

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,
29th September, 1939.*

Hon. Mr. Langstone.

LAND LAWS AMENDMENT.

ANALYSIS.

Title.	
1. Short Title.	6. Section 216 of principal Act extended.
2. Section 47 of principal Act (as to Land Boards) amended.	7. Abolishing national endowment. Consequential amendments.
3. Section 53 of principal Act (as to payments to members of Land Boards) amended.	8. Powers of Minister as to water-supplies.
4. Extending powers of remission and postponement of rent of Crown tenants and others.	9. Declarations under the Land for Settlements Act, 1925, exempt from stamp duty.
5. Section 149 of principal Act extended.	10. Extending powers of remission and postponement of rent under the Land for Settlements Act, 1925. Schedule.

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, 1939, and shall be read together with and deemed part of the Land Act, 1924 (hereinafter referred to as the principal Act).

2. (1) Section forty-seven of the principal Act is hereby amended by omitting from subsection five the words "vested in the Crown and".

(2) This section shall come into force on the first day of January, nineteen hundred and forty.

Short Title.

See Reprint of Statutes, Vol. IV, p. 622

Section 47 of principal Act (as to Land Boards) amended.

Section 53 of principal Act (as to payments to members of Land Boards) amended.

3. Section fifty-three of the principal Act is hereby amended by omitting from subsection one the words “an allowance to be fixed by the Board not exceeding sixpence a mile, computed for one way only of the distance over which he may have to travel”, and substituting the words “a mileage allowance to be fixed by the Minister from time to time either generally or in any particular case”.

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Extending powers of remission and postponement of rent of Crown tenants and others.

4. (1) Section one hundred and twenty-four of the principal Act, as amended by section sixteen of the Land Laws Amendment Act, 1926, is hereby further amended by adding to subsection one the following proviso:—

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“Provided that the Minister may, on the recommendation of the Board and on being satisfied that in the special circumstances of any case it would be reasonable and equitable so to do, remit rent or postpone the payment of rent in respect of any period or periods exceeding five years in the aggregate.”

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See Reprint of Statutes, Vol. IV, p. 825
Ibid., p. 1023
1932, No. 9
1932, No. 24

(2) The references in section seventeen of the Land Laws Amendment Act, 1926, section four of the Education Reserves Amendment Act, 1931, section six of the Land Laws Amendment Act, 1932, and section seventeen of the Reserves and other Lands Disposal Act, 1932, and in any other enactment, to section one hundred and twenty-four of the principal Act, shall be deemed to be references to that section as amended by this section.

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Section 149 of principal Act extended.

5. For the purposes of section one hundred and forty-nine of the principal Act any land shall be deemed to adjoin any other land, notwithstanding that it may be separated therefrom by all or any of the following—namely, any railway, road, street, river, or stream.

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Section 216 of principal Act extended.

6. (1) Notwithstanding anything to the contrary in subsection nine of section two hundred and sixteen of the principal Act, that section shall apply with respect to land acquired by the Governor-General under section forty-one of the Land Laws Amendment Act, 1914, or the corresponding provisions of any later enactment, in any case to which the said section two hundred and sixteen is made applicable by resolution of the Board constituted under section thirteen of the Land Laws Amendment Act, 1927.

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See Reprint of Statutes, Vol. IV, p. 830

(2) Every application for the revaluation of any land referred to in the *last preceding* subsection shall be submitted to the Board therein mentioned, and that Board shall deal with the application in all respects as if it were an application to which section thirteen of the Land Laws Amendment Act, 1927, relates, and all the provisions of subsection seven of that section shall, with the necessary modifications, apply in respect of the application accordingly.

10 7. (1) The reservation of any land as national-endowment land within the meaning of Part VII of the principal Act is hereby cancelled and the land is hereby declared to be ordinary Crown land subject to the principal Act.

Abolishing national endowment. See Reprint of Statutes, Vol. IV, p. 760

15 (2) Notwithstanding anything contained in this section, no lease or license in force on the passing of this section, of lands which immediately before the passing of this section were national-endowment lands, and no rights conferred on any lessee or licensee, shall be affected by the passing of this section but all such leases and licenses shall continue in full force and effect, and all such rights may be exercised, subject to the same covenants, conditions, restrictions, and limitations, as if this section had not been passed.

25 (3) Notwithstanding anything contained in this section, the provisions of section thirty-nine of the Forests Act, 1921-22, section three of the Forests Amendment Act, 1926, subsection four of section four of the Swamp Drainage Amendment Act, 1926, and subsection five of section four of that Act as enacted by subsection six of section fifteen of the Finance Act, 1932, shall continue in full force and effect as if this section had not been passed.

Ibid., Vol. III, pp. 437, 451 Ibid., Vol. IV, p. 566

30 (4) The provisions of section twenty of the principal Act shall apply and be deemed to have applied with respect to all moneys received on or after the first day of April, nineteen hundred and thirty-nine, to which but for the passing of this section the provisions of Part VII of the principal Act would have applied, and those moneys shall be dealt with and applied accordingly.

1932, No. 11

See Reprint
of Statutes,
Vol. IV, p. 919

(5) The provisions of section thirteen of the Land Laws Amendment Act, 1926, shall extend and apply to—

(a) All moneys which were paid into the Land for Settlements Account before the first day of April, nineteen hundred and thirty-nine, pursuant to any of the enactments repealed by this section, and on which, pursuant to those enactments, interest has been payable into the Consolidated Fund; and 5

(b) All moneys which have been paid into the Land for Settlements Account on or after the first day of April, nineteen hundred and thirty-nine, whether before or after the passing of this Act, under section three of the Forests Amendment Act, 1926,— 15

as if those moneys were capital moneys received from the sale of Crown lands and paid into the Land for Settlements Account under section twenty of the principal Act.

Consequential
amendments.

(6) The enactments specified in the Schedule to this Act are hereby consequentially amended in the manner indicated in that Schedule. 20

Powers of
Minister as to
water-supplies.

8. (1) The Minister may construct such waterworks as he thinks necessary for the supply of water, and may supply water therefrom, for farming and domestic purposes to any lands held under lease or license from the Crown, to any lands of the Crown being developed or to be developed for farming purposes, and to any other lands which by reason of their proximity to any waterworks constructed pursuant to this section may be conveniently supplied with water. 25 30

(2) For the purpose of enabling the Minister to construct waterworks under this section and to supply water therefrom the Minister shall have and may exercise all the powers conferred on the Minister of Public Works by section fourteen of the Public Works Act, 1928, for the purpose of supplying water for any public work, and the provisions of that section shall, with the necessary modifications, apply accordingly. 35 40

See Reprint
of Statutes,
Vol. VII, p. 629

(3) Each person to whom water is supplied under this section shall pay for the water such amounts as the Minister may levy. Any levy so made shall be recoverable as a debt in any Court of competent

jurisdiction, but without prejudice to any other remedy which may be available under any lease or license under which the person liable for the levy holds the land to which the water has been supplied. Levies shall be
5 due and payable in advance, either yearly or half-yearly, on such day or days as the Minister determines.

(4) The Minister in fixing the amounts of any levies shall act on the recommendation of the Land Board, the Small Farms Board, or the Lands Develop-
10 ment Board, as the case may require, and the levies shall be of such amounts as appear to the Minister to make adequate provision for meeting repayment of the capital outlay with interest thereon, running-expenses, and the costs of maintenance of
15 the waterworks. In fixing the amounts of any levies the Minister may have regard to the stock-carrying capacity of the land to which water is supplied, the amount of water actually supplied, and any other relevant factor which will enable him to fix equitable
20 and reasonable amounts.

(5) The Minister may from time to time by notice published in the *Gazette* define any lands to which water is supplied under this section, and the lands so defined may from time to time be added to
25 or reduced by an amending notice. Where any land referred to in a notice under this subsection is subject to the Land Transfer Act, 1915, or to the Deeds Registration Act, 1908, the Minister may cause a copy of the notice to be forwarded to the District
30 Land Registrar or to the Registrar of Deeds, as the case may be, and he shall, without fee, register it against the land. If the holder of any lease or license of or over the land acquires an estate of freehold or receives a new lease or license, the freehold estate or
35 the new lease or license, as the case may be, shall be subject to the notice, and the Registrar shall make the necessary entries accordingly.

(6) All waterworks which have been constructed by the Minister before the passing of this Act and any
40 land acquired on behalf of His Majesty in connection with any waterworks or water-supply shall be deemed to have been lawfully constructed or acquired for the purposes of this section, and this section shall apply to such waterworks accordingly.

See Reprint
of Statutes,
Vol. VII,
pp. 1162, 1143

(7) The Governor-General may from time to time, by Order in Council, make such regulations as may be necessary to give full effect to the intent and purpose of this section, and in particular, but without limiting the generality of this provision, may make regulations providing for the cutting-off of the supply in default of payment of any levy, the prevention of waste, and the proper maintenance, protection, and control of the waterworks and the supply of water therefrom. 5

(8) For the purposes of this section the term "waterworks" shall be deemed to include reservoirs, dams, tanks, pipes, buildings, machinery, and appliances of every kind for collecting, conveying, or regulating the supply of water, and shall also be deemed to include land acquired for catchment areas or for any other purpose connected with the construction or maintenance of waterworks. 10 15

9. No stamp duty shall be payable on any statutory declaration made for the purposes of the Land for Settlements Act, 1925. 20

10. (1) Section five of the Land for Settlements Amendment Act, 1927, is hereby amended by adding to subsection one the following proviso:—

" Provided that the Minister may, on the recommendation of the Land Board and on being satisfied that in the special circumstances of any case it would be reasonable and equitable so to do, remit rent or postpone the payment of rent in respect of any period or periods exceeding five years in the aggregate." 25

(2) The references in section six of the Land for Settlements Amendment Act, 1927, to section five of that Act shall be deemed to be references to that section as amended by this section. 30

Declarations under the Land for Settlements Act, 1925, exempt from stamp duty. See Reprint of Statutes, Vol. IV, p. 862

Extending powers of remission and postponement of rent under the Land for Settlements Act, 1925. Ibid., p. 922

SCHEDULE.

Schedule.

MISCELLANEOUS AMENDMENTS OF ENACTMENTS RELATING TO
NATIONAL-ENDOWMENT LANDS.

Title of Enactment.	Number of Section or Part affected.	Nature of Amendment.
1914, No. 68— The New Zealand University Amendment Act, 1914— (Reprint of Statutes, Vol. II, p. 1135)	Section 32	(i) By omitting all the words before the words “to the four affiliated institutions”, and substituting the words “The Minister of Finance shall distribute such sum as may be appropriated for the purpose”, (ii) By omitting from paragraph (a) the words “the last-named”, and substituting the word “such”.
1921-22, No. 43— The Forests Act, 1921-22— (Reprint of Statutes, Vol. III, p. 430)	Section 18	By omitting from subsection (2), as amended by section 2 of the Forests Amendment Act, 1925, the words “of national-endowment land or”.
1924, No. 31— The Land Act, 1924— (Reprint of Statutes, Vol. IV, p. 700)	Section 163	By omitting all words after the words “cancel the reservation”, and substituting the words “over any education reserve or endowment vested in the Crown pursuant to the Education Reserves Amendment Act, 1910, or any later enactment in substitution therefor, or over any part thereof, and upon such cancellation the Governor-General shall forthwith reserve in lieu thereof an area of equal value of ordinary Crown land”.
(Ibid., p. 753)	Section 278	By omitting from subsection (4) the words “national-endowment land or of any other”.
(Ibid., p. 754)	Section 279	By repealing this section.
(Ibid., p. 760)	Part VII ..	By repealing this Part.
1925, No. 15— The Land for Settlements Act, 1925— (Reprint of Statutes, Vol. IV, p. 880)	Section 49	By omitting from subsection (1) the words “or national-endowment land”.
1926, No. 49— The Land Laws Amendment Act, 1926— (Reprint of Statutes, Vol. IV, p. 824)	Section 9 ..	By repealing subsection (2).
(Ibid.)	Section 10	By repealing this section.
1927, No. 33— The Land Laws Amendment Act, 1927— (Reprint of Statutes, Vol. IV, p. 830)	Section 14	By repealing this section.
1930, No. 35— The Land Laws Amendment Act, 1930— (Reprint of Statutes, Vol. IV, p. 845)	Section 4 ..	By repealing this section.
(Ibid., p. 847)	Sections 12, 13, and 14	By repealing these sections.
(Ibid., p. 848)	Section 15	By repealing subsection (1).

SCHEDULE—*continued.*MISCELLANEOUS AMENDMENTS OF ENACTMENTS RELATING TO
NATIONAL-ENDOWMENT LANDS—*continued.*

Title of Enactment.	Number of Section or Part affected.	Nature of Amendment.
1930, No. 40— The Finance Act, 1930 (No. 2)— (Reprint of Statutes, Vol. IV, p. 850)	Section 18	By repealing subsections (1), (2), and (3).
1932, No. 11— The Finance Act, 1932 ..	First Schedule	By repealing so much of the First Schedule as relates to section 32 of the New Zealand University Amendment Act, 1914.
1932, No. 30— The Finance Act, 1932 (No. 2) ..	Section 2 ..	By repealing this section.
1935, No. 25— The Land Laws Amendment Act, 1935	Section 2 ..	By repealing subsection (2).