

*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,*

*27th November, 1945.*

*Hon. Mr. Skinner*

## SERVICEMEN'S SETTLEMENT AND LAND SALES AMENDMENT

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### A BILL INTITULED

AN ACT to amend the Servicemen's Settlement and Land Sales Act, 1943.

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 Servicemen's Settlement and Land Sales Amendment Act, 1945, and shall be read together with and deemed part of the Servicemen's Settlement and Land Sales Act, 1943 (hereinafter referred to as the principal Act).

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*Land Sales Committees*

Deputy  
Chairman of  
Committee.

2. Section seventeen of the principal Act is hereby amended by inserting, after subsection three, the following subsection:—

“(3A) One of the members of a Committee or a 5  
person appointed to be the deputy of the Chairman  
may be appointed by the Governor-General in Council  
to be the Deputy Chairman of the Committee. The  
Deputy Chairman shall have authority to act as the  
Chairman of the Committee in the event of the absence 10  
of the Chairman, and while so acting shall have all  
the powers of the Chairman.”

Orders of  
Committee may  
be signed by  
Registrar.

3. Section twenty of the principal Act is hereby amended by inserting in subsection one, after the words “by the Chairman or a member of the 15  
Committee”, the words “or by a Registrar”.

*Taking of Farm Land*

Right of  
owner to  
retain an  
economic  
holding.

4. (1) Section twenty-three of the principal Act is hereby amended by repealing the first proviso to subsection one, and substituting the following proviso:— 20

“Provided that—

“(a) No land shall be so taken unless in the opinion of the Land Sales Committee it is suitable or adaptable for the settlement of a discharged serviceman or of two or more 25  
discharged servicemen:

“(b) In any case where the owner is himself farming the land for the support of himself and his dependants, he shall have the right to retain an area which is, or (when utilized 30  
for the type of farming for which the land is most suitable or adaptable) will be, sufficient to support the average efficient farmer and his dependants, or, at his option, any smaller area, the area so retained in 35  
either case to contain the homestead if the owner so desires:”

(2) Paragraph (a) of the first proviso to subsection one of section twenty-three of the principal Act (as substituted by subsection one of this section) shall not 40

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apply with respect to the taking of any land for a purpose referred to in paragraph (a) or paragraph (b) of section eleven of this Act, but paragraph (b) of that proviso, so far as it is applicable, shall apply with  
5 respect to any land so taken or to the holding of which it forms part, as the case may be.

(3) Paragraph (b) of the said first proviso shall not apply with respect to any land taken under Part II of the principal Act in any case where the owner is  
10 farming any other land of an area which is or (when the land is utilized for the type of farming for which it is most suitable or adaptable) will be, sufficient to support the average efficient farmer and his dependants.

(4) For the purposes of Part II of the principal  
15 Act the term "owner", in relation to any land, means the legal owner or all the legal owners of the land; and, where the owner is the personal representative or trustee in the estate of a deceased person, any persons who would have been dependants of the deceased person  
20 if he were living shall be deemed to be dependants of the owner.

5. (1) Section twenty-five of the principal Act is hereby amended by repealing subsection three, and substituting the following subsections:—

Objections to specify area desired to be retained.

25 "(3) Where the owner desires to exercise the right to retain any part of the land under the first proviso to subsection one of section twenty-three of this Act, he shall claim that right in an objection under this section and shall set out therein a description of that  
30 part of the land showing its approximate area and its boundaries or approximate boundaries, whether or not he also objects to the taking of the balance of the land. If no such claim is made as aforesaid the owner shall be deemed to have waived his right to retain any part  
35 of the land if the land is taken.

"(4) If, after receiving an objection under this section, the Minister does not revoke the notice of his intention to take the land, the following provisions shall apply:—

40 "(a) If the objection does not relate to the right to retain part of the land, the Minister shall cause a copy of the objection to be filed in an office of the Land Sales Court:

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“(b) If the objection relates only to the right to retain part of the land and the Minister agrees to the retention of the area specified in the objection, the objection shall be deemed to be withdrawn: 5

“(c) If the objection relates to the right to retain part of the land (whether or not it also relates to the taking of the balance of the land) and the Minister does not agree to the retention of the area specified in the 10 objection, the Minister shall, within *thirty* days after receiving the objection, or within such further time as may be allowed by a Land Sales Committee, by notice in writing, make to the owner an offer of an area to 15 be retained, specifying its approximate area and its boundaries or approximate boundaries:

“(d) If the owner does not, within *fourteen* days after receiving a notice under paragraph (c) 20 hereof, agree to the area so offered, the Minister shall cause a copy of the objection and of that notice to be filed in an office of the Land Sales Court:

“(e) If the owner agrees to the area so offered 25 by the Minister and the objection relates only to the area to be retained, the objection shall be deemed to be withdrawn:

“(f) The objection may be withdrawn by the objector, either wholly or partly, at any 30 time.”

(2) Section twenty-seven of the principal Act is hereby amended by inserting in subsection one, after the words “disallows all such objections”, the words “or if all such objections are withdrawn or deemed 35 to be withdrawn”.

(3) Where a notice of the Minister's intention to take any land has been given under section twenty-four of the principal Act before the passing of this Act, the owner of the land may serve on the Minister an 40 objection or an amended objection claiming the right to retain part of the land at any time within *thirty* days after the service on him of a notice from the

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Minister of the passing of this Act. If no such objection is made as aforesaid the owner shall be deemed to have waived his right to retain any part of the land if the land is taken.

5      6. Section twenty-eight of the principal Act is hereby amended by omitting from the proviso to subsection three the words "arising out of the compulsory taking of the land", and substituting the words "incurred in the claimant's farming operations on the  
10 land by reason of the compulsory taking of the land."

Compensation for special loss to be limited to farming operations.

7. Section thirty-seven of the principal Act is hereby amended by adding the following subsection:—  
" (3) The mortgagor under any mortgage affecting any land taken under this Part of this Act shall be  
15 deemed to have the right to repay to the mortgagee the principal moneys secured by the mortgage, with interest up to the date of repayment only, at the expiration of six months from the day on which notice was received by the mortgagee of the taking of the  
20 land, unless an earlier date is provided in that behalf in the mortgage."

Right to repay mortgage affecting land taken.

*Control of Sale and Leases of Land*

8. Section forty-three of the principal Act is hereby amended by omitting from paragraph (b) and also  
25 from paragraph (c) of subsection one the words "not less than three years", and substituting in each case the words "not less than two years".

Part III to apply to leases for two years or more.

9. Section forty-three of the principal Act is hereby amended by repealing paragraph (g) of subsection two.

Part III to apply to purchase of land for charitable trusts.

30      10. Where, whether before or after the passing of this Act, a Land Sales Committee has made an order consenting (whether conditionally or unconditionally) to the sale to any purchaser of any estate or interest in land not being farm land and the vendor has refused  
35 or neglected to complete the transaction in accordance with the order, the vendor shall not, within twelve months after the date of the filing of the order, enter

Urban land withdrawn from sale to be sold only to servicemen.

into any contract or agreement for the sale or transfer of the land to any other purchaser who is not a serviceman or a discharged serviceman or the widow of a serviceman or of a discharged serviceman, or make any application for the consent of the Court to any such sale or transfer. 5

Authorizing taking of land outside boroughs for homes for discharged servicemen who are farming, or to facilitate settlement of discharged servicemen.

11. Part II and section fifty-one of the principal Act are hereby extended so as to apply, with the necessary modifications, as if the purpose of the settlement of a discharged serviceman included the following purposes:— 10

(a) The provision on any land not situated within any city, borough, or town district (whether or not it is farm land) of a home for a discharged serviceman farming or working on any farm land; and 15

(b) The utilization of any land not situated within any city, borough, or town district (whether or not it is farm land) for facilitating or ensuring the successful settlement of a discharged serviceman on any adjoining or neighbouring farm land— 20

and as if the references to farm land in the said Part II and section fifty-one included references to all such land as is referred to in paragraph (a) or paragraph (b) of this section. 25

Stamping of instruments.

12. Section sixty-five of the principal Act is hereby amended by repealing subsection two, and substituting the following subsection:—

See Reprint of Statutes, Vol. VII, p. 402

“(2) For the purposes of the Stamp Duties Act, 1923, the date of the execution of any instrument relating to any transaction to which Part III of this Act applies shall be deemed to be the date of the sealing of the order consenting to the transaction or the date of the actual execution of the instrument, whichever is the later.” 30 35