such person shall be entitled to a lease in perpetuity of the area so selected, or of such less area as may be agreed on between him and the Land Board, at a yearly rental at the rate of five pounds per centum on the capital value of the land (including therein all buildings and improvements), subject to the conditions of the Land Act relating to leases in perpetuity, except in so far as such conditions are modified by this Act, and subject also to such conditions as to cultivation of land, and insurance, maintenance, and repair of buildings and otherwise, as the Governor prescribes.

How capital value to be fixed.

6. Such capital value shall be fixed in manner prescribed by section thirty of the principal Act for fixing the rental (meaning thereby the yearly rental) of land acquired and disposed of under that Act.

Powers of Land Board as to lease.

7. The Land Board is hereby empowered to deal with such application as aforesaid, and to issue a lease in perpetuity accordingly, without previously notifying the land as open for application, anything in "The Land Act, 1892," or the principal Act to the contrary notwithstanding.

Act to apply to land already acquired.

8. The foregoing provisions of this Act relating to the grant of leases in perpetuity shall extend and apply to land already acquired but not disposed of by the Crown under the principal Act, and for the purposes of this section the application referred to in the first proviso to section four hereof may be made at any time within twenty-eight days after the passing of this Act, but not later.

Limitations and conditions applicable in cases of partnership or co-ownership.

9. In any case where land is taken compulsorily from two persons who, for a period of two years next prior to any direction by the Minister for negotiation under section four of the principal Act, have been carrying on business on such land as farmers in copartnership, each partner, whose undivided share of such land exceeds the prescribed maximum, shall have the right to retain any area not

exceeding the prescribed maximum in the same manner and subject to the same conditions as if such share had been owned by him in severalty.

10. In addition to the conditions specified in subsections (a) and (b) of section nineteen of the principal Act as those subject to which the land in that section referred to may be occupied, the following further condition is hereby prescribed, that is to say,—

Section 19 of principal Act amended.

(c.) The occupier shall not, without the previous written consent of the Minister,—

(1.) Assign, sublet, or in any way part with possession of the land or any part thereof; nor

(2.) Agist stock thereon; nor

(3.) Plough any part thereof which is in grass, nor take any crop or other produce from any part thereof:

And the Minister may grant such consent upon such terms as he thinks fit.

11. In any cases where unformed and unused road-lines intersect any land acquired under the principal Act, and are not suitable to the subdivision of the land, such road-lines may be closed by *Gazette* notice, and thereafter may be dealt with as part of the land which they intersect: Provided that the local authority of the district in which such road-lines are situate consents to the closing thereof: Provided also that any person who may be injuriously affected by the closing of any such road may object in terms of "The Public Works Act, 1894."

Road-lines may be closed in certain cases.

12. The Land Board is empowered to deal with any small area of Crown lands lying within or immediately adjacent to any land acquired under the principal Act in the same manner as such land is dealt with thereunder.

Crown lands adjacent to land acquired under principal Act may be dealt with.