

Right Hon. Sir J. G. Ward, Bart.

LAND FOR SETTLEMENTS AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend the Land for Settlements Act, 1908.

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 Land for Settlements Amendment Act, 1911, and shall be read together with and deemed to be part of the Land for Settlements Act, 1908 (hereinafter referred to as the principal Act).

Short Title.

2. Section fifteen of the principal Act is hereby amended—

Section 15 of principal Act amended.

(a.) By repealing paragraph (a) thereof, and substituting the following paragraph therefor :—

“(a.) No land shall be so taken unless the area thereof is not less than two thousand acres of first-class land or the equivalent thereof, and unless the unimproved value of that land is not less than twenty thousand pounds ” ;

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(b.) By inserting, after the words “ comprises not less than ” in paragraph (b), the words “ an area of two thousand acres of first-class land or the equivalent thereof in addition to ” ; and

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(c.) By adding to subparagraph (iii) of paragraph (b) the words “ and as not to reduce the unimproved value of the land so proposed to be taken to less than twenty thousand pounds.”

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3. (1.) Section thirty-one of the principal Act and section ten of the Land for Settlements Administration Act, 1909, are hereby repealed.

Repeals

(2.) Notwithstanding the repeal of those sections, the subsidiary roll therein referred to shall continue in force for the purposes of the assessment of land-tax, both ordinary and graduated, for the year commencing on the first day of April, nineteen hundred and eleven.

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4. (1.) After the making by the Compensation Court of an order under paragraph (b) of section twenty-seven of the principal Act determining what sum is to be paid by way of compensation for the compulsory taking of any land, and the person or

Land may be taken compulsorily.

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- persons to whom that sum is payable, but not later than one month thereafter, the Governor may, if in his absolute discretion he thinks fit so to do, declare by Proclamation published in the *Gazette* that the said land is compulsorily taken under this Act.
- Land so taken to vest in His Majesty. (2.) On the date of the gazetting of such Proclamation the land therein referred to shall by force of this Act become absolutely vested in His Majesty the King for an estate in fee-simple in possession, freed and discharged from all other estates, incumbrances, liens, claims, and interests whatsoever. 5
- Repeal. (3.) This section is substituted for section thirty-three of the principal Act, which section is hereby repealed accordingly. 10
- (4.) Every reference in the principal Act to a Proclamation made under section thirty-three of that Act shall be read and construed as being a reference to a Proclamation made under this section.
- Section 35 of principal Act amended. (5.) Section thirty-five of the principal Act is hereby amended 15 by omitting the words "by reason of such Proclamation having been gazetted before the amount of the compensation is fixed by the Court, or for any other reason," and substituting therefor the words "for any reason."
- Discontinuance of proceedings for compulsory taking of land. 5. (1.) If no such Proclamation as is referred to in the *last preceding* section is made and gazetted within the period prescribed by that section, the proceedings for the compulsory taking of the land shall, on the expiry of that period, be deemed to be discontinued, and the requisition and all orders made in pursuance thereof shall cease to be of any force or effect. 20
- Recovery of costs on discontinuance of such proceedings. (2.) On any such discontinuance every person in whose favour an order has been made by the Compensation Court for payment of compensation shall be entitled to recover from the Crown, in the manner and to the extent determined by this section, the reasonable costs and expenses properly incurred by him in relation to the proceedings so discontinued. 25
- (3.) The aggregate sum so recoverable by all persons in respect of all proceedings on the same requisition shall not exceed two hundred and fifty pounds.
- (4.) The sum so recoverable shall, in default of agreement, be determined and allocated among the several claimants by a Judge of the Supreme Court on the application, by way of summons, of any claimant or of the Minister. 35
- (5.) All moneys so payable shall be paid, without further appropriation than this Act, out of any moneys available for the purchase of lands under the principal Act. 40
- Section 28 of principal Act amended. 6. Section twenty-eight of the principal Act is hereby amended by repealing subsection five thereof.
- Mode of estimating value of land proposed to be compulsorily taken. 7. In estimating, for the purpose of awarding compensation, the value of any land proposed to be taken compulsorily under the principal Act, the Compensation Court shall not take into consideration the fact that the land is to be taken compulsorily, or make any addition to the value by reason of that fact, but shall determine the true and fair value of the land as at the date of the gazetting of the requisition in the same manner as if no such compulsory acquisition was contemplated. 45 50

8. Any member of the Board, or any officer, servant, or agent thereof acting under the authority of the Board, may at all reasonable times enter upon and inspect any land proposed to be acquired, or which is under consideration by the Board with a view to its acquisition, under the principal Act.

Board may enter upon and inspect land proposed to be acquired.

By Authority : JOHN MACKAY, Government Printer, Wellington.—1911.