

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,

3rd February, 1922.

[AS REPORTED FROM THE LANDS COMMITTEE.]

Legislative Council, 7th February, 1922.

Hon. Mr. Guthrie.

LAND LAWS AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p style="text-align: center;">PART I.</p> <p style="text-align: center;">PASTORAL LANDS.</p> <p>2. This Part to be read with Part VI of Land Act, 1908.</p> <p>3. Pastoral runs may be disposed of on application or by auction.</p> <p>4. Repeal of provisions as to pasturage on "hundreds" in Otago and Southland.</p> <p>5. Repeal of provisions as to classification of pastoral lands.</p> <p>6. Extension of term of lease of pastoral lands.</p> <p>7. Lessees of pastoral lands disposed of after passing of Act required to make certain improvements.</p> <p>8. Provision for postponement of rent of pastoral lands in certain cases.</p> <p>9. Pastoral license may be extended where licensee has suffered substantial loss arising from general financial stringency.</p> <p>10. On subdivision of pastoral run existing lessee may receive lease of subdivision for extended term.</p> <p>11. Provision for acquisition of fee-simple of pastoral lands.</p> <p>12. Special provisions as to national-endowment land held as pastoral land.</p> <p>13. Limitation of area of land acquired under two last preceding sections.</p>	<p>14. Provision for extension of term of existing lease of pastoral runs.</p> <p>15. On expiry of lease of education reserve Board may grant new lease under Part VI of principal Act.</p> <p style="text-align: center;">PART II.</p> <p style="text-align: center;">GENERAL.</p> <p>16. Standard measurements of length to be kept by Surveyor-General.</p> <p>17. License to occupy rural land pending completion of purchase on deferred payments may be extended for five years.</p> <p>18. Temporary provision for extension of leases of small grazing-runs.</p> <p>19. Determination to subdivide any small grazing-run on expiry of lease may be revoked.</p> <p>20. Restriction on forfeiture of Crown leases.</p> <p>21. On payment of purchase-money, selector under section 20 of Land Laws Amendment Act, 1912, may obtain title.</p> <p>22. Section 17 of Land Laws Amendment Act, 1912, amended.</p> <p>23. Section 16 of Land Laws Amendment Act, 1920, amended.</p> <p>24. Definition of term "substantial improvements of a permanent character" extended.</p> <p>25. Repeal.</p>
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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, Short Title.
1921-22.

PART I.

PASTORAL LANDS.

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

No. 121-3.

Struck out.

Pastoral runs may be disposed of on application or by auction.

3. (1.) Any pastoral lands hereafter disposed of pursuant to Part VI of the principal Act may be disposed of on application or by auction as may in any case be decided by the Board with the approval of the Minister.

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(2.) The principal Act is hereby amended accordingly in the manner indicated in the *Schedule* here^{to}.

Repeal of provisions as to pasturage on "hundreds" in Otago and Southland.

4. Section two hundred and twenty-four of the principal Act and the Third Schedule thereto are hereby repealed.

5. (1.) Sections two hundred and twenty-five and two hundred and twenty-seven of the principal Act are hereby repealed. 10

Repeal of provisions as to classification of pastoral lands.

(2.) Section two hundred and twenty-eight of the principal Act (as to the resumption of pastoral-agricultural lands) shall continue to apply with respect to such lands held under a lease or license subsisting on the commencement of this Act. 15

Extension of term of lease of pastoral lands.

6. (1.) Section two hundred and twenty-six of the principal Act is hereby amended by omitting from subsection one the words "twenty-one years," and substituting the words "thirty-five years."

(2.) Section two hundred and thirty-four of the principal Act is hereby amended by omitting from subsection one the words "leased, licensed, purchased, granted, or." 20

Lessees of pastoral lands disposed of after passing of Act required to make certain improvements.

7. The lessee of any pastoral lands disposed of after the passing of this Act shall put on the land comprised in his lease, and shall thereafter maintain, substantial improvements of a permanent character, as follows:— 25

(a.) Within one year from the date of his lease, to a value equal to one year's rent payable under the lease:

(b.) Within two years from the date of his lease, to a value equal to two years' rent payable under the lease:

(c.) Within six years from the date of his lease, to a value equal to four years' rent payable under the lease: 30

Provided that in any special case where, having regard to the nature or situation of the land or the extent to which it has been improved at the date of the lease, the Board is of opinion that it would be unreasonable to require the lessee to comply fully with the requirements of this section as to improvements it may, with the approval of the Minister, modify such requirements to such extent as it thinks fit. 35

Provision for postponement of rent of pastoral lands in certain cases.

8. (1.) The provisions of section one hundred and seventeen of the principal Act, as set out in section thirteen of the Land Laws Amendment Act, 1912 (relating to the postponement of the payment of rent by Crown tenants), shall extend and apply to the holder of any lease or license of pastoral lands granted before or after the passing of this Act. 40

(2.) The provisions of subsection one of section two hundred and fifty-one of the principal Act shall not apply during the period of such postponement with respect to any rent the payment of which is postponed hereunder. 45

Pastoral license may be extended where licensee has suffered substantial loss arising from general financial stringency.

9. The authority to extend the term of a pastoral license conferred by section twenty-seven of the Land Laws Amendment Act, 1912, on the ground of exceptional losses arising from the causes therein specified, is hereby extended to authorize a like extension of any such license, where the holder has suffered substantial loss due to a decrease in the price of stock or produce or to any general financial stringency. 50

10. (1.) Section twenty-seven of the Land Laws Amendment Act, 1914, is hereby amended by inserting, after the words "the Board shall" in subsection one, the words "with the approval of the Minister"; and by omitting from the same subsection the words "for the same term of 5 years and subject to the same conditions as were granted and provided in the original pastoral lease or license," and substituting the words "for a term of years not less than the term of the original pastoral lease or license."

On subdivision of pastoral run existing lessee may receive lease of subdivision for extended term.

(2.) Without limiting the authority of the Minister or the Board to 10 determine at any time that the land comprised in a pastoral lease or license shall be subdivided on the expiry of the lease or license, such determination shall, where practicable, be made not later than two years before the expiry of such lease or license.

(3.) In determining whether or not the land comprised in any such 15 lease or license shall be subdivided, the Minister and the Land Board shall take into consideration not only the suitability for subdivision of that land in itself, but also its suitability for subdivision in conjunction with any area or areas of adjoining Crown land or other land administered by a Land Board which may be available for disposal.

20 11. (1.) Subject to the provisions of this section *and of section thirteenA hereof*, the lessee of any pastoral run under a lease for a term of not less than fourteen years (whether granted before or after the passing of this Act) who has complied with all the conditions of his lease may, on the 25 any time after the expiration of seven years from the date of his lease and during the currency thereof, acquire the fee-simple of the land comprised therein, either for cash or on deferred payments in the manner prescribed by Part II of the Land Laws Amendment Act, 1912, save that the price shall be ascertained and determined in the manner pre- 30 scribed by subsection two of section twenty-eight of the Land Laws Amendment Act, 1913, but shall not be less than the unimproved value of the land at the time of its disposal, together with the Crown's interest (if any) in the improvements thereon.

Provision for acquisition of fee-simple of pastoral lands.

(2.) No person shall be entitled to acquire the fee-simple under 35 this section of a greater area than is sufficient, in the opinion of the Board, for the maintenance of the lessee and his family.

New.

(2A.) Where the lease is held by executors or trustees of a 40 deceased person or persons the area which may be acquired in fee-simple by such executors or trustees on behalf of their beneficiaries shall be determined by the Minister in accordance, as far as possible, with the principle established by the *last preceding* subsection. A determination by the Minister under this subsection shall be final and conclusive.

(3.) Nothing in this section shall authorize the acquisition of the 45 fee-simple of any national-endowment land or of any other land, not being Crown land, administered by a Land Board.

(4.) The fee-simple acquired under this section shall not include 50 any metals, precious stones, minerals, coal, or oil on or under the land; and the provisions of section twenty-nine of the Land Laws Amendment Act, 1913, shall apply with respect to lands acquired under this section in the same manner as it applies to lands acquired under section twenty-eight of that Act.

Special provisions
as to national-
endowment held
as pastoral land.

12. (1.) *Save as provided by section thirteen A hereof*, where any national-endowment land is held under a pasturage lease or license (whether granted before or after the passing of this Act) for a term of not less than fourteen years of which not less than seven years have expired, and the Board is of opinion that the land comprised in the lease or license is not more than sufficient for the maintenance of the lessee and his family, the Governor-General may, by Proclamation approved in Executive Council, declare that the said land shall, as from a date to be specified in the Proclamation, cease to be national-endowment land, and every such Proclamation shall have effect according to its tenor. 5 10

(2.) On the taking effect of any Proclamation as aforesaid the lessee or licensee of the land to which the Proclamation relates may acquire the fee-simple of the land comprised in his lease or license in the manner and subject to the conditions prescribed with respect to the acquisition of the fee-simple of land under the *last preceding* section (including the limitations expressed in subsection four of that section). 15

(3.) All moneys received from the sale or lease of lands excluded from the national endowment pursuant to this section shall be dealt with in the manner prescribed by subsection eight or subsection nine, as the case may be, of the Land Laws Amendment Act, 1920. 20

Limitation of area of
land acquired under
two last preceding
sections.

13. The limit of area prescribed by section three hundred and forty-one of the principal Act shall not apply with respect to the acquisition of the fee-simple of any land under either of the *two last* preceding sections. 25

New.

13A. (1.) Where the land comprised in a pastoral run or any part of such land is a State forest or a provisional State forest the right to acquire the freehold of such land conferred by section *eleven* hereof shall be subject to the approval and consent of the Commissioner of State Forests, and shall not be exercisable without such approval and consent. 30

(2.) No Proclamation shall be made or issued under the powers conferred by section *twelve* hereof in respect of any national-endowment lands forming part of a State forest or provisional State forest, except upon the advice of the Commissioner of State Forests given prior to the approval by the Executive Council. 35

Provision for
extension of term
of existing lease of
pastoral runs.

14. (1.) On the application by the owner of a lease or license of any pastoral land granted under the principal Act, or the corresponding provisions of any former Land Act, for any term not less than fourteen years, the Board may, with the approval of the Minister, extend the term of the lease or license for a further term not exceeding fourteen years at the annual rent reserved by the existing lease or license, and subject to the same terms and conditions. 40

(2.) This section shall apply with respect to any pastoral land comprised in any education reserve or other endowment administered by a Land Board pursuant to any lawful authority, save that no extension of a lease or license of an education reserve shall be granted under this section without the prior consent in writing of the Minister of Education, and no extension of a lease or license of any other endowment shall be granted under this section without the prior consent in writing of the corporation or persons in whom such endowment is vested. 45 50

15. Where the Land Board is of opinion that the land comprised in any lease or license of an education reserve or endowment is suitable only for pastoral purposes, and is not suitable for subdivision as provided in section three of the Education Reserves Amendment Act, 1913, the Board may, with the consent in writing of the Minister of Education, and notwithstanding anything to the contrary in any enactment or in any such lease or license, grant to the owner of such lease or license a new lease under Part VI of the principal Act for such term and on such conditions as the Minister of Education may approve.

On expiry of lease of education reserve Board may grant new lease under Part VI of principal Act.

PART II.

GENERAL.

16. (1.) All measurements of length in surveys and on plans of land affecting titles under the Land Transfer Act, 1915, shall be made and expressed in terms of the chain of one hundred links, having a length of sixty-six Imperial feet; and measurements of area in such surveys and on such plans shall be expressed in acres, roods, and perches, and decimals of perches.

Standard measurements of length to be kept by Surveyor-General.

(2.) For the purpose of ensuring the accuracy and uniformity of such measurements a standard or standards of length of a chain and of links, properly compared and uniform with the Imperial standard, shall be kept in the custody of the Surveyor-General. Such standards shall be the legal reference for all surveys of land in New Zealand notwithstanding the provisions of any other Act.

17. (1.) Where any person has, pursuant to any lawful authority, elected to acquire the fee-simple of any rural Crown land or settlement land, and is at the passing of this Act in occupation of such land under a license to occupy granted for a period of nineteen years pending the completion of his purchase by deferred payments, the Board may, with the approval of the Minister, grant an extension of the term of such license for a period of five years; and in any such case the instalments payable in respect of the purchase-money shall be proportionately reduced as from the commencement of the term of the license, and all amounts paid in respect of instalments of purchase-money prior to the date of extension in excess of the amounts that would have been payable if the term of the license had been originally fixed at twenty-four years shall be applied in satisfaction to the extent thereof of instalments of purchase-money becoming due and payable after the date of such extension.

License to occupy rural land pending completion of purchase on deferred payments may be extended for five years.

(2.) No extension of the term of any license shall be granted under this section save on the ground that, owing to a decrease in the price of stock or produce or to general financial stringency, payment by the licensee of the instalments as fixed by the original license would be a cause of undue hardship.

(3.) On receipt of a certificate under the hand of the Commissioner of Crown Lands setting forth particulars of any extension of a license granted pursuant to this section the District Land Registrar shall endorse a memorial of such certificate upon the original license.

18. (1.) Notwithstanding anything to the contrary in the Land Act, 1908, or any former Land Act, the Board may, with the approval of the Minister, extend for a period not exceeding five

Temporary provision for extension of leases of small grazing-runs.

years the term of any lease of a small grazing-run of Crown land or of settlement land the term of which is due to expire at any time within five years after the passing of this Act.

(2.) Where any lease of a small grazing-run has expired before the passing of this Act and a new lease has not been granted, and the lessee has continued in possession of the land comprised in the lease, the term of the original lease may be extended under the *last preceding* subsection as if it had not expired. 5

Determination to subdivide any small grazing-run on expiry of lease may be revoked.

19. (1.) Any determination by the Minister made under section twenty-eight of the Land Laws Amendment Act, 1912, that the land comprised in the lease of a small grazing-run granted under the Land Act, 1908, or the Land Act, 1892, shall be subdivided (whether such determination has been made before or after the passing of this Act) may be revoked by the Minister at any time before such determination has been given effect to by the disposal of a subdivision to any person other than the original lessee. 10 15

(2.) Where any determination as aforesaid is revoked before the expiry of the original lease, a new lease shall be offered to the existing lessee in the same manner so far as practicable and on the same conditions as if no such determination had been made, save that where at the date of the revocation aforesaid the time prescribed for the making of an offer of a new lease has expired such offer shall be made as soon as practicable thereafter, and the lessee may exercise his right of election to accept a new lease within such time as may be fixed in that behalf by the Board with the approval of the Minister. 20 25

(3.) Where any determination as aforesaid is revoked after the expiry of the original lease, a new lease shall be offered to the original lessee so soon as practicable after the revocation, and the original lessee may exercise his right of election to accept a new lease within such time as may be fixed in that behalf by the Board with the approval of the Minister. 30

(4.) Where the original lessee has continued in possession of the land comprised in an expired lease, and accepts the offer of a new lease under this section, the new lease shall be deemed to have commenced on the expiry of the term of the original lease, and in any other case shall commence on a date to be fixed in that behalf by the Board, save that in the case of a lessee who has continued in possession as aforesaid, the rent paid or payable pursuant to any license to occupy or to the expired lease for the period elapsing between the expiry of the original lease and the grant of a new lease may be accepted in satisfaction of the rent payable in respect of that period under the new lease. 35 40

(5.) If the original lessee does not accept the offer of a new lease, he shall not be entitled to receive by way of compensation any greater amount than he would have been entitled to receive in respect of improvements in accordance with the terms of his original lease. 45

(6.) The foregoing provisions of this section shall apply, with the necessary modifications, with respect to any determination of the Minister made pursuant to section twenty-two of the Land Laws Amendment Act, 1914 (whether such determination has been made before or after the passing of this Act) that the land comprised in the lease of any small grazing-run of settlement land shall be subdivided in accordance with the terms of that section. 50

20. Notwithstanding anything to the contrary in any Act, no lease or license of any Crown land or settlement land, or of other land administered by a Land Board, shall be forfeited save with the prior consent in writing of the Minister of Lands.

Restriction on forfeiture of Crown leases.

5 21. On completion of the purchase (by payment of the price and of all interest thereon) of any allotment of land disposed of under section twenty of the Land Laws Amendment Act, 1912, by way of a license to occupy with an agreement to purchase on deferred payments, the licensee shall be entitled to receive a certificate of title in respect of the land, notwithstanding that the term for which the license to occupy was granted may not have expired.

On payment of purchase-money, selector under section 20 of Land Laws Amendment Act, 1912, may obtain title.

10 22. Section seventeen of the Land Laws Amendment Act, 1912 (authorizing the transfer from the National Endowment Account of the cost of the administration of national-endowment land), is hereby amended by inserting, before the words "be paid" in sub-section two, the words "without further appropriation than this section."

Section 17 of Land Laws Amendment Act, 1912, amended.

15 23. Section sixteen of the Land Laws Amendment Act, 1920 (relating to the payment by the Crown of the value of improvements in certain cases), is hereby amended by inserting, after the words "be paid," the words "without further appropriation than this section."

Section 16 of Land Laws Amendment Act, 1920, amended.

20 24. The term "substantial improvements of a permanent character" as defined by section two of the Land Act, 1908, is hereby extended to include the installation of telephones and of electric-lighting and electric-power plants.

Definition of term "substantial improvements of a permanent character" amended.

25 25. Section three hundred and twenty-six of the Land Act, 1908 (requiring three months' notice to be given of an intention to dispose of lands from which the reservation from sale has been withdrawn), is hereby repealed.

Repeal.