

LAND VALUATION COURT AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Land Valuation Court Act 1948.

Clause 1 relates to the Short Title.

Clause 2 confers general power on the Land Valuation Court to award costs to any party to an appeal to the Court, other than an appeal on a claim for compensation under the Public Works Act 1928 or in proceedings under the Land Settlement Promotion Act 1952. Special provisions applying in those cases appear in section 64 of the Statutes Amendment Act 1939 and in section 38 of the Land Settlement Promotion Act 1952.

The provision will bind the Crown.

At present, the Court, as a Court of record, has limited inherent jurisdiction to order costs. In the absence of express power to order costs, a Court of record may order costs only against a person who wrongly puts Court proceedings in motion and brings an innocent party to court to answer an unfounded claim. As a result, the Land Valuation Court has power at present to award costs to a successful respondent where an appeal is brought without justification and not otherwise, and has no power to award costs to a successful appellant.

Hon. Mr Hanan

LAND VALUATION COURT AMENDMENT

ANALYSIS

Title

1. Short Title
2. Orders as to costs

A BILL INTITULED

An Act to amend the Land Valuation Court Act 1948

BE IT ENACTED by the General Assembly of New Zealand
in Parliament assembled, and by the authority of the same,
5 as follows:

1. Short Title—This Act may be cited as the Land Valuation Court Amendment Act 1967, and shall be read together with and deemed part of the Land Valuation Court Act 1948* (hereinafter referred to as the principal Act).

10 **2. Orders as to costs**—The principal Act is hereby amended by inserting, after section 37, the following section:

“37A. (1) On the determination of any appeal to the Court (not being an appeal from a decision of a Land Valuation Committee on a claim for compensation under the Public
15 Works Act 1928 or in proceedings under the Land Settlement Promotion Act 1952), the Court may make such order as to the payment and amount of costs to any party to the appeal as it thinks fit.

“(2) This section shall bind the Crown.”

*1957 Reprint, Vol. 7, p. 727

Amendments: 1964, No. 96; 1965, No. 91; 1966, No. 68

No. 9—1