

[AS REPORTED FROM THE LANDS COMMITTEE.]

House of Representatives, 17th October, 1917.

Right Hon. Mr. Massey.

LAND LAWS AMENDMENT.

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> <li>1. Short Title.</li> <li>2. Section 87 of Land Act, 1908, modified.</li> <li>3. Leases issued in exchange for other leases or licenses to be issued subject to registered incumbrances.</li> <li>4. Computation of rental on renewal of leases of village-settlement lands, &amp;c.</li> <li>5. Extension of time within which owner of lease in perpetuity of settlement land may purchase fee-simple.</li> </ol> | <ol style="list-style-type: none"> <li>6. Restriction of right of lessee of settlement land, used as homestead-site for neighbouring pastoral Crown land, to acquire fee-simple.</li> <li>7. Collection of land revenue.</li> <li>8. Method of allocation of moneys in National Endowment Account available for educational purposes.</li> <li>9. Restriction of provisions as to endowment of New Plymouth Harbour Board.</li> </ol> |
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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, 1917.
2. Where the land comprised in any lease or license subject to the provisions of section eighty-seven of the Land Act, 1908, or the greater part of that land was, immediately prior to the grant of such lease or license, held by the lessee or licensee under a residence-site license issued under the Mining Act, 1908, or any former Mining Act, or under any other lease or license issued under the Land Act, 1908, or any former Land Act, the period of twelve months referred to in the said section eighty-seven shall be computed as from the commencement of the original lease or license, and for the purposes of this section the said section eighty-seven shall be construed as if the reference therein to the currency of the first twelve months of the lease or license were a reference to the period of twelve months commencing on the date of the original lease or license.
3. Where the holder of any lease or license issued under the Land Act, 1908, or any former Land Act, and registered under the Land Transfer Act, 1915, surrenders such lease or license, and,

Short Title.

Section 87 of Land Act, 1908, modified.

Leases issued in exchange for other leases or licenses to be issued subject to registered incumbrances.

pursuant to any right, power, or authority conferred on him by any Act for the time being in force, receives in exchange therefor a new lease or license under the Land Act, 1908, such new lease or license shall be deemed to be subject to all existing incumbrances, liens, and interests (if any) registered against the lease or license surrendered as aforesaid, and the District Land Registrar shall record on the new lease or license all such incumbrances, liens, and interests accordingly in the order of their registered priority.

Computation of rental on renewal of leases of village-settlement lands, &c.

4. Where the holder of a perpetual lease issued under section one hundred and sixty-one, or section one hundred and sixty-three, or section one hundred and sixty-seven of the Land Act, 1885, duly elects to accept a renewal of his lease, there shall be added to and deemed to form part of the annual rental that would otherwise be chargeable in respect of such renewed lease an amount equal to five per centum of the amount (if any) outstanding at the date of such renewal in respect of any advance theretofore made without security by the Crown to the lessee or to any predecessor in title of the lessee.

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5. Section sixty of the Land Laws Amendment Act, 1913, is hereby amended by omitting from subsection two the word "five" and substituting therefor the word "ten."

Extension of time within which owner of lease in perpetuity of settlement land may purchase fee-simple.

Restriction of right of lessee of settlement land, used as homestead-site for neighbouring pastoral Crown land, to acquire fee-simple.

6. In any case where any settlement land has been disposed of for a homestead-site for neighbouring pastoral Crown land, pursuant to the provisions in that behalf of section fifty-nine of the Land for Settlements Act, 1908, or the corresponding provisions of any former Act, the right (if any) of the lessee or licensee to acquire the fee-simple of such settlement land shall, notwithstanding anything to the contrary in any Act, be subject to the condition that the lessee or licensee has acquired the fee-simple of the neighbouring pastoral Crown land in conjunction with which the settlement land is held as a homestead-site.

Collection of Land Revenue.

7. (1.) There shall from time to time be appointed an officer of the Public Service, to be known as the Controller of Land Revenue.

(2.) All powers, functions, and duties conferred or imposed on the Receiver of Land Revenue of any district by any Act or by regulations under any Act, or by any lease or license or other instrument of authority, except in so far as such powers, functions, or duties relate to the receipt of money, shall, on the appointment of the Controller of Land Revenue, be deemed to be transferred to and shall thereafter be exercised and performed by the Controller of Land Revenue, and not by the Receiver of Land Revenue.

(3.) Where by any statute or other authority a Receiver of Land Revenue is authorized to pay any revenues or other public moneys to any local authority or other body or person, or to pay any such moneys into a deposit account pending the payment thereof to any such local authority, body, or person as aforesaid, the Receiver of Land Revenue shall, after the first appointment of a Controller of Land Revenue under this section, pay such moneys into the Public Account, and all moneys so paid into the Public Account, may, without further appropriation than this section, be paid by the Minister of Finance to the local authority, body, or person certified by the Controller of Land Revenue to be entitled to receive the same.

(4.) All moneys which on the date of the appointment of the Controller of Land Revenue are in any deposit account as aforesaid shall be forthwith paid into the Public Account to be dealt with pursuant to this section.

5 (5.) Nothing in this section shall apply to moneys to which section twenty-eight of the Public Revenues Act, 1910, is applicable.

(6.) Any moneys payable to a Receiver of Land Revenue as such may, after the appointment of the Controller of Land Revenue, be lodged with any Postmaster authorized by the Postmaster-

10 General to receive such moneys for payment into the Public Account, and the receipt of such Postmaster shall be a full and sufficient discharge for all moneys so lodged with him.

15 8. (1.) The moneys at the commencement of any financial year in the National Endowment Account and available for the purposes of education, as provided by section two hundred and sixty-three of the Land Act, 1908, shall, after making thereout the payments provided for by section thirty-two of the New Zealand University Amendment Act, 1914, be allocated, so far as required for the purposes hereinafter mentioned, in such proportions as the Minister of Education determines, to the credit of the several votes of the Consolidated Fund, as appearing in the appropriations for that year, for the purposes of higher, secondary, or primary education, whether general or technical, and shall be available accordingly for the payment of all charges against such votes for that financial year.

Method of allocation of moneys in National Endowment Account available for educational purposes.

25 (2.) Section two hundred and sixty-four of the Land Act, 1908, shall be read subject to the provisions of this section.

30 9. Notwithstanding anything in section two of the New Plymouth Harbour Board Endowment Act, 1874, no payment shall be made to the New Plymouth Harbour Board pursuant to that section in respect of the revenues that may be derived from the sale, occupation, or other disposal of any lands that may be acquired by the Crown after the passing of this Act.

Restriction of provisions as to endowment of New Plymouth Harbour Board.