

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,
28th October, 1912.

[AS REPORTED FROM THE LANDS COMMITTEE.]

Legislative Council, 30th October, 1912.

Hon. Mr. Massey.

LAND LAWS AMENDMENT.

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A BILL INTITULED

Title. AN ACT to amend the Law relating to Crown and other Lands.
BE IT ENACTED by the General Assembly of New Zealand
in Parliament assembled, and by the authority of the same, as
follows:—

5

Short Title.

1. This Act may be cited as the Land Laws Amendment Act,
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 10
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 15
the Governor in Council before any part of the land is so disposed of
or offered or advertised for disposition.

(2.) Every person who, being an owner of any such land, disposes
of any land so subdivided or offers or advertises the same for dis-
position before a plan of the subdivision is approved by the Governor 20
as aforesaid is liable to a fine of *one* hundred pounds.

(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 25
in terms of this section:

Provided that no right-of-way in any subdivision of land for a
town shall be of less width than sixty-six feet, except with the con-
sent of the Governor in Council.

Repeal.

(4.) Section sixteen of the principal Act is hereby repealed. 30

Appointment
of Deputy
Commissioner of
Crown Lands.

4. (1.) The Minister may from time to time, by writing under
his hand, appoint a fit person to be the Deputy of any Commissioner
of Crown Lands to act in case of the death, illness, or unavoidable
absence of the Commissioner.

(2.) Every such Deputy, while so acting, shall have and may 35
exercise all the powers, duties, and functions, and shall be subject to
all the responsibilities of the Commissioner.

(3.) The fact of a Deputy exercising any power, duty, or
function as aforesaid shall be conclusive proof of his authority to do
so, and no person shall be concerned to inquire whether the occasion 40
has arisen requiring or authorizing the Deputy so to do.

Moneys derived
from sale of Crown
lands to be paid
into Land for
Settlements
Account.

5. (1.) All moneys accruing from the sale of any Crown lands
shall be paid into the Land for Settlements Account and not into the
Consolidated Fund, and section nineteen of the principal Act shall be
read and construed accordingly. 45

(2.) This section shall not affect any Act by which Crown lands
have been set apart or appropriated for the repayment of any loan or
otherwise charged with any payment.

(3.) This section shall come into operation on the first day of
April, nineteen hundred and *thirteen*. 50

Section 41 of
principal Act
amended.

6. Section forty-one of the principal Act is hereby amended
by insertiug after subsection three the following subsection:—

“(3A.) No person who is for the time being carrying on
business as a land agent, either by himself or jointly with any other
person, shall be eligible to be appointed, or elected, or to continue to 55
be a member of the Land Board.”

New.

6A. Section forty-one of the principal Act is hereby further amended by adding, at the end of subsection five, the words "for the purposes of this subsection ' Crown lands ' includes—

- 5 " (a.) National endowment land ; and
- " (b.) Land vested in the Crown under the Education Reserves Amendment Act, 1910."

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

Section 47 of principal Act amended.

8. (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.

Uniform system of arbitration established.

15 (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 :

20 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.

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

Repeal.

25 (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.

Section 187 of principal Act amended.

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

Section 90 of principal Act amended.

30 " (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."

35 *Struck out.*

10. (1.) Section one hundred and three of the principal Act is hereby amended by adding the following subsections :—

Section 103 of principal Act amended.

40 " (2A.) An applicant who is the owner of land of an area which, in the opinion of the Board, is insufficient to maintain himself and his family shall be deemed to be landless if he undertakes in writing to transfer such land to some other landless person before he is put into possession of the land for which he is an applicant, such transfer to be executed within six months from the date of ballot.

45 " (4.) At every such ballot preference shall be given to landless applicants who have children dependent on them, or who have within the two years immediately preceding the date of the ballot competed at least twice unsuccessfully at any previous land-ballot, whether under the principal Act or the Land for Settlements Act, 1908."

50 (2.) Sections one hundred and four and one hundred and five of the principal Act are hereby repealed.

Repeal.

Section 109 of
principal Act
amended.

11. Section one hundred and nine of the principal Act and section eleven of the Land for Settlements Administration Act, 1909, are hereby amended in each case by striking out the word "five," before the word "years," and substituting the word "seven."

Repeal.

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

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

"117. (1.) In the event of any ~~such~~ Crown tenant *as defined in section one hundred and sixteen hereof* 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 at any one time 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:

"Provided that the amount that may be so postponed shall not exceed *three years' rent* in the aggregate.

"(2.) Interest at the rate of four per centum per annum shall be payable on the amount of rent so postponed, and that amount, together with the interest thereon, shall be a charge on the land. Such charge shall have priority over all existing or subsequent mortgages, charges, or other incumbrances, other than those existing on the commencement of this Act.

"(3.) On any application for the transfer of any land so charged the Board may, if it thinks fit, before approving the transfer, make it a condition that the amount of the charge or any part thereof shall be paid.

"(4.) 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."

Section 128 of
principal Act
amended.

13. Subsection one of section one hundred and twenty-eight of the principal Act is hereby repealed, and the following substituted in lieu thereof:—

"(1a.) Any selector of less than six hundred and forty acres of land under this Act, or under the provisions of any former Land Act, on any tenure, may apply to the Board for an additional area of surveyed or unsurveyed land contiguous to the land in his selection, and the Board if it thinks fit, but subject to the limitations of this Act, may dispose of such land to the applicant without competition on such tenure and at such a price as the Board with the approval of the Minister ~~may decide upon~~ *determines*.

Struck out.

Section 129 of
principal Act
amended.

14. Section one hundred and twenty-nine of the principal Act is hereby amended by omitting the word "unsurveyed" in subsection one; and substituting the word "any" in lieu thereof.

Sections 171 to
174 of principal
Act amended.

15. (1.) Notwithstanding anything in section one hundred and seventy-one of the principal Act, the right of purchase conferred on a selector by that section shall be exercisable at any time after six years from the date of his license.

(2.) All references in sections one hundred and seventy-one, one hundred and seventy-three, and one hundred and seventy-four to ten years shall be deemed to be references to six years.

16. (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 twenty-five per centum of the estimated value of the national endowment land so granted :

National endowment land may be exchanged for other land.

Provided that the power hereby conferred on the Governor shall be exercisable only on the recommendation of the Board of Land Purchase Commissioners under the Land for Settlements Act, 1908.

(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, and shall be applied in the acquisition of other land for the purposes of the national endowment.

(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.

17. (1.) The revenue received from national endowment land, after deducting all sums which are now payable therefrom to any local or public authority, shall be paid by the Receiver of Land Revenue into the Public Account, to the credit of the National Endowment Account.

National Endowment Account.

(2.) Out of the moneys in the National Endowment Account there shall be paid the cost of the administration of the national endowment land.

(3.) Sections two hundred and sixty-one and two hundred and sixty-two of the principal Act are hereby repealed.

Repeal.

18. (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.

Provisions as to limitation not applicable in certain cases where land acquired in public interests.

(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.

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

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

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

(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.

(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.

Repeal.

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

Settlement of land within a kauri-gum district.

20. (1.) Notwithstanding anything in the Kauri-gum Industry Act, 1908, the Governor may set apart land in a kauri-gum district, being either a portion of a kauri-gum reserve or Crown land outside such reserve, in allotments not exceeding twenty-five acres in any one case for selection under this section.

(2.) Such allotments shall be disposed of by way of license to occupy with right of purchase in pursuance of Part III of the principal Act, or by way of license to occupy with an agreement to purchase on deferred payment in pursuance of regulations under this section.

(3.) A license to occupy with an agreement to purchase on deferred payment shall be for a term of fifteen years, and the purchase-money shall be paid by equal half-yearly instalments, the first instalment being payable on the commencement of the sixth year after the date of the license :

Provided that the licensee may, if he thinks fit, pay any part of the purchase-money before the due date of such first instalment.

(4.) No rent shall be payable under a license to occupy with right of purchase in respect of the first five years of the term of such license.

(5.) The allotments shall be selected only by British subjects ~~who are holders of kauri-gum digging licenses~~, and no selector shall hold more than one allotment unless he is a married man or a widower and has children dependent on him, in which case he may select more than one allotment, subject to conditions to be prescribed by regulations.

(6.) The conditions relating to application, selection, transfer, residence, occupation, and permanent improvements of land to which this section relates shall, subject to the provisions of this section and of regulations thereunder, be in accordance with Part III of the principal Act.

(7.) The Governor may from time to time make regulations fixing the terms and conditions on which such allotments may be applied for, disposed of, and occupied, subject to the foregoing provisions.

Struck out.

Section 51 of principal Act amended.

Miscellaneous amendments of principal Act.

21. Section fifty-one of the principal Act is hereby amended by omitting from subsection two the word "adjoining."

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

Small Grazing-runs and Pastoral Runs.

23. 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:—

Repeal.

5 "208. (1.) Any pastoral lands may be classified by the Board as small grazing-runs.

Classification of small grazing-runs.

10 "(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 small grazing-run areas, not exceeding twenty 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."

15 24. 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:—

Section 209 of principal Act amended.

"(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."

20 25. (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."

Section 218 of principal Act amended.

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

26. (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.

30 (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:

35 Provided that the area so resumed shall not include any home-stead-buildings or stockyards.

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

40 27. 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 or his successor in title 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

45 the same, the land shall be held and disposed of under such of the provisions of the Land Acts as the Board with the approval of the Minister thinks fit.

Resumption may be revoked and area restored to run.

50 28. (1.) Where the holder of a pastoral license has suffered exceptional loss of live-stock by reason of the severity of the winter and the heavy falls of snow, and such loss has crippled his resources, the license of such holder may be extended for such period not exceeding seven years as, in the opinion of the Minister and the Land Board, seems equitable.

License may be extended for losses caused by snow-falls.

55 (2.) The license during such extended period shall be held on similar terms and conditions as are embodied therein.

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

29. (1.) Notwithstanding anything in section two hundred and eighteen of the principal 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 lease as hereinafter described and the said land shall be so disposed of accordingly. 5

(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. 10 15

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

(4.) On the expiration of the original lease the lessee shall be entitled to receive the value of the improvements together with the value, if any, of the right of renewal which he would have had, if this section had not passed, with respect to the allotments of which he has not been granted a new lease. 20

(5.) The value of the right of renewal provided for by the *last preceding* subsection shall be determined by arbitration in the manner prescribed by section *eight* hereof. 25

(6.) 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. 30

(7.) Every lease under this section shall be for a term of twenty-one years, with a right of renewal from time to time for a further term of twenty-one years exercisable in the same manner as in the case of renewable leases under Part III of the principal Act, and all the provisions of that Act relating to *the renewal of* renewable leases shall, *mutatis mutandis*, apply to leases under this section. 35 40

PART II.

PURCHASE OF FREEHOLD OF LEASE-IN-PERPETUITY LANDS.

This Part to be read with Land Act.

30. This Part of this Act shall form part of and be read together with the Land Act, 1908, which Act is in this Part of this Act referred to as the principal Act. 45

Interpretation.

31. In this Part of this Act, if not inconsistent with the context,—

“ Notice ” means a notice in writing signed by a lessee of land held under lease in perpetuity of the lessee's intention to purchase the fee-simple of the land ; 50

“Original capital value” means the amount upon which the yearly rental of four per centum was computed at the date of the lease :

5 “Price” means the price at which land held under lease in perpetuity may be purchased, ascertained in the manner provided by this Part of this Act.

32. (1.) The owner of a lease in perpetuity shall have a right at any time hereafter during the existence of the lease to purchase the fee-simple of the land comprised in the lease at a price ascertained and determined in the manner provided by this Part of this Act.

Owner of lease in perpetuity may purchase fee-simple.

(2.) The right of purchase hereby conferred shall be exercised by giving notice to the Commissioner.

15 (3.) The delivery of the notice to the Commissioner shall constitute a contract between the lessee and the Crown for the purchase and sale of the said land.

(4.) The lessee shall in the notice notify whether he elects to purchase for cash or upon deferred payments.

33. The price shall be computed as follows :—

Computation of price of land so purchased.

20 (a.) A sum equal to one-half the difference between a rental at five per centum per annum and a rental at four per centum per annum on the original capital value shall be treated as having become due by the purchaser to the Crown on each half-yearly day appointed by the lease for the payment of rent prior to the delivery of the notice, and to have remained unpaid.

25 (b.) Upon each such sum interest shall be computed at the rate of four per centum per annum, compounded with half-yearly rests from the date when such sum is treated as having become due until the date of the delivery of the notice.

30 (c.) The aggregate of the sums mentioned in paragraph (a) hereof and the aggregate of the interest computed as directed by paragraph (b) hereof shall be added to the original capital value and the total shall be the price.

34. If the lessee elects to purchase for cash—

Purchases for cash.

40 (a.) He shall within three months after the delivery of the notice pay the price, together with all rent accrued and accruing due under the lease up to the date of the delivery of the notice, and also interest at five per centum per annum on the price from that date to the date of payment, and upon such payments being made in full, the purchase shall be deemed to have been completed.

45 (b.) If he makes default in any such payment within the time aforesaid, the Board may, in its discretion, cancel and determine the contract of purchase, and the lessee shall continue to hold the land under his lease in perpetuity, but in such case the lessee shall not be entitled to again give a notice until the expiration of five years from the delivery of the first-mentioned notice.

50

Purchases on
deferred
payment.

35. If the lessee elects to purchase upon deferred payments,—
- (a.) He shall, within three months after the delivery of the notice, pay a deposit equal to ten per centum of the price, together with all rent accrued and accruing due under the lease up to the date of the delivery of the notice. 5
- (b.) Upon such payment the lease shall determine, and he shall hold the land under license to occupy, but such license shall be subject to any right, title, interest, or incumbrance existing or vested in any person other than the lessee affecting the lease at the time of such determination. 10
- (c.) The license to occupy shall provide for the payment of the balance of ninety per centum of the price by equal annual instalments extending over a period of nine years, with a right to the licensee to pay off at any time the whole or any part of the price then remaining unpaid, and shall also provide for the payment by the licensee of interest half-yearly at the rate of *five* per centum per annum from the date of the delivery of the notice upon such part of the price as for the time being remains unpaid. 15
- (d.) The license to occupy shall be in the prescribed form, and shall contain (and the right of the licensee shall be subject to) such provisions for forfeiture of the right and interest of the licensee in the event of his failure to pay any instalment of the price or to make any payment of interest as may be prescribed. 20
- (e.) Upon payment of the price in full and of all interest, the purchase shall be deemed to be completed. 25

Computation
of payments to
be made by
Commissioner.

36. The computation of the price and of all other payments to be made as herein provided, whether the lessee elects to purchase for cash or on deferred payments, shall be made by the Commissioner or by some person appointed by the Commissioner in that behalf, and by such computation the price and all such other payments shall be conclusively ascertained and determined for all purposes. 30

On completion
of purchase
Crown grant to
be issued to
purchaser.

37. (1.) On the completion of a purchase by the lessee in the case of purchase for cash or by the licensee in the case of a purchase on deferred payments, the Board shall certify to the Minister that the lessee or licensee is entitled to a Crown grant of the land purchased, and a Crown grant accordingly shall in due course be issued to him. 35

(2.) The fee-simple so granted shall continue to be subject to any right, title, interest, or incumbrance existing or vested in any person other than the lessee or licensee at the time of such completion. 40

Section 97 of
principal Act to
apply to right of
purchase by lessee.

38. The provisions of section ninety-seven of the principal Act as to the limitation of areas shall apply to the exercise of a right of purchase under this Part of this Act as if the purchaser were not already in occupation of the land in respect of which the right of purchase exists. 45

Regulations.

39. The Governor may, by Order in Council, make such regulations as he considers necessary for carrying into effect the provisions of this Part of this Act. 50

40. The provisions of this Part of this Act do not apply to land which is subject to the provisions of the Land for Settlements Act, 1908.

This Part of Act not applicable to settlement land Repeal.

5 41. Section one hundred and seventy-seven of the principal Act is hereby repealed.

PART III.

AGREEMENTS WITH OWNERS FOR SUBDIVISION.

Struck out.

10 42. For the purposes of this Part of this Act, the term "owner" means the person or all the persons who are for the time being beneficially entitled (whether legally or equitably) to the fee-simple of any land.

"Owner" defined.

New.

15 42A. In this Part of this Act, if not inconsistent with the context,—

"Minister" means the Minister of Lands:

"Owner" means the person or all the persons for the time being beneficially entitled (whether legally or equitably) to the fee-simple of any land.

20 43. (1.) The Minister may, after consultation with the Land Purchase Board, 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.

Agreements for subdivision of private land for settlement purposes.

(2.) Every such agreement shall provide that—

Particulars of agreements.

30 (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.

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

40 (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.

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

Terms and conditions upon which owner to offer land.

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

(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 directs, 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 directs, interest upon all purchase-moneys for the time being remaining unpaid at a rate not exceeding *five* per centum per annum :

Provided that the purchaser may at any time pay the whole or any part of the balance of purchase-money then unpaid, together with interest thereon to the date of payment ; and

(b.) In the case of lease with right of purchase, ~~that~~ the term of lease shall be *twenty-one* years, ~~;~~ ~~that~~ and 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 Land Purchase Board with the approval of the Minister.

Restriction on acquisition or transfer of allotments after subdivision.

45. No person whose tender for any allotment is 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 is accepted shall sell or transfer his interest in the allotment until at least one-quarter of the purchase-money has been paid by him to the owner.

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

46. No tender shall be accepted unless it is accompanied by a declaration as required in the case of an applicant for land under Part III of the Land Act, 1908 ; but, except as aforesaid, the owner shall not, without the consent of the Minister, decline any tender in which a sum equal to or exceeding the reserve price is offered.

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

47. It shall not be lawful for the owner after the execution of an agreement with the Minister under section *forty-three* hereof, 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.

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

48. At any time after the execution of the agreement by the owner and by every party whose consent thereto is required by section *forty-three* 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 such time as is 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, and have priority over all other charges and incumbrances, whether registered against the land or unregistered.

49. 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, and all moneys repaid by the owner pursuant to the *last preceding* section shall be paid into that account.

Costs payable out of Land for Settlements Account.

Agreements with Owners of Native Land.

50. (1.) In this section, if not inconsistent with the context,—
 “Native freehold land” and “Native” have respectively the meanings assigned to those terms in the Native Land Act, 1909 :

Native freehold land may be sold or leased under this Part.

“Land Settlement Officer” means and includes a Commissioner of Crown Lands, or such other officers of the Lands and Survey Department as the Minister appoints to be Land Settlement Officers for the purposes of this section :

“Agents” means persons appointed by Native owners to be agents under the provisions of this section, and where only one such person is so appointed means that person.

(2.) Notwithstanding anything in the Native Land Act, 1909, the Native owner or owners of any Native freehold land may, either personally or by agents as hereinafter provided, enter into an agreement with the Minister for the sale or lease of such Native freehold land (or of any part thereof) in the manner prescribed in the preceding provisions of this Part of this Act, as if such Native freehold land were European land, save that the provisions of paragraph (e) of subsection *two* of section *forty-three* hereof shall be read as if the words “or by public auction” were inserted therein after the words “public tender.”

(3.) In the case of an agreement for sale by public auction the provisions of sections *forty-four* and *forty-five* hereof shall be read as if the word “bid” were inserted therein in lieu of the words “tendered” or “tender” wherever those words occur, and, ~~as if in that case,~~ in lieu of the provisions of section *forty-six* hereof, it ~~were~~ *is hereby* enacted that every purchaser at public auction shall be required to lodge with the Land Settlement Officer a declaration as required in the case of an applicant for land under Part III of the Land Act, 1908.

(4.) The Native owners of any Native freehold land may by writing under their hand appoint some person or persons not exceeding three in number to be the agents of all such owners for the purposes of this section.

(5.) Where any such Native owner is a person under disability as defined by section one hundred and seventy-one of the Native Land Act, 1909, the Native Land Court may on behalf of such person, upon the application of the Minister, by order confirm an appointment of agents made by the Native owners who are not persons under disability.

(6.) The effect of such order shall be to constitute the agents to be the agents of the person under disability for all the purposes of this section, and the agents shall have the same powers in all respects to enter into an agreement with the Minister on behalf of such person as if such person had not been under any disability, and all

conveyances, transfers, leases, and other documents executed by the agents under this section shall be as valid and effectual as if the whole legal and beneficial estate and interest of such person in the land were vested in the agents.

(7.) Where the Native owners of any Native freehold land exceed five in number, the appointment of agents for the purposes of this section may, if the Minister so directs, be made in manner following:—

(a.) The provisions of sections three hundred and thirty-eight to three hundred and fifty-one inclusive of Part XVIII of the Native Land Act, 1909 (relating to the powers of assembled Native owners) shall (except as hereinafter otherwise provided) be deemed to be incorporated in this section.

(b.) The provisions of section three hundred and forty-six of the said ~~Act~~ Part XVIII shall not apply to proceedings under this section, but in lieu thereof it is hereby enacted that the assembled owners of any Native freehold land may pass in the manner provided by the said Part XVIII, a resolution that such land shall be disposed of by sale or lease under this Part of this Act, and a further resolution appointing some person or persons (not exceeding three in number) to be the agents of those owners for the purposes of this section.

(c.) On the confirmation by the Board of any resolution under this section, a copy of that resolution and confirmation under the seal of the Board shall be transmitted by the President to the Minister, and shall be gazetted.

(d.) A copy of the *Gazette* containing any such resolution and confirmation shall be conclusive evidence of the determination of the owners that the land shall be disposed of under this Part of this Act and that the appointment of the agents named therein was duly made by all the Native owners of the land.

(8.) Agents appointed pursuant to this section shall have and may exercise during the term of their appointment, for the purposes of this Part of this Act, all the powers of the owners with respect to the land for the disposition of which they have been appointed agents; and, in particular, may execute in their own names on behalf of the owners, without any further consent or concurrence of the owners of such land, all such conveyances, transfers, leases, and other documents as are necessary for any of the purposes of this Part of this Act and for the disposition of land thereunder.

(9.) Notwithstanding anything in the preceding provisions of this section, no Native freehold land to which this section relates shall be disposed of by sale or lease, except with the concurrence of a Land Settlement Officer, who shall be a party to every sale or lease of any part of such land, and shall join in the execution of every conveyance, transfer, lease, or other document in respect thereof.

(10.) Every conveyance, transfer, lease, or other document affecting land executed by the agents and by a Land Settlement Officer shall for all purposes effectually convey, transfer, demise, or

otherwise affect the estate or interest in such land, according to the tenor of the instrument so executed.

(11.) The proceeds of all sales of land under this section shall be payable only to the Land Settlement Officer, and shall be paid by the
5 Land Settlement Officer into an account to be entitled the Native Land Trust Account.

(12.) Such proceeds shall be applied: first, in repayment of moneys advanced and expended by the Minister and interest thereon as provided by section forty-eight hereof; and next, in payment of all
10 other charges and expenses incurred by the Minister and the agents and the Land Settlement Officer in relation to the land, and the balance of the capital proceeds shall be invested in such manner and upon such trusts for all the Native owners of the land, and their successors, as may be prescribed by regulations:

15 Provided that where by the agreement between the agents and the Minister it is stipulated that a part, not exceeding one-third of the whole of such balance of the capital proceeds, shall be paid over to the Native owners, such part may be so paid over in lieu of being invested as aforesaid:

20 Provided further that in every case the prescribed trusts of the moneys invested shall be such as to permit only the payment to the Native owners and their successors of the income of the investments.

(13.) The rents of all land demised under this section shall be paid into the said Native Land Trust Account, and shall be paid
25 thereout from time to time to the Native owners and their successors.

(14.) There shall be charged and paid out of the said Native Land Trust Account in respect of the management and investment of the capital moneys, and the collection and distribution of the income and rents, such allowances and charges as may be prescribed by
30 regulations.

(15.) Every purchaser and lessee of land under this section shall be deemed to be so far the purchaser or lessee of Native freehold land as that all the provisions of Part XII of the Native Land Act, 1909, relating to limitation of area, shall apply to the acquisition
35 by such purchaser or lessee of the land purchased by or leased to him.

(16.) Save as is herein expressly provided the provisions of the Native Land Act, 1909, shall not apply to any appointment of agents, agreement with the Minister, or deed of conveyance, transfer, lease, or other document affecting any Native freehold land under
40 the provisions of this section, and it shall not be necessary that any such document be confirmed or be executed as required by that Act.

Struck out.

45 (17.) The Governor in Council may from time to time make such regulations as he deems necessary or expedient for the purpose of giving effect to this section.

50 51. (1.) Where an agreement made by Native owners with the Minister under this Act provides for payment over to the Native owners of a part of the balance of the capital proceeds of the land as provided by subsection *twelve* of the *last preceding* section, the Minister, upon the execution of such agreement,—

(a.) May advance and pay out of the Land for Settlements Account, without further appropriation than this Act, to the Native owners, or (if the agreement so provides) to agents

Minister may advance to Native owners out of Land for Settlements Account proportion of estimated proceeds of sale.

appointed by them under the provisions of the *last preceding* section, any sum or sums not exceeding in the whole the part of the balance of capital proceeds of sale which is provisionally estimated to be ultimately payable directly to the owners ; and

(b.) Shall cause an estimate to be made by an officer of the Department of Lands of the probable balance of the capital proceeds as defined in subsection *twelve* of the *last preceding* section, and the proportion of the amount so estimated which would pursuant to the agreement be payable to the owners shall be deemed to be the amount provisionally estimated for the purposes of the *last preceding* paragraph.

(2.) All moneys so advanced and paid to the owners pursuant to such provisional estimate shall be refunded to the Land for Settlements Account out of the proceeds of sale of the land, *with interest thereon at the rate of four per centum per annum.*

Remuneration of agents of Native owners.

52. An appointment of agents by Native owners under section *fifty* hereof may contain provisions for the remuneration of the agents, and such provisions shall, if approved by the Minister, be part of such appointment and be binding upon the Native owners, anything in the Native Land Act, 1909, or any other Act to the contrary notwithstanding, and the amount of such remuneration shall be deemed to be a charge and expense incurred by the agents within the meaning of subsection *twelve* of section *fifty* hereof.

Provision on death, &c., of agent.

53. If any agent appointed by Native owners under section *fifty* hereof dies, or declines or becomes incapable to act, any other agent or agents who has or have been appointed by the same Native owners to act as agents together with the agent who so dies, or declines or becomes incapable to act, may act alone on behalf of all the Native owners, and shall have the same powers and authorities for all purposes as all the agents originally appointed would have had if all acted together.

Enforcement of agreement.

54. Every agreement made by agents appointed by Native owners under section *fifty* hereof, whether such agreement is with the Minister or with any purchaser or lessee of lands, may be enforced by action or other proceedings in the Supreme Court of New Zealand against the agents in their own names, sued as representing all the Native owners, and if in any such action or proceeding any decree is made for the execution of any conveyance, transfer, lease, or other document, the said Court may direct that such conveyance, transfer, lease, or other document shall be executed either by the agents or by a Land Settlement Officer, and ~~that~~ the same shall, when so executed, be as valid and effectual for all purposes as if executed by all the Native owners.

New.

Regulations.

Governor may make regulations.

54A. The Governor may, by Order in Council, make such regulations as he considers necessary for carrying into effect the provisions of this Part of this Act.

PART IV.

Principal Act defined.

55. 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.

56. 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.

Capital value may be reduced in certain cases.

57. (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.

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.

(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.

New.

57A. Section fifty-one of the principal Act is hereby amended by omitting from subsection two the word "adjoining."

Section 51 of principal Act amended.

58. (1.) In this section, if not inconsistent with the context,—
 "Notice" means a notice in writing, signed by a lessee of settlement land held under renewable lease, of the lessee's intention to purchase the fee-simple of the land :

Owners of renewable leases may acquire freehold.

"Original capital value" means the amount upon which the rent at the rate of four and a half per centum per annum was computed for the existing term of a renewable lease :

"Price" means the price at which settlement land held under renewable lease may be purchased, ascertained in the manner provided by this section.

(2.) Subject to the provisions of the *next succeeding* section, the owner of a renewable lease of settlement land (whether made before or after the commencement of this Act) may at any time during the currency of the lease acquire the fee-simple of the land comprised in his lease upon the terms and subject to the conditions defined, and at a price ascertained and determined in the manner provided, by this section.

(3.) All the provisions of Part II of this Act (except sections thirty, thirty-one, subsection one of section thirty-two, and section thirty-three thereof) shall be deemed to be incorporated in, and shall apply to the right of purchase conferred by, this section.

(4.) The price shall be computed as follows :—

(a.) The Valuer-General shall cause a new valuation to be made in accordance with the provisions of the Valuation of Land Act, 1908, of the capital value of the land comprised in the lease as at the date of the notice.

(b.) From the capital value ascertained by such new valuation there shall be deducted the value (to be ascertained by valuation) of any improvements effected by the lessee and of any other improvements to which the lessee is entitled by reason of their being effected after the grant of the first lease of the land, whether such first lease was a lease in perpetuity or a renewable lease. The resulting sum is hereinafter referred to as "the present capital value."

(c.) In no case shall the present capital value be less than the original capital value.

(d.) The amount by which the present capital value exceeds the original capital value being ascertained, an actuarial computation shall be made of the present value of such excess if payable at the expiration of the existing term of the lease. The rate of interest for the purpose of such computation shall be *five* per centum per annum payable half-yearly. The amount ascertained by such actuarial computation shall be added to the original capital value and the result shall be the price.

Limitation of area.

59. (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 in severalty 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.

One allotment only to be held by one person.

(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 :

Provided that nothing in this section shall restrict the operation of subsection two of section fifty-one of the principal Act.

(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.

(4.) Every document of title issued by the District Land Registrar for land affected by this section shall contain a notification that the land is subject to the restriction contained in this section.

Settlement land not selected within a township.

60. (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.

(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.

(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.

Deposits by successful applicants for settlement land.

61. (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.

Repeal.

(2.) Paragraphs (g), (r), and (s), of subsection one of section fifty-one of the principal Act are hereby repealed.

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.) The rent for the period elapsing between the date of the lease and the due date of the first half-yearly payment shall be payable at the option of the Board either with such first half-yearly payment or at the due date of the next succeeding 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 the words "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 267 (2)	By adding the words "and shall be applied in the purchase of other lands which shall form part of the national endowment."
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."