

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.  
House of Representatives,  
23rd October, 1895.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Mr. J. McKenzie.

LAND ACT AMENDMENT.

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A BILL INTITULED

AN ACT to amend "The Land Act, 1892."

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

Title.

5 1. The Short Title of this Act is "The Land Act Amendment Act, 1895," and it shall be read with "The Land Act, 1892" (hereinafter called "the principal Act").

Short Title.

10 2. In any case where land is thrown open for selection before survey under Part III. of the principal Act, the Minister may, upon the recommendation of the Board, dispense with the survey deposit.

Survey deposit may be dispensed with.

3. For the purposes of sections fifty-eight to sixty-three of the principal Act the following provisions shall apply:—

Receipt of applications and notice of successful applicant.

15 (1.) The therein mentioned applications shall be deemed to be made at ~~the~~ any Land Office in the district at the time when they are received at such office.

(2.) In the case of applications which have been decided by ballot, it shall be sufficient notice if the name of the successful applicant is called out in the room or place in which the ballot is held.

20 4. The provisions of section eighty-six of the principal Act as to registration of the therein mentioned leases, and transfers thereof, and dealings with or transmissions of land comprised therein, shall apply *mutatis mutandis* to licenses under Part III. of "The Land Act, 1885," and also to occupation licenses and certificates of occupancy under the principal Act.

Provisions for registration of leases extended.

25 5. (1.) Notwithstanding anything to the contrary contained in section one hundred and nineteen of "The Land Act, 1885," lands held on deferred-payment license may be mortgaged under "The Government Advances to Settlers Act, 1894."

Lands held on deferred payment may be mortgaged under "The Government Advances to Settlers Act, 1894."

(2.) Neither the existence of any deferred payment in respect of any such license, nor of any advance made to occupiers of any village-settlement lands under section one hundred and seventy of the principal Act, shall be construed to be an encumbrance, lien, or interest within the meaning of "The Government Advances to Settlers Act, 1894." 5

(3.) All such deferred payments and advances may be paid out of moneys advanced on mortgages granted under the last-mentioned Act.

Regulations as to Government advances to settlers.

6. The Governor may make regulations under the principal Act for the purposes of facilitating the administration of "The Government Advances to Settlers Act, 1894," in so far as it affects mortgages of Crown land held under any lease or license, or certificate of occupancy, or other form of tenure. 10

Dealings with estate subject to encumbrance or lien.

7. With respect to any encumbrance, lien, or interest duly registered against the estate or interest of any person in any land held by him under any lease, or license, or certificate of occupancy, the following provisions shall apply:— 15

(1.) Such encumbrance, lien, or interest shall not in any way limit or affect the right of the Board to cancel such lease, license, or certificate for breach of conditions, and generally to exercise the powers conferred by the principal Act, in like manner as if no such encumbrance, lien, or interest existed. 20

(2.) In any case where such holder acquires an estate of freehold in such land, the District Land Registrar, before issuing the certificate of title in respect thereof, shall make all entries necessary in order to record on such certificate every then existing encumbrance, lien, and interest, in the order of their registered priority; and such freehold estate shall be subject thereto in like manner as if they had been created in respect of such freehold estate. 25 30 3C

*Struck out.*

Reservations implied on alienation of Crown lands.

8. (1.) Every alienation of Crown land made after the coming into operation of this Act shall be deemed to be made subject to the conditions following:— 35

(a.) All metals, minerals, oils, gases, gravel, limestone, and valuable stones of any description whatsoever, on or under the surface of the land, shall be reserved to the Crown: Provided that until possession is resumed as hereinafter provided the owner or occupier of the land shall have the full and free right to use and dispose of the things so reserved. 40

(b.) The Governor on behalf of the Crown may, by Proclamation published in the *Gazette*, at any time and from time to time resume the possession (but not the ownership) of so much of the land as he thinks necessary for the purpose of there carrying on mining or other operations in respect of any of the things reserved to the Crown as aforesaid; and may also at any time, by notice in the *Gazette*, restore such possession to the owner of the land. 45 50

(c.) Such purpose shall be deemed to be a public work within the meaning of "The Public Works Act, 1894," and the provisions of that Act shall accordingly apply to land the possession whereof is resumed under this section: Provided that compensation shall be payable only in respect of surface damage, severance, and loss of occupation. 55

(2.) Section one hundred and twenty-one of the principal Act is hereby repealed.

9. Section one hundred and forty-four of the principal Act, in so far as concerns the condition as to improvements to be made on land by the selector, shall be read subject to the following modification, that is to say:—

Board may modify conditions as to improvements.

In any special case where, having regard to the nature or situation of the land, or the extent to which it was already improved at the date of selection, the Board is of opinion that it would be unreasonable to require the selector to fully comply with such conditions, it may modify those conditions to such extent as, with the approval in writing of the Minister, it thinks fit: Provided that in no case shall the selector be relieved from the obligation to effect at least one-half of the improvements prescribed by that section.

10. The provisions of section one hundred and fifty-four of the principal Act are hereby modified as follows:—

Modification as to sale of land of deceased licensee.

- (1.) In lieu of selling the land of a deceased licensee, as provided by that section, the Commissioner may in his discretion transfer it to the widow or children of the deceased, in shares proportioned to their respective interest in his estate;
- (2.) Such transfer shall be effected in such manner and form, and subject to such provisions for the protection of the interests of children and otherwise, as the Governor by regulations prescribes;
- (3.) Such transfer may be registered under "The Land Transfer Act, 1885."

11. The principal Act is hereby further amended as follows:—

Amendments of principal Act.

- (1.) As to section eighteen thereof: By the addition of the following proviso: "Provided that no right-of-way in any subdivision of land for a town shall be of less width than sixty-six feet."
- (2.) As to section one hundred and twenty-six thereof: By adding to the end of the section the words, "and after there has been deducted therefrom all sums credited to the selector under the provisions of section sixty-five of this Act."
- (3.) As to section one hundred and sixty thereof: By the repeal of the words "if such land be portion of any lands notified under this Part of this Act."

12. For all the purposes of the principal Act, and also of "The Fencing Act, 1895," any minor who holds any land by virtue of any lease, license, certificate of occupancy, or other form of tenure under the principal Act shall be deemed to be of the full age of twenty-one years.

Minor deemed of full age.

13. (1.) Any lessee or licensee under the principal Act or any Act thereby repealed may, with the approval of the Board and consent of the Minister of Lands, subdivide his holding, and transfer any subdivision thereof to any person who makes the declaration required by the principal Act in the case of an original application.

Subdivision and transfer of holding.

(2.) For the purpose of giving effect to such transfer, the Board, on the production of a duly-approved survey of such subdivision, and on payment of the fees for the leases and the registration thereof,

Issue of new leases.

may cancel the original lease, and issue new leases for the residue of the term of the original lease, and subject to the same conditions.

Village-settlement selector may obtain additional area without competition in certain cases.

14. (1.) Any village-settlement selector who has taken up less than the maximum prescribed area of village allotment or village-homestead allotment, as the case may be, may, if the Board recommends and the Minister of Lands approves, obtain without competition an additional area of similar land contiguous to his holding, but not exceeding, with such holding, the maximum prescribed area. 5

Additional area to be held on same tenure and terms as original holding.

(2.) Such additional area shall be held on the same tenure and terms as the original holding, and at a price to be fixed by the Board, being not less than the minimum price of similar land. 10

Crown lands may be leased for establishment of industrial, rescue, and reformatory homes.

15. (1.) For the purpose of encouraging the establishment of industrial, rescue, and reformatory homes, it is hereby declared that, notwithstanding anything to the contrary contained in the principal Act or "The Land for Settlements Act, 1894," the following provisions shall apply:— 15

(a.) On the application of any society of persons desirous of establishing any such home, and on being satisfied that such home is for the exclusive use and benefit of persons who have been resident in New Zealand for a period of not less than twelve months previous to such application being made, and of their intention and ability so to do, the Minister may grant them it the exclusive right to select on lease, as a site and for the purposes of such home, an area not exceeding one hundred acres of Crown lands, whether acquired under "The Land for Settlements Act, 1894," or otherwise. 20

(b.) Every such lease shall be for twenty-one years, with perpetual right of renewal for the like term, at an annual rental of five per centum of the capital value of the land, subject to such stipulations and conditions as in each case the Minister thinks fit to prescribe. 30

(c.) Every such lease shall be determinable without notice or demand if default for six months is made in the punctual payment of rent or the faithful performance of any condition or stipulation subject to which the lease is granted, or if the land ceases to be used for the proper purposes of such home as aforesaid; and in case of the lease being determined as aforesaid the land shall revert to the Crown without any right or claim to compensation for improvements or otherwise. 35 40

(2.) The Minister may make such regulations as he thinks necessary for the purpose of carrying out the provisions of this section.

*New clause.*

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Section 160 of principal Act to apply to leases under special Acts.

15A. The provisions of section one hundred and sixty of the principal Act shall apply, and be deemed to have applied, to leases held under any special Act affecting leases of Crown lands, and in respect of any leases granted under Parts V. or VI. of the principal Act or of any prior Act, whether general or special, containing provisions of similar purport: 50

Provided that no area shall be leased in excess of the area authorised under Part III. of the principal Act.