

Hon. Mr. Massey.

LAND LAWS AMENDMENT.

ANALYSIS.

- Title.
Short Title.
- PART I.
- Principal Act defined.
 - Plans of towns to be approved by Governor. Repeal.
 - 4. Section 47 of principal Act amended.
 - 5. Uniform system of arbitration established. Repeal.
 - 6. Section 90 of principal Act amended.
 - 7. Repeal. Unsuccessful applicants at former ballots to have preference at subsequent ballots.
 - 8. Repeal. Minister may postpone payment of rent by Crown tenant in certain cases.
 - 9. National endowment land may be exchanged for other land.
 - 10. Principal Act modified in certain cases where public interests affected.
 - 11. Provisions of Part XIII of principal Act not to apply in certain cases. Repeal.
 - 12. Miscellaneous amendments of principal Act.
Small Grazing-runs and Pastoral Runs.
 - 13. Repeal. Classification of small grazing-runs.
 - 14. Section 209 of principal Act amended.
 - 15. Section 218 of principal Act amended.
 - 16. Renewal of lease for one term only.
 - 17. Governor may set apart unoccupied pastoral land as grassing-areas.
 - 18. Resumption may be revoked and area restored to run.
 - 19. Provision as to working and fencing grazing or pastoral run.

- 20. On expiry of lease of small grazing-run, land may be disposed of by renewable lease.

PART II.

AGREEMENTS WITH OWNERS FOR SUBDIVISION.

- 21. Agreements for subdivision of private land for settlement purposes. Particulars of agreements.
- 22. Terms and conditions upon which owner to offer land.
- 23. Restriction on acquisition or transfer of allotments after subdivision.
- 24. Tenders to be accepted if not less than reserve price offered.
- 25. Owner not to dispose of land after agreement without consent of Minister.
- 26. On execution of agreement Minister may advance cost of subdivision, &c.
- 27. Costs payable out of Land for Settlements Account.

PART III.

- 28. Principal Act defined.
- 29. Capital value may be reduced in certain cases.
- 30. Settlement land may be sold in fee-simple.
- 31. Lessee of settlement land may acquire freehold.
- 32. Limitation of area. One allotment only to be held by one person.
- 33. Settlement land not selected within a township.
- 34. Deposits by successful applicants for settlement land. Repeal. Schedule.

A BILL INTITULED

AN ACT to amend the Law relating to Crown and other Lands. 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 Laws Amendment Act, Short Title.
1912.

PART I.

Principal Act defined.

2. This Part of this Act shall form part of and be read together with the Land Act, 1908, which Act is in this Part referred to as the principal Act.

Plans of towns to be approved by Governor.

3. (1.) Where any land is subdivided for sale or lease or other disposition as a town, a plan of such subdivision showing the roads and reserves proposed to be made and the proposed name of the town shall be prepared by a licensed surveyor and approved by the Governor in Council before any part of the land is so disposed of or offered or advertised for disposition. 5

(2.) Every person who, being an owner of any such land, disposes of any land so subdivided or offers or advertises the same for disposition before a plan of the subdivision is approved by the Governor as aforesaid is liable to a fine of *one* hundred pounds. 10

(3.) In no case shall the plan of any such town be deposited under the Land Transfer Act, 1908, or the Deeds Registration Act, 1908, nor shall the transfer of any allotment or subdivision shown on any such plan be registered unless the plan has been duly approved in terms of this section. 15

Repeal.

(4.) Section sixteen of the principal Act is hereby repealed. 20

Section 47 of principal Act amended.

4. Subsection one of section forty-seven of the principal Act is hereby amended by omitting the word "ten" and substituting the word "fifteen."

Uniform system of arbitration established.

5. (1.) In every case where it is provided by the principal Act or this Act that any matter shall be referred to arbitration the reference shall be deemed to be a submission within the meaning of the Arbitration Act, 1908, and that Act shall accordingly apply. 25

(2.) In every such case the reference shall be to two arbitrators, one to be appointed by each party to the reference.

(3.) Each party shall pay his own costs of and incidental to the reference and to the appointment of the arbitrator appointed by him; but the costs of and incidental to the appointment of the umpire shall be paid equally by the parties: 30

Provided that all costs of or incidental to any arbitration under section one hundred and eighty-four or section one hundred and ninety-two of the principal Act shall be paid by the lessee. 35

Repeal.

(4.) Section eighty of the principal Act is hereby repealed.

(5.) Section one hundred and eighty-seven of the principal Act is hereby amended by omitting all the words of subsection one after the word "accordingly," and by repealing subsections two and three. 40

Section 90 of principal Act amended.

6. Subsection one of section ninety of the principal Act is hereby repealed, and the following substituted in lieu thereof:—

"(1.) Every lease or license issued under this Act, and every renewal of a lease or license issued under this Act or any former Land Act, shall be executed in triplicate by the Commissioner on behalf of His Majesty and by the lessee or licensee." 45

Repeal.

7. Section one hundred and five of the principal Act is hereby repealed, and the following substituted in lieu thereof:—

“ 105. All landless applicants who have within the previous two years competed at least twice unsuccessfully at any other land ballot, whether under this Act or the Land for Settlements Act, 1908, shall have preference over all other applicants at all subsequent ballots until they shall have been declared successful at a ballot.”

Unsuccessful applicants at former ballots to have preference at subsequent ballots.

8. Section one hundred and seventeen of the principal Act is hereby repealed, and the following substituted in lieu thereof:—

Repeal.

“ 117. (1.) In the event of any such Crown tenant being unable at any time, through any natural disaster or other sufficient cause, to pay the rent due under his lease or license, then, on the recommendation of the Board, and on being satisfied that it would be reasonable and equitable to afford relief, the Minister may postpone the payment of not more than one year's rent by such Crown tenant until such date as he may determine, and may from time to time further postpone payment of the whole or any portion of the said rent to a later date.”

Minister may postpone payment of rent by Crown tenant in certain cases.

“ (2.) Before any such Crown tenant shall be permitted to transfer or sublease any portion of his interest in his lease or license, he shall pay the whole of his rent, including any postponed portion, to the date of transfer or sublease.”

“ (3.) This and the last preceding section shall apply to leases and licenses current on the coming into operation of this Act, as well as to those hereafter granted.”

9. (1.) Notwithstanding anything in Part VII of the principal Act, it shall be lawful for the Governor, whenever he deems it expedient in the public interest so to do, to grant in fee-simple any area of national endowment land in exchange for the fee-simple of any other land which, in his opinion, is of approximately equal value, and on any such exchange to pay or receive by way of equality of exchange any sum not exceeding *ten* per centum of the estimated value of the national endowment land so granted.

National endowment land may be exchanged for other land.

(2.) Any sum so payable by the Crown by way of equality of exchange shall be paid out of the National Endowment Account without further appropriation than this Act, and all moneys receivable by the Crown under this section shall be paid into the said Account.

(3.) All land acquired by the Crown in pursuance of this section shall thereupon become national endowment land, and subject accordingly to the provisions of Part VII of the principal Act.

(4.) The values referred to in this section shall be ascertained by the Valuer-General in accordance with the Valuation of Land Act, 1908.

10. (1.) When, in the opinion of the Governor, it is desirable that small areas of freehold land or of land leased from the Crown, not exceeding in any one case five acres in extent, may be acquired for any purpose beneficial to the public by any person who already holds the prescribed maximum area of land, the purchaser shall not be required to make any declaration required by section eighty-four or section three hundred and forty-two of the principal Act, but may acquire such additional area irrespective of the area of land already held by that person.

Principal Act modified in certain cases where public interests affected.

(2.) The District Land Registrar is hereby empowered and directed to register a transfer of any such area to any such person if the said transfer has indorsed thereon a certificate signed by the Minister that the Governor has consented to the transfer as being in the public interest.

Provisions of Part XIII of principal Act not to apply in certain cases.

11. (1.) The provisions of Part XIII of the principal Act shall not apply to,—

(a.) Any interest acquired under sections eleven, one hundred and forty, or one hundred and forty-two of the principal Act: 5

(b.) Any interest acquired in respect of land received from the Crown or any local authority pursuant to any contract or arrangement for exchange of land for roads or any public purpose:

(c.) Any interest acquired in respect of land formerly used or laid off as a road, but subsequently closed or stopped, whether under the provisions of the Public Works Act or any other enactment, and sold to any person. 10

(2.) This section shall apply to all interests hereinbefore mentioned acquired since the twentieth day of November, nineteen hundred and seven (being the date of the passing of the Land Laws Amendment Act, 1907), and any memorandum under section three hundred and forty-six of the principal Act on any certificate of title for any such interest shall, on the application of any person interested, be removed or cancelled by the District Land Registrar. 20

Repeal.

(3.) Section nine of the Public Works Amendment Act, 1911, is hereby repealed.

Miscellaneous amendments of principal Act.

12. The principal Act is hereby amended in the manner and to the extent mentioned in the Schedule hereto.

Small Grazing-runs and Pastoral Runs. 25

Repeal.

13. Section two hundred and eight of the principal Act (relating to the classification and proclamation of small grazing-runs) is hereby repealed, and the following substituted in lieu thereof:—

Classification of small grazing-runs.

“208. (1.) Any pastoral lands may be classified by the Board as small grazing-runs. 30

“(2.) Upon such classification being approved by the Minister the Governor may from time to time by Proclamation set aside the lands so classified, and subdivide them into such grazing-run areas, not exceeding fifteen thousand acres in any run, as he thinks fit.

“(3.) All such small grazing-runs shall be disposed of under this Part of this Act.” 35

Section 209 of principal Act amended.

14. Section two hundred and nine of the principal Act (relating to the leasing of small grazing-runs) is hereby amended by repealing subsection one thereof, and substituting the following:—

“(1.) Such runs may be declared open for lease on application at such yearly rent as is fixed by the Board and approved by the Governor.” 40

Section 218 of principal Act amended.

15. (1.) Section two hundred and eighteen of the principal Act (providing for renewals of leases of small grazing-runs) is hereby amended by omitting the words “or other determination” and substituting the words “by effluxion of time.” 45

(2.) This section shall apply to existing leases as well as to those hereafter granted.

16. The right of renewal of leases of small grazing-runs given by section two hundred and eighteen of the principal Act shall with respect to leases made after the commencement of this Act be for one term only.

Renewal of lease for one term only.

5 17. (1.) The Governor may from time to time, by notice in the *Gazette*, set apart any area of unoccupied pastoral land specified in the notice as a grassing-area for the purpose of making experiments in the sowing and growing of grasses.

Governor may set apart unoccupied pastoral land as grassing-areas.

10 (2.) The Governor may also from time to time by a like notice resume any area (not exceeding three hundred acres) of land comprised in a pastoral license, and thereupon the rent reserved by the said license shall be proportionately abated:

Provided that the area so resumed shall not include any buildings or stockyards.

15 (3.) The cost of such experiments shall be defrayed out of moneys from time to time appropriated by Parliament for that purpose.

20 18. In any case where land has been resumed as aforesaid the Governor may at any time, by notice in the *Gazette*, revoke the resumption, and thereupon a pastoral license of the land shall be offered to the original licensee for the remainder of the term of his license at a rent to be determined by the Board, and if he does not within two months after the date of such offer accept the same, the land shall be held and disposed of under such of the provisions
25 of the Land Acts as the Board with the approval of the Minister thinks fit.

Resumption may be revoked and area restored to run.

30 19. The Board may, in the case of any small grazing-run or pastoral run, during the last two years of the lease require the lessee or licensee to divide the grazing-area of the run into three approximately equal parts, and to so work his run that stock shall not be allowed to depasture in one of such parts in rotation between the first day of September in each year and the last day of February in the following year.

Provision as to working and fencing grazing or pastoral run.

35 20. (1.) Notwithstanding anything in section two hundred and eighteen of the principal Act, or in section *sixteen* of this Act (relating to the renewal of leases of small grazing-runs) the Minister may, on the recommendation of the Land Board, determine that the land comprised in any such lease shall, on the expiry of that lease, be disposed of in two or more allotments by way of renewable lease
40 under section one hundred and eighty of the said Act, and the said land shall be so disposed of accordingly.

On expiry of lease of small grazing-run, land may be disposed of by renewable lease.

45 (2.) Forthwith upon such determination the land comprised in the said run shall be subdivided into two or more allotments, and a valuation in the manner prescribed by paragraph (a) of the said section two hundred and eighteen shall be made of the substantial improvements of a permanent character made and then in existence on the said land, and the value of such improvements shall be apportioned among the several allotments in such manner as the appraiser making the valuation thinks fit.

(3.) Upon the expiration of the lease of the small grazing-run the lessee shall be entitled to receive a renewable lease of such one of the allotments into which the said run has been subdivided as he elects.

(4.) If the said lessee elects to accept such renewable lease, he shall also be entitled to receive, on the expiration of the original lease, the value of the improvements determined in accordance with subsection *two* hereof, less the value of such improvements apportioned in pursuance of the said subsection to the allotment in respect of which he has elected to accept a renewable lease as aforesaid.

(5.) If the said lessee elects not to accept a renewable lease in accordance with this section, he shall be entitled, on the expiration of the original lease, to receive:—

(a.) The total value of the improvements determined in accordance with subsection *two* hereof; and

(b.) The value, if any, of the right of renewal (exclusive of the value of the improvements) which he would have had if this section had not been passed.

(6.) The value of the right of renewal provided for by paragraph (b) of the *last preceding* subsection shall be determined by arbitration in the manner prescribed by section *five* hereof.

(7.) Notwithstanding anything in the foregoing provisions of this section, if the improvements on the said land have become for any reason appreciated or depreciated in value between the date of valuation and the expiration of the lease of the small grazing-run, the amount of such appreciation or depreciation shall be assessed in manner provided by section one hundred and eighty-seven of the principal Act, and shall be added to or deducted from the value as so determined.

PART II.

AGREEMENTS WITH OWNERS FOR SUBDIVISION.

Agreements for subdivision of private land for settlement purposes.

21. (1.) The Minister may agree in writing with an owner to the effect defined in this Part of this Act with respect to any land of such owner, provided that every person entitled under any mortgage or charge registered against the land under the Deeds Registration Act, 1908, or the Land Transfer Act, 1908, shall be a party to and execute such agreement.

Particulars of agreements.

(2.) Every such agreement shall provide that—

(a.) A plan of subdivision of the land into allotments shall be made by a surveyor appointed by the Minister.

(b.) The plan of subdivision shall define such roads, bridges, and improvements as the surveyor considers necessary or expedient.

(c.) The plan prepared by the surveyor shall be approved in writing by the Minister and the owner respectively.

(d.) The plan may be varied in any respect from time to time with the consent in writing of the Minister and the owner.

(e.) Upon the plan being approved, the land shall, within a time to be appointed in that behalf by the Minister, be offered by the owner by public tender for sale, or, at the option of the owner, for lease with right of purchase, in allotments as defined by the plan, the reserve price for each allotment being a sum determined by agreement between the Minister and the owner; and every such sale or lease shall be offered upon the terms and subject to the conditions hereinafter specified.

(3.) The agreement may contain such other provisions not inconsistent with this Part of this Act as the Minister and owner may agree upon.

22. (1.) The terms and conditions upon which the owner shall offer the land as aforesaid shall be—

Terms and conditions upon which owner to offer land.

(a.) In the case of sale, the payment of a deposit not exceeding *ten* per centum of the price tendered, and an agreement by the purchaser to pay to the owner, or as the owner shall direct, the balance of the purchase-money by annual instalments extending over a period of not less than *ten* nor more than *twenty* years, and an agreement by the purchaser to pay to the owner, or as the owner shall direct, interest upon all purchase-moneys for the time being remaining unpaid at a rate not exceeding *five* per centum per annum; and

(b.) In the case of lease with right of purchase, that the term of lease shall be *twenty-one* years; that the lessee shall have the right to purchase the allotment at any time during the term of the lease at the price named in the tender, and that the rent shall not exceed *five* per centum of the amount of such price.

(2.) The said terms and conditions shall in all other respects be such as may be agreed upon between the owner and the Minister.

23. No person whose tender for any allotment shall be accepted shall be permitted to acquire by purchase or lease any other allotment of the same land, and no person whose tender for any allotment shall be accepted shall sell or transfer his interest in the allotment until at least one-half of the purchase-money shall have been paid by him to the owner.

Restriction on acquisition or transfer of allotments after subdivision.

24. The owner shall not, without the consent of the Minister, decline any tender in which a sum equal to or exceeding the reserve price shall be offered.

Tenders to be accepted if not less than reserve price offered.

25. It shall not be lawful for the owner after the execution of an agreement with the Minister to sell, mortgage, or charge his estate or interest in the land, the subject of the agreement, or in any part thereof, without the previous consent in writing of the Minister.

Owner not to dispose of land after agreement without consent of Minister.

26. At any time after the execution of the agreement by the owner and by every party whose consent thereto is required by section *twenty-two* hereof the Minister may pay the whole costs and charges of the survey of the land and of the laying-out, construction, and completion of such roads, bridges, and improvements as are defined in the plan of the surveyor; and all moneys so expended by the Minister shall be repaid by the owner with interest at such rate, being not less than *four* per centum per annum, and within

On execution of agreement Minister may advance cost of subdivision, &c.

such time as shall be agreed upon between the Minister and the owner; and, until such repayment, shall be a first charge upon the land and the proceeds of the sale thereof.

27. All moneys paid by the Minister under the provisions of this Part of this Act shall be paid out of the Land for Settlements Account without further appropriation than this Act. 5

Costs payable out of Land for Settlements Account.

PART III.

28. This Part of this Act shall form part of and be read together with the Land for Settlements Act, 1908, which Act is in this Part referred to as the principal Act. 10

Principal Act defined.

29. Notwithstanding anything in section forty-five of the principal Act the Minister may, on the recommendation of the Land Board, reduce the capital value of any allotment to such amount as he thinks fit in any case where the allotment remains unselected for a period of more than one year after the date when it became available for selection. 15

Capital value may be reduced in certain cases.

30. (1.) Notwithstanding anything in the principal Act, any settlement land acquired after the passing of this Act, or any settlement land heretofore acquired but not selected under that Act, may, if the Minister so determines, be disposed of by way of sale in fee-simple. 20

Settlement land may be sold in fee-simple.

(2.) The provisions of section fifty-one of the principal Act and section eleven of the Land for Settlements Administration Act, 1909, shall, *mutatis mutandis*, apply to all settlement lands so disposed of, but the provisions of section fifty-four of the principal Act shall not apply to such lands. 25

(3.) The price to be paid by the purchaser shall be the capital value fixed by the Minister in accordance with section forty-five of the principal Act.

31. (1.) Subject to the provisions of the *next succeeding* section the owner of a renewable lease of settlement lands (whether made before or after the commencement of this Act) may, at any time during the currency of his lease, if he has complied with the conditions thereof, acquire the fee-simple of the land comprised in the lease at a price equal to the value of the land at the time of purchase, less the present value of the lessee's interest in the unexpired term of his lease and his interest in the value of any improvements effected by him or to the value of which he is entitled. 30 35

Lessee of settlement land may acquire freehold.

(2.) The said price shall be determined by valuation or arbitration, and the right of purchase shall be exercised in the manner provided by section one hundred and seventy-seven of the Land Act, 1908, and the provisions of subsections two to thirteen of that section shall extend and apply accordingly. 40

32. (1.) It shall not be lawful for any person to become the purchaser in fee-simple of any area of settlement land if such land, together with all other land of any description owned, held, or occupied by him under any tenure, whether severally or jointly with any person, exceeds a total area of three thousand acres, calculated in the manner provided by section ninety-seven of the Land Act, 1908. 45

Limitation of area.

661

(2.) It shall not be lawful for any person who holds any estate or interest in any allotment of land, which is or was at any time settlement land to acquire any estate or interest in any other allotment which is or was at any time settlement land.

One allotment only to be held by one person.

5 (3.) The provisions of sections three hundred and forty-two to three hundred and forty-seven of the Land Act, 1908, shall, *mutatis mutandis*, apply to the several limitations and prohibitions contained in this section, the words "this section" being read for the words "this Part of this Act," wherever they occur in the said sections.

10 33. (1.) Allotments of settlement land situated within a township which remain unselected for a period of more than one year from the date when they became available for selection may be leased for grazing purposes for any period not exceeding five years to any applicant who makes the declaration prescribed for applicants for Crown land, whether or not such applicant already holds another allotment under the principal Act or any Act repealed thereby.

Settlement land not selected within a township.

15 (2.) Such lease may be determined at any time by three months' written notice of intention to do so being given by the Commissioner to the lessee.

20 (3.) The lessee shall not be entitled to compensation for any improvements he may effect upon the allotment, but he may remove any such improvements prior to the expiry of his lease, whether by determination or effluxion of time.

25 34. (1.) The provisions of section sixty-three of the Land Act, 1908, relating to the deposit payable by a successful applicant for a renewable lease of surveyed land and the provisions of section sixty-five of that Act relating to the application of such deposit shall apply to successful applicants for settlement land; save that the deposit shall be at the rate of two and a quarter per centum instead of two per centum.

Deposits by successful applicants for settlement land.

30 (2.) Paragraphs (g), (r), and (s), of subsection one of section fifty-one of the Land for Settlements Act, 1908, are hereby repealed.

Repeal.

Schedule.

SCHEDULE.

MISCELLANEOUS AMENDMENTS OF THE LAND ACT, 1908.

Number of Section affected.	Nature of Amendment.
Section 41 (5)	By inserting, after the words " Crown lands," the words " or National endowment land."
Section 48 ...	By omitting all the words of paragraph (c) after the words " may be," and substituting the words " called by the Commissioner either on his own initiative, or pursuant to resolution of the Board, or on the request in writing of any three members of the Board."
Section 62 (7)	By omitting the words " or pastoral."
Section 63 ...	By adding the following new subsection:— " (4.) With the first half-yearly payment rent shall also be paid for the period elapsing between the date of the lease and the due date of that half-yearly payment."
Section 82 ...	By omitting the words " and renewals or transfers thereof," and substituting the words " or other instruments relating to the occupation of land (including renewals and transfers of leases and licenses)"; by omitting the words " leases and licenses and renewals or transfers of leases and licenses under this Act," and substituting the words " such instruments"; by inserting, after the words " twenty-one shillings " in paragraph (d), the words " such fee to include the cost of the registration of the instrument in respect of which it was paid "; and by omitting all the words of that paragraph after the words " ten shillings."
Section 125 ...	By omitting the words " two shillings and sixpence " in paragraph (c), and substituting " five shillings."
Section 130 ...	By omitting the words " from year to year " and substituting the words " for any term not exceeding five years."
Section 155 (3)	By omitting all words after the words " first-class land," and substituting the words " ten shillings per acre for second-class land, and five shillings per acre for third-class land."
Section 166 (1)	By adding the words " and five shillings per acre on third-class lands."
Section 179 (2)	By omitting all the words after the words " Crown lands " down to and including the words " similar purport."
Section 192 (3)	By inserting, after the word " improvements," the words " effected or purchased by the lessee."
Section 244 (5)	By omitting the words " this subsection," and substituting the words " subsection three of this section."
Section 332 ...	By omitting the words " which has been leased prior to the first day of November, one thousand eight hundred and ninety-two (being the date of the coming into operation of 'The Land Act, 1892')," and substituting the words " whether granted before or after the passing of this Act."