

[AS REPORTED FROM THE LANDS COMMITTEE.]

House of Representatives, 5th October, 1927.

Hon. Mr. McLeod.

LAND LAWS AMENDMENT.

ANALYSIS.

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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

5 follows:—

1. This Act may be cited as the Land Laws Amendment Act, Short Title. 1927.

PART I.

CROWN LANDS.

10 2. This Part of this Act shall be read together with and deemed part of the Land Act, 1924 (hereinafter referred to as the principal Act). This Part to be read with Land Act, 1924.

As to disposal of land contained in closed road.

3. Section twelve of the principal Act is hereby amended by inserting, after the words "Crown land under this Act" in subsection seven, the words "or, in cases where the Governor-General considers it equitable so to do, may be granted or otherwise disposed of to the owner of any adjoining land."

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Provision for payment to Consolidated Fund of cost of administration of certain endowments by Land Board.

4. Where any endowment or other land is administered by a Land Board on behalf of any public body or other authority and no provision is made elsewhere than by this section for payment being made to the Consolidated Fund in respect of the cost of administration, there may, without further authority than this section, be deducted and paid into the Consolidated Fund, from the revenues from time to time derived from such land, such amount as the Minister may determine, not exceeding in respect of the expenses of any year an amount equal to *five* per centum of the total amount of revenues derived from the land for that year.

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Provision for appointment of Field Inspectors.

5. (1) The office of "Ranger" or of "Ranger of Crown Lands" under the principal Act is hereby abolished, and the office of "Field Inspector of Crown Lands" substituted therefor.

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(2) All persons heretofore appointed as Rangers and in office as such on the passing of this Act shall, without further appointment, be deemed to be appointed as Field Inspectors under this section.

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(3) All references in the principal Act or elsewhere to a Ranger of Crown Lands shall hereafter be read as references to a Field Inspector under this section.

As to appointment of umpire in arbitration proceedings under principal Act.

6. (1) Section eighty-six of the principal Act is hereby amended as follows:—

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(a) By inserting, after the words "or any former Land Act" in subsection one, the words "or by any lease or license of any land administered by a Land Board."

(b) By inserting, after subsection two, the following subsection:—

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"(2A) Where in the course of any arbitration proceedings under this section the arbitrators *desire to exercise* their power to appoint an umpire, ~~such~~ *but cannot agree upon such appointment, the umpire shall in every case be a Stipendiary Magistrate.* The concurrence of the Minister of Justice shall be obtained before any such appointment is made."

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(2) Section eighty-six of the principal Act, as amended by this section, shall apply with respect to leases and licenses granted before or after the passing of this Act, and shall so apply notwithstanding anything to the contrary in any such lease or license.

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Section 94 of principal Act amended.

7. Section ninety-four of the principal Act is hereby amended by omitting from subsection two the words "under the State Advances Act, 1913, or the Discharged Soldiers Settlement Act, 1915," and substituting the words "made by or on behalf of His Majesty, or any Department of State."

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Lease granted on renewal to be subject to encumbrances affecting expired lease.

8. Section ninety-six of the principal Act is hereby amended as follows:—

(a) By inserting, after the words "the District Land Registrar" in paragraph (c), the words "or the Commissioner of Crown Lands, as the case may require"; and

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(b) By adding thereto the following paragraph,—

“(d) Where on the expiration of any such lease or license the holder is granted a renewal thereof, or a new lease or license of the same land, pursuant to any right, power, or authority, such new lease or license shall be deemed to be subject to all existing encumbrances, liens, and interests (if any) registered against the expired lease or license, and the District Land Registrar or the Commissioner of Crown Lands, as the case may require, shall record on the new lease or license all such encumbrances, liens, and interests accordingly in the order of their registered priority.”

9. (1) Section ninety-seven of the principal Act is hereby amended by inserting, after paragraph (d), the following new paragraph :—

“(dd) Where any mortgaged property has been offered for sale by public auction as aforesaid and has not been disposed of, it may, with the consent of the Commissioner, be sold by private contract.”

In certain cases mortgaged leases may be sold by private contract.

(2) Section ninety-seven of the principal Act, as amended by this section, shall apply with respect to all mortgages of leases or licenses whether such mortgages have been executed before or after the passing of this Act.

10. (1) This section shall apply only to such lands as are from time to time declared by the Governor-General, by Proclamation, to be subject thereto, being in every case lands classified as town lands, suburban lands, or village lands, and being available for disposal by way of sale under section one hundred and thirty of the principal Act.

Special provisions as to disposition of lands classified as town, suburban, or village lands.

Cf. 1925, No. 53, ss. 2, 13, 14 ;

1926, No. 45, ss. 2, 7

(2) Any Proclamation under this section may be at any time in like manner revoked or varied.

(3) Notwithstanding anything to the contrary in the principal Act, it shall not be necessary for the Board, in giving notice as required by section seventy-seven of that Act, with respect to any lands to which this section relates and which are to be offered for sale under section one hundred and thirty of the principal Act, to state in the notice the upset prices at which the several allotments are to be so offered.

(4) Any notice given under the said section seventy-seven with respect to any lands to which this section relates may, if the Land Board thinks fit, be for a less period than the period prescribed by paragraph (b) of the said section.

(5) It shall not be lawful for any person to acquire on deferred payments more than two allotments of land to which this section relates, and where any person so acquires two allotments such allotments shall be contiguous.

(6) Except on the recommendation of the Board and with the approval of the Minister, it shall not be lawful for the purchaser on deferred payments of any land to which this section relates to transfer his interest in such land before the completion of the purchase or the expiration of ten years from the date of his license, whichever period is the less.

11. Section two hundred and sixteen of the principal Act shall hereafter apply as follows :—

(a) To lands disposed of in manner referred to in that section :

Extent of application of section 216 of principal Act (providing for the revaluation of rural lands).

- (b) To lands disposed of under the Discharged Soldiers Settlement Act, 1915, to the extent provided for in section twenty-one of the Land Laws Amendment Act, 1926 :
- (c) To lands disposed of under section one hundred and sixty-one of the principal Act or the corresponding provisions of any former Land Act : 5
- (d) To lands disposed of under Part V of the principal Act or the corresponding provisions of any former Land Act :
- (e) To lands referred to in the *next succeeding* section.

Application of section 216 of principal Act to lands purchased on system of deferred payments.

12. (1) The provisions of the said section two hundred and sixteen of the principal Act are hereby extended so as to apply, with the necessary modifications, to rural Crown lands or settlement lands held under a license to occupy pending the completion of the purchase thereof on a system of deferred payments. 10

(2) In the application of the said section to any land held under a license to occupy as aforesaid, the following provisions shall apply :— 15

(a) Where the price on which the periodical instalments of purchase-money and of interest have been based is greater than the value of the land, exclusive of the value of improvements, as determined under the said section, the price shall be reduced to the amount of such value as from the first day of January or the first day of July, as the case may be, next following the date of such determination : 20

(b) The amount outstanding on the said date in respect of purchase-money shall be ascertained by deducting from the reduced price fixed as aforesaid the amount theretofore paid on account of purchase-money, and the amount of the periodical instalments of purchase-money and interest shall be fixed by reference to the amount so ascertained to be outstanding : 25

(c) No adjustment shall be made on account of interest theretofore paid or payable in respect of the price as originally determined, and if in any case the reduced price is less than the amount theretofore paid in respect of purchase-money no refund shall be made of the excess or of any part thereof : 30

(d) In any case to which this section and subsection seven of the said section two hundred and sixteen apply, the total amount that the transferor may be required to pay into the Public Account pursuant to the said subsection shall be an amount equal to the difference between the total amount actually paid in respect of purchase-money and interest and the total amount that would have been so payable if the price had not been reduced. Any moneys paid under this section shall be apportioned between purchase-money and interest, and shall be disposed of accordingly. 35 40

Provision for exclusion of operation of subsection (6) of section 216 of principal Act in certain cases.

13. (1) Notwithstanding anything to the contrary in subsection six of section two hundred and sixteen of the principal Act, the restrictions imposed by that subsection shall not apply in any case to which the said section is made applicable by resolution of the Board constituted as hereinafter provided in this section. 45

(2) For the purposes of this section there is hereby established a Board consisting of the following members, namely :— 50

- (a) The Under-Secretary for Lands :
- (b) The Valuer-General :
- (c) The Land Purchase Inspector appointed under the Land for Settlements Amendment Act, 1927. 55

(3) The Under-Secretary shall be the Chairman of the Board and shall preside at all meetings at which he is present.

(4) In the absence from any meeting of the Board of the Under-Secretary or the Valuer-General, he may appoint an officer of his Department to attend such meeting in his stead. In the absence from any meeting of the Board of the Land Purchase Inspector, the Minister may appoint any person to attend such meeting in his stead. While any person is attending any meeting under this subsection he shall be deemed to be a member of the Board.

(5) The fact that any person attends and acts as a member of the Board at any such meeting shall be conclusive proof of his authority so to do.

(6) At every meeting of the Board the Chairman shall have a deliberative vote.

(7) Where application for a revaluation of any land is made under section two hundred and sixteen of the principal Act by a person debarred by subsection six of that section but otherwise qualified to make such application, his application shall be referred to the Board appointed under this section. If the said Board is of opinion that the benefit of the said section should be applied to the application, it shall cause the matter to be referred to the Committee appointed pursuant to section two hundred and sixteen of the principal Act for its recommendations. The value of any land to which this section applies shall be as agreed on by the said Committee and the Board appointed under this section, and in the event of their failure to agree shall be determined by the said Board.

14. Section three hundred and two of the principal Act is hereby amended as from the first day of January, nineteen hundred and twenty-seven, by repealing subsection eight thereof.

Section 302 of principal Act amended.

(1) Notwithstanding anything to the contrary in section three hundred and fifty-seven or section three hundred and fifty-eight of the principal Act, any moneys paid to a local authority pursuant to those sections (including any moneys paid in terms of section seventeen of the Finance Act, 1924) may be applied by such local authority to recoup its general fund or any other fund or account out of which the local authority, with the approval of the Land Board, has, in anticipation of the receipt of such moneys and whether before or after the passing of this Act, expended any moneys in the construction, repair, or maintenance of roads.

With approval of Land Board, moneys paid to local authority for purposes mentioned in section 357 of principal Act may be applied to recoup fund out of which local authority may have expended moneys in anticipation.

(2) In any case to which this section relates the certificate required by section three hundred and fifty-eight of the principal Act to be given by the Board shall be modified accordingly.

16. Section two of the Land Laws Amendment Act, 1925, is hereby amended by omitting from subsection one the words "nineteen hundred and twenty-seven," and substituting the words "nineteen hundred and thirty."

Further authority to extend term of licenses to occupy Crown lands with right of purchase.

(1) The cost of the formation and construction of roads and bridges within or affording access to Crown lands or other lands administered by a Land Board, together with the cost of survey and the cost of draining, protecting, improving, or otherwise making such lands fit for settlement (including the cost of acquiring any other land that may be required for the purpose of providing access to any such land as

Cost of opening up Crown and other lands to be taken into account in assessing value of such lands for purposes of disposal.

aforesaid) shall, except as provided in the *next succeeding* subsection, be paid out of moneys to be appropriated by Parliament for the purpose.

(2) Where any lands administered by a Land Board have been acquired by the Crown by purchase or otherwise, the cost of any works referred to in the *last preceding* subsection may, without further appropriation than this section, be paid out of the account into which the revenues derived from such lands are payable. 5

(3) The total amount of moneys expended as aforesaid in opening up any block shall be allocated to the sections or other subdivisions of that block in such amounts as the Minister directs, having regard to the relative extent to which those sections or subdivisions have been or will be benefited by such expenditure. 10

(4) The sum so allocated to any section or subdivision shall be added to what would otherwise be its value, and the price, value, or rent shall be increased accordingly. 15

(5) With respect to moneys heretofore expended pursuant to section forty-seven of the Land for Settlements Act, 1925, or the corresponding provisions of any former Act, the following special provisions shall apply :—

(a) An amount equal to the amount outstanding in respect of moneys charged on lands in respect of which the purchase-money has been paid out of the Native Land Settlement Account shall, without further appropriation than this section, be paid out of the Native Land Settlement Account into the Land for Settlements Account or other account to which the proceeds of the charge would have been payable if this section had not been passed : 20 25

(b) Except as provided in the *last preceding* paragraph, all charges on land to which this section relates are hereby abolished, and the capital of the Land for Settlements Account shall, without further authority than this section, be reduced accordingly. 30

(6) The unexpended balance of moneys set aside under the authority of section forty-seven of the Land for Settlements Act, 1925, shall, without further appropriation than this section, be repaid into the Land for Settlements Account. 35

Repeal.

(7) Section forty-seven of the Land for Settlements Act, 1925, and section seven of the Discharged Soldiers Settlement Amendment Act, 1917, are hereby repealed.

Commencement of section.

(8) This section shall come into force on the first day of April, nineteen hundred and twenty-eight. 40

PART II.

MISCELLANEOUS.

18. Section seven of the Discharged Soldiers Settlement Act, 1915, is hereby amended by omitting the words " by a discharged soldier." 45

Authority for remission of rent in the case of land disposed of to a discharged soldier but not now held by a discharged soldier.

19. In any case where, whether before or after the passing of this Act, an advance is made under the Discharged Soldiers Settlement Act, 1915, any mortgage given as security therefor in respect of the mortgagor's interest in any lease or license shall extend to and include
 5 any further lease or license issued to him in lieu of such first-mentioned lease or license, whether by way of renewal or otherwise.
20. Where the estate or interest of a lessee or licensee in any land comprised in a lease or license from the Crown is subject to a mortgage to His Majesty under the Discharged Soldiers Settlement Act, 1915,
 10 and such estate or interest has at any time, whether before or after the passing of this Act, been determined by forfeiture or operation of law, the provisions of section twenty of the Discharged Soldiers Settlement Amendment Act, 1923, shall apply with respect to the subsequent disposal thereof and to the allocation of the revenues or proceeds of
 15 sale derived therefrom.
21. The Land Board may, with the consent of the Minister, in any case of hardship, remit wholly or in part, and for such period or periods as it thinks fit, the interest payable in respect of any mortgage securing the balance of purchase-money of any land which is subject to the
 2) Discharged Soldiers Settlement Act, 1915.
22. Notwithstanding anything in the proviso to section three of the Deteriorated Lands Act, 1925, the provisions therein referred to may, in so far as they have relation to moneys advanced pursuant to section two of the Discharged Soldiers Settlement Amendment Act,
 25 1917, or to the interest payable in respect of such moneys, apply to lands in respect of which such advances have been made.

Mortgages of leasehold interests securing advances under the Discharged Soldiers Settlement Act to apply to new leases.

Cf. 1913, No. 34, s. 39 (a)

Special provisions as to disposal of lands comprised in forfeited leases or licenses that have been mortgaged in respect of advances made under the Discharged Soldiers Settlement Act.

Authorizing remission of interest payable under the Discharged Soldiers Settlement Acts.

Extending benefits of Deteriorated Lands Act, 1925.