

New Zealand.



ANALYSIS.

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1893, No. 26.—*Local.*

AN ACT to amend "The Westland and Nelson Coalfields Administration Act, 1877." Title.
[6th October, 1893.]

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 Westland and Nelson Coalfields Administration Act 1877 Amendment Act, 1893." Short Title

2. The following provisions shall have operation in respect of the Westport Colliery Reserve, as the same is defined in the Fourth Schedule to "The Westland and Nelson Coalfields Administration Act, 1877," and shall be read as part of that Act. Provision as to lands within Westport Colliery Reserve.

3. The Governor, by Order in Council, gazetted, to be issued as soon as may be after the commencement of this Act, shall define such further portions of the aforesaid reserve, in addition to the portions thereof already set apart for railway purposes by an Order in Council of the twenty-third day of February, one thousand eight hundred and seventy-six (*Gazette*, 1876, page 200), as are likely to be required for railway purposes or other public purposes, and shall set apart such further portions for the aforesaid purposes accordingly. Governor may set apart additional reserves.

4. With respect to lands included within any such first-mentioned Order in Council as set apart for railway or other public purposes, every lessee of land which is not immediately required for railway purposes shall continue to hold his lease subject to the conditions upon which the same was granted, but subject to the power of the Governor to take the land comprised therein as aforesaid. Rights of tenants holding under Orders in Council.

The provisions of section eighteen of the last-named Act shall apply in respect of all the aforesaid leases, and to the respective holders thereof, and to the compensation to be paid for any land taken for railway or other purposes, in the same manner as in the said section provided with respect to land set apart by the Order in

Council of the twenty-third day of February, one thousand eight hundred and seventy-six, in the said section mentioned.

Respecting other
tenancies.

5. With respect to lands not included within either of the aforesaid Orders in Council—

(a.) Every lessee of any part of the said reserve may at any time within twelve months after the commencement of this Act, with the written consent of any sub-lessees and mortgagees (if any), apply to the Land Board for a revaluation of the land comprised in his lease.

The Board, subject to the approval of the Governor, but not before the gazetting of the Order in Council first above mentioned in section three, may cause a valuation to be made of the remainder of the said land, without improvements, and on the surrender of the original lease may grant the lessee, or any person entitled by or through such lessee, a new lease of the land comprised in his original lease, at a rent based upon the aforesaid valuation, for a term not exceeding twenty-one years. Every lease granted under the provisions of this subsection (a) shall be subject, at the expiration thereof respectively, to the provisions of sections three and four hereof.

(b.) Every lessee, as last aforesaid, who does not obtain a renewal of his lease under the last-preceding subsection, shall continue to hold his lease on the terms on which the same was originally granted, or upon such amended or altered terms as may be mutually agreed upon by both the parties; and on the expiration or determination thereof, and on the expiration or determination of every future lease to be made of the portion of the said reserve mentioned in this subsection, the following provisions shall take effect:—

- (1.) The improvements made by the lessee or his tenant on the land comprised in any such lease shall be valued in such manner as the Board shall direct;
- (2.) The upset rental of each lease shall be fixed by the Board;
- (3.) The right to the lease shall be disposed of by public auction;
- (4.) If the lessee shall not become the purchaser, the purchaser of the lease shall pay to the Receiver of Land Revenue or other officer appointed by the Board, as a premium or foregift, the value of the improvements, to be so fixed as aforesaid.

All moneys so paid to the Receiver shall be handed over by him to the outgoing lessee, less the amount of all expenses incurred in obtaining such moneys.

- (5.) If there shall be no purchaser of the lease, the lessee shall accept and the Board shall grant to him a new lease of the land at the upset price, for the term and on the conditions on which the same was offered at auction.
- (6.) If default shall be made by the purchaser in payment of the said value of the said improvements, the Board shall again from time to time offer the land by public auction on the terms aforesaid within three months after such default. The Board may offer the said land for lease on such terms and conditions, not inconsistent with the foregoing, as the Board may consider proper.

(7.) The word "lessee" shall include the executors, administrators, or assigns of such lessee.

6. If, upon the expiration or determination of any lease, the Governor, by Order in Council, shall see fit to reserve the demised lands for railway purposes, then no compensation for improvements made on such lands shall be claimed by the outgoing lessee; but he shall be entitled to remove the said improvements within such time after the aforesaid expiration or determination, not being less than six months, as may be granted to him in that behalf by the Governor.

If, on expiration of lease, lands reserved, lessee may remove his improvements.

7. The Board may from time to time dispose of by lease any unlet portions of the Colliery Reserve not set apart for railway or other public purposes, for any term not exceeding twenty-one years, on such terms and conditions as the Board may think proper, and every such lease shall be disposed of at public auction.

Power of Board to dispose of unlet portions of Colliery Reserve.