

Hon. Mr. Guthrie.

LAND LAWS AMENDMENT.

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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, 1922. Short Title.

2. (1.) Where any unoccupied land belonging to the Crown not exceeding fifty acres in area adjoins any other land of the Crown of a like kind held under lease or license, and the Board is of opinion that the unoccupied land, by reason of its natural features, its boundaries, or its unsuitability for occupation as a separate holding, or for other sufficient reasons, should be included in such lease or license as aforesaid, the Board, with the approval of the Minister, may grant to the owner of such lease or license the right to occupy the unoccupied land, to be held by him as part of the land comprised in his lease or license at such increased rent as may be fixed, but otherwise subject to the same terms and conditions:

Provision for inclusion in existing leases of small areas of adjoining lands of a like kind.

Provided that nothing herein shall authorize the acquisition of any land in excess of the area specified in section ninety-seven of the Land Act, 1908, or in section sixty of the Land Laws Amendment Act, 1912, as the case may be.

(2.) In any such case the District Land Registrar shall, upon receipt of a certificate signed by the Commissioner of Crown Lands, having endorsed thereon or attached thereto a plan of the lands affected, and setting forth such particulars as may be required with respect to the increased area, capital value, and rent of the lands comprised in the lease, and the terms and conditions of the grant of the added area, endorse a memorial of such certificate on the original lease or license.

(3.) On such endorsement being made the land granted pursuant to this section, as described in the certificate, shall be deemed to be incorporated in the original lease or license, and shall be held by the lessee or licensee subject to the increased rent fixed, on the same tenure, for the same term, and subject to the same terms and conditions as those on which the land originally included in such lease or license is held.

(4.) Any land incorporated in a lease or license under the authority of this section shall be subject to the same restrictions, trusts, rights, titles, interests, and encumbrances as those to which the land originally included in such lease or license is subject.

Areas of settlement land may be converted into ordinary Crown land or national-endowment land.

3. (1.) The Governor-General may, by Proclamation, declare any land acquired under the Land for Settlements Act, 1908, whether before or after the passing of this Act, to be ordinary Crown land or national-endowment land available for disposal under the Land Act, 1908.

(2.) Where any settlement land is declared to be ordinary Crown land or national-endowment land as aforesaid, the Minister of Finance may transfer to the Land for Settlements Account, without further authority than this section, an amount not exceeding the amount of the moneys expended out of the Land for Settlements Account in respect of the acquisition of the said land or otherwise in connection therewith.

(3.) All moneys transferred to the Land for Settlements Account pursuant to this section in respect of any land shall be paid out of the Consolidated Fund, or the National Endowment Account, or the Native Land Settlement Account as may be deemed appropriate, having regard to the manner in which that land has been or is to be disposed of under the Land Act, 1908.

Special provision for application of proceeds of sale of land acquired for public work and afterwards disposed of as Crown land.

4. Where any land held, taken, purchased, or acquired for any Government work and not required for that purpose is declared by the Governor-General to be Crown land under the authority in that behalf conferred by section thirty of the Public Works Act, 1908, as amended by section five of the Public Works Amendment Act, 1909, and is afterwards sold pursuant to any lawful authority, then, notwithstanding anything to the contrary in section five of the Land Laws Amendment Act, 1912, all moneys accruing from the sale of that land shall, after deducting therefrom all moneys payable in respect thereof to any local authority, and any sums otherwise charged on or payable out of such moneys under section sixty-three of the Land Laws Amendment Act, 1913, be paid into the Public Account, and shall form part of the Public Works Fund.

5. (1.) Section eleven of the Land Laws Amendment Act, 1920, is hereby amended by inserting, after paragraph (d) of subsection two, the word " or," and also the following new paragraph :—

Special provisions as to national-endowment land in Hauraki Mining District.

5 " (e.) Any national-endowment land within the Hauraki Mining District held under a renewable lease issued under the Land Act, 1908, or held under a license issued under regulations made under the Land Act, 1892, or the corresponding regulations made under the Land Act, 1908, for the occupation of pastoral lands within the said mining district."

10 (2.) On the taking effect of any Proclamation relating to pastoral lands in the Hauraki Mining District, issued under section eleven of the Land Laws Amendment Act, 1920, as amended by the foregoing provisions of this section, the lessee or licensee may acquire the fee-simple of the land comprised in his lease or license in the same manner and subject to the same conditions, restrictions, and limitations as if sections twenty-eight and twenty-nine of the Land Laws Amendment Act, 1913, applied.

20 6. (1.) Notwithstanding anything to the contrary as to limitation of area in the proviso to section thirty-one of the Land Laws Amendment Act, 1913, as modified by section twenty-one of the Land Laws Amendment Act, 1914, the holder of a lease of a small grazing-run, either of Crown land or of settlement land, may acquire the fee-simple of the whole of the land comprised in his lease, notwithstanding that the

25 maximum area specified in section ninety-seven of the Land Act, 1908, or in section sixty of the Land Laws Amendment Act, 1912, may be thereby exceeded, if in any such case the Minister, on the recommendation of the Board, determines that the area in excess of the specified area is unsuitable for a separate holding.

Extension of provisions as to acquisition of fee-simple of small grazing-runs.

30 (2.) In the event of any subsequent disposition in one lot of any land acquired in fee-simple pursuant to this section, the area thereof shall, for the purposes of section three hundred and forty-one of the Land Act, 1908, or of section sixty of the Land Laws Amendment Act, 1912, as the case may be, be deemed to be the maximum area specified

35 in the said sections respectively, in lieu of the area therein actually specified.

(3.) Nothing in this section shall apply with respect to any small grazing-run any part of which has heretofore been acquired in fee-simple pursuant to the authorities referred to in subsection one hereof.

40 7. (1.) This section applies only to leases of small grazing-runs of Crown land or of settlement land granted in renewal of leases which had expired before the passing of the Land Laws Amendment Act, 1921-22, but not earlier than the twenty-eighth day of February, nineteen hundred and twenty.

Provision for revaluation of certain small grazing-run leases.

45 (2.) The lessee under any lease to which this section applies may apply for a revaluation of the land comprised in his lease, and in any such case the provisions of subsections one, two, three, five, and seven of section fifteen of the Land Laws Amendment Act, 1915, shall, with the necessary modifications, apply as if the application were an applica-

50 tion for a revaluation of land under that section.

(3.) If on a revaluation of any land under this section the value as then determined, exclusive of the value of improvements, is less

than the capital value of the land on which the rent is based, the rent payable under the lease shall, as from the date of the lease, be proportionately reduced.

(4.) Where the rent payable under any lease is reduced pursuant to this section the land comprised in the lease shall, on the application of the Board, made within five years from the date of the lease, be again revalued by a committee appointed under the aforesaid section fifteen. If on such revaluation the value as then determined, exclusive of the value of improvements, is greater than the value on which the reduced rent is based, as hereinbefore provided, the rent payable under the lease shall, as from the expiration of five years from the commencement of the lease, be proportionately increased. 5 10

Purchasers of Crown or settlement land may elect to accept renewable lease.

8. (1.) Any purchaser of rural Crown land or settlement land who holds that land under a license to occupy pending the completion of the purchase may, with the consent of the Board and the approval of the Minister, and with the consent in writing of the encumbrancers (if any), surrender his license and obtain in exchange a renewable lease of the same land pursuant to the provisions with respect to renewable leases under the Land Act, 1908, or the Land for Settlements Act, 1908, as the case may be, and subject to the following special conditions:— 15 20

(a.) The lease shall be of the same date as the surrendered license, and shall be deemed to have been in force as from that date.

(b.) The capital value for the purpose of computing the yearly rent under the lease shall be deemed to be the price computed for the purchase of the land under the surrendered license. 25

(c.) The payments made in respect of the license up to the time of surrender shall be deemed to be rent paid in respect of the lease. Any amount paid in excess of the amount that would have been payable as rent shall be held as rent paid in advance under the lease. In crediting such payments as herein prescribed due allowance shall be made for any rebates of rent to which a lessee would have been entitled in respect of the prompt payment of rent. 30

(d.) If the payments under the license have been subject to a charge in respect of "thirds" to any local authority, the amount paid as "thirds" up to the time of the surrender of the license shall be deemed to have been paid in advance on account of the one-third part of the rents under the lease required to be paid in terms of section one hundred and forty-five of the Land Act, 1908. 35 40

(e.) The lease shall be deemed to be subject to all existing encumbrances, liens, and interests (if any) affecting the license, and the District Land Registrar shall record on the lease all such encumbrances, liens, and interests accordingly in the order of their registered priority. 45

(2.) All adjustments required to be made between any accounts in the Public Account by reason of any change of tenure made pursuant to this section may be made without further authority than this section.

9. (1.) The owner of a lease or license of any pastoral land granted under the Land Act, 1908, or the corresponding provisions of any former Land Act may, on the recommendation of the Board and with the approval of the Minister, surrender his lease or license and obtain 50

Owner of pastoral lease may surrender same and obtain new lease in exchange.

in lieu thereof a new lease or license of such land under Part VI of the Land Act, 1908, at such yearly rent as may be fixed by the Board, with the approval of the Minister. Such new lease or license may include any area of adjoining Crown land occupied by the lessee or licensee under a temporary grazing license.

(2.) The term of any lease or license granted under this section shall commence on the first day of March next following the date of the determination to grant the same.

10 10. Subsection one of section fifty-nine of the Land Laws Amendment Act, 1913, is hereby repealed, and the following subsection substituted therefor:—

Restriction as to burning tussock on pastoral land.

15 “(1.) It shall not be lawful for the lessee or licensee of any pastoral land to burn any tussock thereon or to permit any tussock thereon to be burned save with the prior consent in writing of the Board, and subject to such conditions, restrictions, and directions as the Board may impose or give.”

11. Section sixty-three of the Land Laws Amendment Act, 1913, is hereby amended as follows:—

Expenses of drainage may be included in cost of opening up settlement land.

20 (a.) By inserting, after the words “affording access to” in subsection two, the words “or in draining”:

(b.) By inserting, after the words “roads and bridges” in subsection three, the words “or of the drainage works.”

25 12. (1.) Section seventeen of the Land Laws Amendment Act, 1919, is hereby amended by omitting from subsection one the words “all revenues,” and substituting the words “the whole or any defined portion of the revenues.”

Section 17 of Land Laws Amendment Act, 1919 (providing for payment of certain land revenues to local authorities towards cost of loans for roads and bridges), amended.

30 (2.) The amount paid to any local authority under the said section seventeen as hereby amended, in respect of any period, shall be accepted by the local authority in satisfaction of all special rates levied or leviable for the same period by that local authority on occupied Crown lands within the special district in respect of the loan or loans for which the grant of revenues has been made to the local authority, and in no case shall the amount granted to the local authority for any period exceed the amount of the special rates for that period on occupied Crown

35 lands as aforesaid.
(3.) Where portion only of the revenues derived in respect of any period from any Crown lands within a special district as aforesaid are so paid to a local authority, the balance shall, in the discretion of the Minister, be paid into the deposit account referred to in section fifty of the Land Laws Amendment Act, 1913, or be disposed of as if the special district had not been constituted, or may be paid partly into such deposit account and partly as if such district as aforesaid had not been constituted.

45 13. Where the lessee or licensee of any land to which section ten or section eleven of the Land Laws Amendment Act, 1921–22, is applicable holds such land by virtue of a renewed lease or license, the right to acquire the fee-simple of the lands comprised in such lease or license pursuant to the said sections respectively may be exercised at any time after the expiration of seven years from the commencement of the original lease or license, whether granted to the lessee or

50 licensee or to a predecessor in title, anything to the contrary in the said sections notwithstanding.

Modification of conditions as to acquisition of fee-simple of pastoral lands under section 10 or section 11 of Land Laws Amendment Act, 1921–22.

Section 11 of Land
Laws Amendment
Act, 1921-22,
amended by
correction of clerical
error.

14. Section eleven of the Land Laws Amendment Act, 1921-22,
is hereby amended—

(a.) By omitting from subsection two the word “four,” and substituting the word “five”:

(b.) By inserting, after the words “as the case may be” in subsection three, the words “of section eleven.” 5

Section 12 of Land
Laws Amendment
Act, 1921-22,
extended.

15. Section twelve of the Land Laws Amendment Act, 1921-22,
is hereby amended by adding the following as subsection two thereof:—

“(2.) In the event of any subsequent disposition in one lot of any land acquired in fee-simple pursuant to either of the said sections, the area thereof shall, for the purposes of section three hundred and forty-one of the Land Act, 1908, be deemed to be the maximum area specified in that section, in lieu of the area therein actually specified.” 10

Extension of
authority to extend
leases of pastoral
runs.

16. Section fourteen of the Land Laws Amendment Act, 1921-22,
is hereby amended by omitting from subsection one the words “for any term not less than fourteen years.” 15