

LAND ACQUISITION AND AGGREGATION REPEAL BILL

EXPLANATORY NOTE

The Land Settlement Promotion and Land Acquisition Act 1952 was extensively reviewed in 1989. The Department of Lands published its report reviewing the Act in September 1989. This bill follows the recommendations in that report in respect of Parts I and II of the Act.

Part I of the 1952 Act refers to the compulsory acquisition of land for settlement. It was originally introduced to provide for the purchase of land for returned servicemen. Its provisions have never been used. In recent years purchases for land settlement have all been conducted on a "willing seller" basis. If compulsory purchase were thought appropriate the provisions of the Public Works Act 1981 could be used.

Part II of the 1952 Act governs the aggregation of farm land acquired by New Zealanders. Its provisions are widely avoided, for example by the provision in the Act which exempts land owned by a company with less than 10 shareholders. Nor is the coverage of this Part comprehensive. For example, it does not apply to land used for forestry.

The 1989 review concluded that:

- * The present provisions in the Act (are) ineffective, archaic and cumbersome;
- * The rationale behind its enactment has long disappeared;
- * There would be fundamental conflicts in determining what would in fact constitute undue aggregation in today's ever changing rural sector if the legislation was to remain in place;
- * The costs involved to the rural sector in currently complying with the provisions of the Act. . . are unproductive and cannot be justified."

The effect of this bill will be to leave only Part II_A of the 1952 Act in force. Part II_A governs the acquisition by overseas interests of farmland and certain other areas of land including islands and reserves. With minor exceptions, these provisions are unaffected by this bill.

Clause 1 relates to the Short Title of the bill.

Clause 2 amends the Title of the 1952 Act to reflect the fact that it will now deal only with control of overseas acquisition of land.

Clause 3 amends the Short Titles of the 1952 and subsequent amendment Acts to "Control of Overseas Acquisition of Land Act".

Clause 4 repeals Part I of the 1952 Act relating to the settlement of farm land.

Clause 5 repeals Part II of the 1952 Act relating to the aggregation of farm land, other than certain sections still necessary to give effect to Part II_A.

Clause 6 makes consequential amendments to the 1952 Act.

Clause 7 makes consequential repeals of provisions in other Acts no longer necessary following the repeal of Part I and Part II of the 1952 Act.

Clause 8 repeals section 39 of the 1952 Act. This section currently provides that the Governor-General may, by Order in Council, fix the maximum fees that may be charged by any solicitor to any client in respect of proceedings in the High Court or before any Land Valuation Tribunal under the 1952 Act. The provision no longer seems appropriate in the light of the abolition of solicitors' scale fees.

Clause 9 amends section 42 of the 1952 Act to convert the Act's regulation-making provision from a subjectively-worded power to an objectively-worded one. This is to make it more consonant with modern views on the desirable extent of such power to make delegated legislation.

Hon. David Caygill

LAND ACQUISITION AND AGGREGATION REPEAL

ANALYSIS

Title	5. Repeal of provisions relating to aggregation of farm land
1. Short Title	6. Consequential amendments to the principal Act
2. Alteration of Title of principal Act	7. Consequential repeals
3. Alteration of Short Titles of Acts	8. Solicitors' fees
4. Repeal of provisions relating to settlement of farm land	9. Regulations Schedules

A BILL INTITULED

An Act to amend the Land Settlement Promotion and Land Acquisition Act 1952

BE IT ENACTED by the Parliament of New Zealand as follows:

- 5 **1. Short Title**—This Act may be cited as the Land Acquisition and Aggregation Repeal Act 1991, and shall be read together with and deemed part of the Act heretofore known as the Land Settlement Promotion and Land Acquisition Act 1952 (hereinafter referred to as the principal Act).
- 10 **2. Alteration of Title of principal Act**—The principal Act is hereby amended by repealing the Title, and substituting the following Title:
- An Act to control the acquisition of land by overseas interests**
- 15 **3. Alteration of Short Titles of Acts**—(1) The principal Act may hereafter be cited as the Control of Overseas Acquisition of Land Act 1952.
- 20 (2) Each of the Acts mentioned in the first column of the **First Schedule** to this Act may hereafter be cited by the new Short Title specified in relation thereto in the second column of that Schedule.

(3) Every reference in any enactment or document whatsoever to the principal Act or any of the Acts mentioned in the first column to the **First Schedule** to this Act shall, unless the context otherwise requires, hereafter be read as a reference to the Act having the Short Title by which it may hereafter be cited as provided in **subsections (1) and (2)** of this section. 5

4. Repeal of provisions relating to settlement of farm land—Part I of the principal Act is hereby repealed.

5. Repeal of provisions relating to aggregation of farm land—(1) Subject to **subsection (2)** of this section, Part II of the principal Act is hereby repealed. 10

(2) Notwithstanding the repeal of Part II of the principal Act by **subsection (1)** of this section, the provisions of sections 23 (3) and (4), 25, 27, 28, and 34 of the principal Act shall continue in force to the extent necessary to give effect to the provisions of Part IIA of the principal Act. 15

6. Consequential amendments to the principal Act—The principal Act is hereby consequentially amended in the manner indicated in the **Second Schedule** to this Act.

7. Consequential repeals—The enactments set out in the **Third Schedule** to this Act are hereby consequentially repealed to the extent indicated in that Schedule. 20

8. Solicitors' fees—Section 39 of the principal Act is hereby repealed.

9. Regulations—Section 42 of the principal Act is hereby amended by omitting the words “in his opinion”. 25

SCHEDULES**FIRST SCHEDULE****Section 3 (2)****ALTERATION TO SHORT TITLES OF ACTS**

Existing Short Title	New Short Title
Land Settlement Promotion and Land Acquisition Amendment Act 1955	Control of Overseas Acquisition of Land Amendment Act 1955
Land Settlement Promotion and Land Acquisition Amendment Act 1963	Control of Overseas Acquisition of Land Amendment Act 1963
Land Settlement Promotion and Land Acquisition Amendment Act 1968	Control of Overseas Acquisition of Land Amendment Act 1968
Land Settlement Promotion and Land Acquisition Amendment Act 1969	Control of Overseas Acquisition of Land Amendment Act 1969
Land Settlement Promotion and Land Acquisition Amendment Act 1972	Control of Overseas Acquisition of Land Amendment Act 1972

Section 6

SECOND SCHEDULE

CONSEQUENTIAL AMENDMENTS TO PRINCIPAL ACT

Provision			Amendment
Section 1	..	..	By omitting the words “the Land Settlement Promotion and Land Acquisition Act 1952”, and substituting the words “the Control of Overseas Acquisition of Land Act 1952”.
Section 2	..	..	By omitting from subsection (1) the definitions of the terms “agricultural purposes”, “Court”, “Crown land”, “discharged serviceman”, “farm land”, “Land Settlement Board”, “lease in perpetuity”, “Minister”, and “West Coast settlement land”. By repealing subsection (2).
Section 35H	..	..	By omitting from subsection (3)(b) the words “by the Commissioner of Works or”. By omitting from subsection (4)(a) the words “a Registrar of the Supreme Court”, and substituting the words “a Registrar of the High Court”.
Section 37	..	..	By omitting the words “under Part II or Part IIA” from subsection (1) and subsection (2) (as amended by section 6 of the Land Settlement Promotion and Land Acquisition Amendment Act 1968), and substituting in each case the words “under Part IIA”.
Section 41	..	..	By repealing this section, and substituting the following section: “ 41. Exemptions from stamp duty and registration fees —No fees shall be payable to any District Land Registrar or Registrar of Deeds for registering any order of the Land Valuation Tribunal made under this Act.”
Section 43	..	..	By omitting the words “to the Court or any Land Valuation Tribunal” (as amended by section 6(5) of the Land Valuation Proceedings Amendment Act 1977), and substituting the words “to any Land Valuation Tribunal”.

THIRD SCHEDULE
ENACTMENTS REPEALED

Section 7

Enactment	Extent of Repeal
Land Settlement Promotion and Land Acquisition Amendment Act 1955	Section 4
Land Settlement Promotion and Land Acquisition Amendment Act 1959	The whole Act
Land Settlement Promotion and Land Acquisition Amendment Act 1961	The whole Act
Land Settlement Promotion and Land Acquisition Amendment Act 1963	Section 2
Land Settlement Promotion and Land Acquisition Amendment Act 1968	Sections 2, 3, 6 (2), (3) and (4), and 8
Land Settlement Promotion and Land Acquisition Amendment Act 1972	Section 2 (a)
Conservation Act 1987	So much of the Second Schedule as relates to the Land Settlement Promotion and Land Acquisition Act 1952.