

SERVICEMEN'S SETTLEMENT BILL

EXPLANATORY NOTE

1. This Bill re-enacts with amendments the law relating to servicemen's settlement and land sales.

2. The most important amendment to the Part relating to servicemen's settlement is the provision that compensation is to be based on the market value of the land as at the date of its vesting in the Crown, instead of being based on the 1942 basic value as provided in the Servicemen's Settlement and Land Sales Act, 1943.

3. The Part relating to land sales is to apply only to sales of freehold farm land and sales of farm land comprised in West Coast settlement leases. Control is to be exercised not for the purpose of fixing prices, but to establish the principle that farm land that is suitable or adaptable for servicemen's settlement is to be farmed personally by a discharged serviceman or by a child or grandchild of the present owner. Sales of leases or licences of Crown land are also made subject to this principle.

4. The Act is to expire on 30th June, 1952.

VALUE OF LAND

5. *Clause 3* provides that the value of land for the purposes of the Act is to be the current market value. It is to be determined by an order of the Land Valuation Court as the sum which the land might be expected to realize if offered for sale, unencumbered, on such reasonable terms and conditions as a *bona fide* seller might be expected to require and as a willing but prudent and informed purchaser might be expected to accept. Provision is made for the determination of the 1942 basic value of land in accordance with section 53 of the Servicemen's Settlement and Land Sales Act, 1943, because it is proposed to settle discharged servicemen at that basic value, subject to their giving a suspensory mortgage for the balance of the market value.

PART I—SETTLEMENT OF DISCHARGED SERVICEMEN

6. *Clause 4* authorizes the Minister to take land for the settlement of discharged servicemen. The power extends to farm land that is suitable or adaptable for the settlement of discharged servicemen, and any rural land that is suitable or adaptable for a home or would otherwise facilitate the settlement of a discharged serviceman. Besides freehold land, the interest of the lessee or licensee under a lease or licence of Crown land or a lease under the West Coast Settlement Reserves Act, 1892, may be taken. The existing right of an owner to retain an area sufficient for the support of himself and his family (including the homestead) is retained.

7. *Clauses 5 to 8* set out the procedure (as in the 1943 Act) for notice of intention to take the land, the making and determination of objections, and the taking of the land by *Gazette* notice.

8. *Clause 9* provides for adjustments in the rent, or purchase money and interest, when part of the land comprised in a lease or licence is taken.

9. *Clauses 10 to 12* provide for compensation as in the 1943 Act, except that, under *clause 10 (3)*, the compensation is to be based on the current market value, and may be increased by the Land Valuation Court on account of any special loss caused by the compulsory taking of the land.

10. *Clause 13* enables the Minister to discontinue proceedings for the taking of land, upon payment to the owner of the costs and expenses incurred by him.

11. *Clause 14* authorizes the Public Trustee to claim compensation on behalf of any owner whose address is unknown.

12. *Clauses 15 to 20* repeat the provisions of the 1943 Act as to the application of compensation where there is doubt as to the person entitled, or as to the rights of persons having different shares or interests in the land, and also the provisions as to cases where the land is subject to a mortgage, a rentcharge, or the payment of rent.

13. *Clause 21* requires an owner who receives notice that the Crown intends to take his land to see that the land is not suffered to deteriorate before it becomes vested in the Crown.

14. *Clauses 22 and 23* authorize the Land Settlement Board, by its agents, to carry out works on the land before it is vested in the Crown, and to enter on any land to inspect, value, or survey it at any time.

PART II—CONTROL OF SALES OF FARM LAND

15. *Clause 24* provides that this Part is to apply to sales of freehold farm land and to sales of the lessees' interests under leases granted under the West Coast Settlement Reserves Act, 1892, as well as to options for such sales. *Subclause (2)* sets out various exemptions, on the lines of the existing exemptions under the 1943 Act.

16. *Clause 25* prohibits all sales to which this Part applies unless they are entered into subject to the consent of the Land Valuation Court, and application for the consent of the Court is made within one month (or three months in the case of the Chatham Islands).

17. *Clause 26* declares all such sales to be void unless *clause 25* is complied with and the consent of the Court is granted.

18. *Clause 27* authorizes the District Land Registrar to require evidence of compliance with the Act before he registers any transfer or other instrument.

19. *Clause 28* sets out the procedure for applications for the consent of the Court. In accordance with the Land Valuation Court Act, 1948, applications will be dealt with by the local Land Valuation Committees, subject to a right of appeal to the Court.

20. *Clause 29* enables the Committee to grant consent in a clear case without hearing evidence.

21. *Clause 30* provides that, where the purchaser is a discharged serviceman or a child or grandchild of the vendor, the Committee is to grant consent in each of the following cases, but in all other cases is to refuse the application. Consent is to be granted—

- (a) If the purchaser intends to reside personally on the land and farm it exclusively for his own use and benefit; or
- (b) If the land is not suitable or adaptable for the settlement of discharged servicemen; or
- (c) If the Minister consents to the application.

22. *Clause 31* relates to applications for consent to transactions where the purchaser is neither a discharged serviceman nor a child or grandchild of the vendor. The Committee is to grant the application if—

- (a) The Crown does not intend to acquire or arrange for the acquisition of the land under the Act; and
- (b) Where the land is suitable or adaptable for servicemen's settlement, the purchaser intends to reside personally on the land and farm it exclusively for his own use and benefit.

If not satisfied that the above conditions exist, the Committee is to adjourn the application for at least one month, and during that time the Minister may either—

- (a) Take the land under Part I, in which case the purchase price shall be deemed to be the value of the land for compensation purposes; or
- (b) Nominate a discharged serviceman to be substituted for the purchaser, in which case the transaction will be consented to and be binding on the vendor and the substituted purchaser. The full amount of the price will be paid to the vendor, but it is intended that the ultimate liability of the purchaser will be limited to the 1942 basic value if he complies with the conditions laid down by the Crown.

If the Minister does not exercise either of the above options, and (where the land is suitable or adaptable for servicemen's settlement) the purchaser intends to reside personally on the land and farm it exclusively for his own use and benefit, the Committee is to consent to the transaction.

Except as expressly provided above, every application for consent to any transaction to which *clause 31* applies is to be refused.

23. *Clause 32* nevertheless requires the Committee to refuse an application where the transaction would cause an undue aggregation of farm land. *Subclause (2)* requires the Maori Land Court to act on the same principle when dealing with applications for the confirmation of dealings with Maori land.

24. *Clause 33* provides that where consent to a sale has been granted on the ground that the purchaser intends to reside on the land and farm it, and he fails to do so, and the land is taken under Part I, the purchaser is to have no right to object except on the ground that he has not in fact failed or ceased to reside on the land and farm it.

25. *Clause 34* provides for the revocation of consents gained by fraud or misrepresentation.

26. *Clause 35* provides that where a transaction relates partly to land to which Part II applies and partly to Crown leasehold land, the Land Valuation Committee is to deal with the whole transaction, being bound, in relation to the Crown leasehold land, by the same Acts and regulations as if it were the Land Settlement Board.

27. *Clause 36* relates to applications for the consent of the Land Settlement Board to a sale of a lease or licence of Crown land where the purchaser is neither a discharged serviceman nor a child or grandchild of the vendor. In such cases the procedure is the same as that provided in *clause 31* in relation to applications for the consent of the Land Valuation Court. This means that, unless the Crown does not intend to acquire or arrange for the acquisition of the leasehold interest, the application is to be adjourned for at least one month, during which time the Minister may either take the land or nominate a discharged serviceman as a substituted purchaser, with the same consequences in either case as provided in *clause 31*.

PART III—MISCELLANEOUS

28. *Clause 37* provides the method of serving documents under the Act.

29. *Clause 38* provides that the death of the vendor is not to affect any application or order for consent to any transaction.

30. *Clause 39* empowers the Court to award costs, and *clause 40* authorizes the making of regulations fixing the maximum fees that may be charged by solicitors.

31. *Clauses 41 to 44* repeat existing machinery provisions relating to stamp duty, regulations, and offences.

32. *Clause 45* repeals the Servicemen's Settlement and Land Sales Act, 1943, and its amendments, but matters relating to land taken before the date of the commencement of the new Act, and transactions entered into before that date, are to be dealt with as if the old Act were still in force.

33. *Clause 46* provides that the Act is to expire on 30th June, 1952.

Hon. Mr. Corbett

SERVICEMEN'S SETTLEMENT

Title.	ANALYSIS
1. Short Title and commencement.	16. How compensation in case of limited interests to be dealt with.
2. Interpretation.	17. Public Trustee may invest compensation money.
3. Value of land.	18. Mortgaged lands.
	19. Lands subject to rentcharge.
	20. Lands on which rent is payable.
PART I	
SETTLEMENT OF DISCHARGED SERVICEMEN	
<i>Taking of Farm Land</i>	
4. Power to take land for settlement of discharged servicemen.	
5. Notice of intention to take land.	21. Land taken to be properly farmed until date of vesting.
6. Objections.	22. Power to carry out works on land before date of vesting.
7. Hearing of objection by Land Valuation Committee.	23. Entry on land for purposes of inspection, &c.
8. Land to be taken by notice in <i>Gazette</i> .	
9. Adjustments in leases and licences where interest in part of land is taken.	
<i>Compensation</i>	
10. Compensation.	
11. Claims for compensation.	
12. Order awarding compensation.	
13. Power to discontinue proceedings on payment of costs and expenses.	
<i>Title to and Application of Compensation</i>	
14. Public Trustee to represent absentee claimants.	
15. When title doubtful, compensation to be paid into Public Trust Office.	
	24. Transactions to which this Part applies.
	25. Prohibiting transactions without consent of Court.
	26. Transactions in contravention of this Part of this Act to be invalid.
	27. Powers of District Land Registrar and Registrar of Deeds.

<i>Applications for Consent</i>	
28. Applications for consent.	36. Applications for consent of Land Settlement Board to sale of leases and licences in certain cases.
<i>Granting or Refusal of Consent</i>	
29. Consent without hearing in certain cases.	
30. Where purchaser is a discharged serviceman, or a child or grandchild of vendor.	
31. Where purchaser is neither a discharged serviceman nor a child or grandchild of vendor.	
32. Prohibiting undue aggregation of farm land.	
33. Taking of land where purchaser ceases to reside on it and farm it.	
34. Power to revoke consent in certain cases.	
<i>Transfers of Leases and Licences of Crown Land</i>	
35. Land Valuation Committee may consent to transactions on behalf of Land Settlement Board.	
	PART III
	MISCELLANEOUS
	37. Service of notices or documents.
	38. Death of vendor not to affect application or order for consent.
	39. Power to award costs.
	40. Solicitors' fees.
	41. Stamping of instruments to which this Act applies.
	42. Exemptions from stamp duty and registration fees.
	43. Regulations.
	44. Offences.
	45. Repeals and savings.
	46. Duration of Act. Schedule.

A BILL INTITULED

Title.

AN ACT to Consolidate and Amend the Law Relating to the Acquisition of Land for the Settlement of Discharged Servicemen, and to the Control of Sales of Farm Land.

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

Short Title and commencement.

1. (1) This Act may be cited as the Servicemen's Settlement Act, 1950.

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(2) This Act shall come into force on the first day of *November*, nineteen hundred and fifty.

Interpretation.

2. In this Act, unless the context otherwise requires,—

“Agricultural purposes” has a meaning corresponding to the term “agriculture”, which for the purposes of this definition means the cultivation of the soil for the production of food products and other useful products of the soil, and includes the use of land for horticultural or pastoral purposes, or for the keeping of pigs, bees, or poultry:

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“Court” means the Land Valuation Court constituted under the Land Valuation Court Act, 1948;

- “ Crown land ” means land administered by the Land Settlement Board; but does not include any land that is subject to section one hundred and sixty-nine of the Land Act, 1948: 1948, No. 64
- 5 “ Discharged serviceman ” has the same meaning as in Part I of the Rehabilitation Act, 1941: 1941, No. 25
- “ Farm land ” means land that, in the opinion of the Land Valuation Committee or, as the case may be, of the Land Valuation Court, is or should be used exclusively or principally for agricultural purposes:
- 10 Provided that, where land that is being used exclusively or principally for agricultural purposes could, in the opinion of the Committee or, as the case may be, of the Court, be used with greater advantage to the community generally for non-agricultural purposes, it shall for the purposes of this Act be deemed not to be farm land:
- 15 “ Land Settlement Board ” means the Land Settlement Board established under the Land Act, 1948: 1948, No. 64
- 20 “ Land Valuation Committee ” means a Land Valuation Committee appointed under the Land Valuation Court Act, 1948; and the expression “ the Land Valuation Committee ” or “ the Committee ”, when used in relation to any land or transaction, means the particular Land Valuation Committee to which any application or other matter arising under this Act and relating to that land or transaction has been referred:
- 25 “ Lease ” and “ licence ” have the same meanings respectively as in the Land Act, 1948: 1948, No. 64
- 30 “ Minister ” means the Minister of Lands:
- “ Transfer ” includes a conveyance, assignment, or other disposition:
- 35 “ West Coast settlement land ” means land subject to the West Coast Settlement Reserves Act, 1892, No. 22
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Value of land.

3. (1) For the purposes of this Act—

(a) The value of any land or of any estate or interest in land at any time (other than the 1942 basic value) shall be the sum determined by an order of the Land Valuation Court as being the sum which the land or estate or interest might be expected to realize at that time if offered for sale, unencumbered by any mortgage or other charge thereon, on such reasonable terms and conditions as a *bona fide* seller might be expected to require and as a willing but prudent and informed purchaser might be expected to accept: 5

(b) The 1942 basic value of any land or estate or interest in land means the basic value thereof as determined for the purposes of this Act by an order of the Land Valuation Court in accordance with the provisions of section fifty-three of the Servicemen's Settlement and Land Sales Act, 1943. 15 20

1943, No. 16

(2) An order of the Land Valuation Court determining the 1942 basic value of any land or estate or interest in land may be made at any time when required for the purposes of any proceedings under this Act, or when an application therefor is made by the Minister or by any person authorized by him. 25

PART I

SETTLEMENT OF DISCHARGED SERVICEMEN

Taking of Farm Land

Power to take land for settlement of discharged servicemen.

4. (1) In order to provide for the settlement of a discharged serviceman or of two or more discharged servicemen the Minister may take— 30

(a) Any farm land that, in the opinion of the Land Valuation Committee, is suitable or adaptable for the settlement of a discharged serviceman or of two or more discharged servicemen: 35

(b) Any land not situated within any city, borough, or town district (whether or not it is farm land) that, in the opinion of the Land Valuation Committee, is suitable or adaptable for a home 40

for a discharged serviceman farming or working on any farm land, or would facilitate the settlement of a discharged serviceman on any adjoining or neighbouring land.

5 (2) Any such land may be taken notwithstanding that it may be the whole or a part of the land comprised in—

(a) A lease or licence of Crown land:

(b) A lease of West Coast settlement land,—

and, unless the context otherwise requires, every
10 reference in this Act to land shall accordingly, in its application to any land comprised in any such lease or licence, be deemed to be a reference to the interest of the lessee or licensee in the land.

(3) Except as provided in subsection *two* of this
15 section, no land shall be so taken if it is—

(a) Maori land within the meaning of the Maori Land Act, 1931:

See Reprint
of Statutes,
Vol. VI, p. 103

(b) Land held or administered by any statutory trustee or statutory Board or body for or on
20 behalf of Maoris within the meaning of that Act.

(4) In any case where the owner of any land so taken is himself farming the land for the support of himself and his dependants, he shall have the right to retain an
25 area which is, or (when utilized 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 either case to contain the homestead
30 if the owner so desires:

Provided that this subsection shall not apply in any case where the owner is farming any other land of an area which is, or (when utilized for the type of farming for which the land is most suitable or adaptable) will be,
35 sufficient to support the average efficient farmer and his dependants.

(5) For the purposes of this Part of this Act the term "owner", in relation to any land, means the legal owner or all the legal owners of the land or, in the case
40 of Crown land or West Coast settlement land, means the lessee or licensee 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 if he were living shall
45 be deemed to be dependants of the owner.

1948, No. 64

Notice of
intention to take
land.

Objections.

(6) Nothing in this section shall be deemed to affect the power of the Crown to acquire land by way of purchase or by way of gift or otherwise under the Land Act, 1948, or any other Act.

5. (1) Whenever the Minister intends to take any land under this Part of this Act he shall give notice of his intention to the owners and occupiers of the land and to all other persons having any interest in the land, so far as they can be ascertained. 5

(2) Every notice under this section shall specify the date on which possession of the land is required, and a date (not being less than thirty days after the date of the notice) on or before which objections may be made under the *next succeeding* section. 10

(3) Every notice relating to part only of any property shall have attached thereto a plan or diagram showing the boundaries and area of the land to which the notice relates. 15

(4) Any notice under this section may be at any time revoked by a subsequent notice under this section. 20

6. (1) Any owner or occupier of any land affected by a notice under the *last preceding* section or any other person having any interest in the land may object to the taking of the land.

(2) Every objection under this section shall be made in writing setting out the grounds of the objection, and shall be served on the Minister within the time specified in that behalf in the notice of intention to take the land. 25

(3) Where the owner desires to exercise the right to retain any part of the land under subsection *four* of section *four* of this Act, he shall claim that right in an objection under this section and shall set out therein a description of that 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 of the land if the land is taken. 30 35

(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 Valuation Court: 45

- (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 objection, the Minister shall, within thirty days after receiving the objection, or within such further time as may be allowed by the Land Valuation Committee, by notice in writing, make to the owner an offer of an area to be retained, specifying its approximate area and its boundaries or approximate boundaries, or notify the owner that the Minister does not consider the owner to be entitled to retain any part of the land:
- 10 (d) If the owner does not, within fourteen days after receiving a notice under paragraph (c) of this subsection, agree to the area so offered or, as the case may be, agree that no part of the land shall be retained, the Minister shall cause a copy of the objection to be filed in an office of the Land Valuation Court:
- 15 (e) If the owner agrees to the area so offered by the Minister or, as the case may be, agrees that no part of the land shall be retained and the objection relates only to the area to be retained, the objection shall be deemed to be withdrawn:
- 20 (f) The objection may be withdrawn by the objector, either wholly or partly, at any time.

7. After any such objection has been heard by a Land Valuation Committee or by the Court pursuant to the Land Valuation Court Act, 1948, the Committee or the Court may make an order allowing the objection or disallowing it either unconditionally or upon or subject to such conditions (whether as to the date of vesting or as to the area of land to be taken or otherwise) as the Committee or the Court thinks fit:

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Hearing of
objection by
Land
Valuation
Committee.
1948, No. 50

Provided that the area of land to be taken shall not be varied by the inclusion of any additional land without the consent of the objector.

Land to be
taken by notice
in *Gazette*.

8. (1) If no objection is made as aforesaid to the taking of the land specified in any such notice, or if the order of the Court disallows all such objections, or if all such objections are withdrawn or deemed to be withdrawn, the Minister may, by notice in the *Gazette*, declare that the land is taken for the settlement of discharged servicemen. 5

(2) Subject to any conditions imposed under section *seven* of this Act, the land so taken shall be the land specified in the notice of intention to take the land, except where the Minister, at the request of the owners and occupiers, agrees to a variation of the area to be taken, whether by the exclusion of any part of the land or by the inclusion of any additional land. 10

(3) Upon a date to be specified in that behalf in the *Gazette* notice (in this Part referred to as the date of vesting) the land specified in the *Gazette* notice shall be deemed to be vested in His Majesty the King, and to be freed from all restrictions, incumbrances, liens, and interests, except those specified in that behalf in the notice. 15 20

(4) Upon the vesting in His Majesty of any land comprised in a lease or licence of Crown land, the interest of the lessee or licensee in that land shall be deemed to be merged in the interest already possessed by His Majesty, and the land shall be deemed to be Crown land subject to the Land Act, 1948. 25

1948, No. 64

(5) Upon the vesting in His Majesty as aforesaid of any land other than land comprised in a lease or licence of Crown land, the land, or (in the case of any West Coast settlement land) the interest of the lessee therein, shall be deemed to be Crown land subject to the Land Act, 1948. 30

(6) Where—

(a) The land in respect of which the interest of the lessee or licensee is vested in His Majesty as aforesaid is the whole or a part of the land comprised in a certificate of title in the name of His Majesty; or 35

(b) The land or interest vested in His Majesty as mentioned in subsection *five* of this section is the whole or a part of the land comprised in a certificate of title in the name of the owner or lessee,— 40

the District Land Registrar shall, as the case may require, cancel the certificate of title either wholly or so far as it relates to that part of the land comprised therein. No such cancellation shall in any way affect the
 5 rights of any person entitled to any registered easement not acquired by His Majesty. Every certificate of title that is partially cancelled under this subsection shall be retained by the District Land Registrar, who shall, when required by the person entitled thereto, issue to that
 10 person, without payment of any fee, a certificate of title for the balance of the land comprised in the partially cancelled certificate of title.

9. (1) Upon the vesting in His Majesty under the *last preceding* section of the interest of the lessee or
 15 licensee in any part of the land comprised in any lease or licence (other than a deferred payment licence), the rent payable under the lease or licence shall be abated in the proportion of the whole rent payable thereunder which the value of that part of the land bears to the
 20 value of the whole of the land originally comprised in the lease or licence, excluding in each case the value of the improvements on the land belonging to the lessee or licensee. In the event of any dispute as to those values, or any of them, the matter shall be decided by the Land
 25 Valuation Committee in accordance with the provisions of this Act.

(2) On the vesting in His Majesty under the *last preceding* section of the interest of the licensee in any part of the land comprised in any licence to occupy
 30 pending the completion of the purchase under a system of deferred payments, the purchase money payable by the licensee under the licence shall be reduced by a proportion thereof equal to the proportion which the value of that part of the land bears to the value of the
 35 whole of the land originally comprised in the licence, excluding in each case the value of the improvements on the land belonging to the licensee, and thereupon such adjustments as may be necessary shall be made in respect of future instalments of purchase money and interest.
 40 In the event of any dispute as to those values, or any of them, the matter shall be decided by the Land Valuation Committee in accordance with the provisions of this Act.

Adjustments in leases and licences where interest in part of land is taken.

Compensation

Compensation.

10. (1) Every person having any estate or interest in any land taken under this Part of this Act shall be entitled to compensation therefor.

(2) In any case where land is taken under this Part of this Act the Minister shall offer such sum as he thinks fit, and if the offer is not accepted by the claimant the compensation payable shall be ascertained by the Land Valuation Court as hereinafter provided. 5

(3) The amount of compensation to be awarded on a claim under this Part of this Act shall be the value (as at the date of vesting) of the claimant's estate or interest, based on the value of the land as determined under this Act: 10

Provided that the Court may add to the compensation as so assessed such amount or amounts as the Court considers the claimant to be entitled to by reason of any special loss caused to the claimant by reason of the compulsory taking of the land; and full particulars of every amount so added and of the grounds on which it is added shall be specified in the award of the Court. 15 20

Claims for compensation.

11. (1) No claim for compensation under this Part of this Act shall be made after a period of six months from the date of vesting specified in the *Gazette* notice taking the land. 25

(2) Every claim for compensation shall be made in writing in the prescribed form or to the like effect, and shall be filed in the office of the Court nearest to the land to which the claim relates.

(3) A copy of the claim shall be served on the Minister. 30

(4) In any case where no claim is made as aforesaid, the Court may, upon the application of the Minister, deal with the matter as if a claim had been made in accordance with this section. 35

Order awarding compensation.

12. Every order of the Court determining a claim for compensation shall be final as regards the amount awarded, but shall not be deemed to be final as regards the right or title of the claimant or any other person to receive the compensation or any part thereof. 40

Power to discontinue proceedings on payment of costs and expenses.

13. (1) At any time before an order fixing the compensation to be paid in respect of the taking of any land has been made, the Minister may discontinue the proceedings on terms of paying costs and expenses as hereinafter provided. 45

(2) The discontinuance shall be effected by gazetting a notice by the Minister that the *Gazette* notice taking the land is revoked and the proceedings are discontinued.

5 (3) A copy of the notice shall be filed in the office of the Court nearest to the land to which the notice relates, and a copy shall be served on each claimant.

(4) The claimants shall be entitled to payment of the proper costs and expenses incurred up to the date of the discontinuance, and the amount thereof shall, where
10 necessary, be fixed by the Court.

Title to and Application of Compensation

14. In any case where any person who has any right or title to prefer a claim for compensation is not known, or is absent from New Zealand and has no known agent
15 in New Zealand, or is deceased and has no personal representatives, the Public Trustee, if the Court so directs, shall represent the claimant and may act on his behalf in all matters incident to the claim or the hearing thereof, and in every such case the moneys payable as
20 compensation shall be paid into the Public Trust Office and shall there remain subject to the provisions of the *next succeeding* section.

Public Trustee to represent absentee claimants.

15. If any doubt or dispute arises as to the right or title of any person to receive any compensation awarded
25 under this Part of this Act, or any compensation agreed to be paid by the Minister under this Part of this Act,—

When title doubtful, compensation to be paid into Public Trust Office.

(a) In the case of compensation awarded by the Court, the Minister may, within the period of
30 sixty days after the sealing of the order awarding the compensation, cause the sum awarded to be paid into the Public Trust Office; and the Public Trustee shall deal with and apply the moneys in such manner and shall pay them to such persons as the Supreme Court, upon the application of any of the parties
35 interested, may order:

(b) In the case of compensation agreed to be paid, the Minister may pay the same into the Public Trust Office; and the Supreme Court may make
40 such order in relation thereto, upon the application of any of the parties interested, as it thinks just and proper; and the Public Trustee shall deal with and pay the compensation in accordance with that order:

(c) In any case which may be heard or disposed of by the Supreme Court under this section, that Court may order that all or any costs incurred in or in relation to the case, either before the Land Valuation Court or before the Supreme Court, shall be paid by such of the parties, whether claimant, Minister, or a person interested as aforesaid, or that the costs be apportioned between such parties in such manner respectively as the Supreme Court may order; and that Court may vary or revoke any order previously made by the Land Valuation Court as to costs. 5 10

How compensation in case of limited interests to be dealt with.

16. (1) If compensation has been awarded or has been agreed to be paid under this Part of this Act in respect of land or any interest therein taken from any person having a partial or qualified interest only in the land, and not entitled to sell or convey the same, the compensation shall be dealt with as follows:— 15 20

(a) If the compensation amounts to two hundred pounds or upwards, it shall be paid into the Public Trust Office, and the Public Trustee shall apply the same, upon an order of the Supreme Court made on the application of any person claiming any interest in the same, to one or more of the following purposes, that is to say:— 25

(i) To the discharge of any debt or incumbrance affecting the land, or affecting any of the land settled therewith, or to the same or like uses, trusts, or purposes: 30

(ii) In the purchase of other lands to be transferred, limited, and settled upon the like uses, trusts, or purposes:

(iii) In removing any buildings on the said land, or substituting others in their stead: 35

(iv) In the purchase of such securities as the Supreme Court may direct, to be settled in the same manner as the said land:

(v) In payment to any party becoming absolutely entitled thereto: 40

(b) If the compensation is more than twenty but less than two hundred pounds it shall be paid into the Public Trust Office, and the Public Trustee may apply the same to any of the above mentioned purposes; but no order of the Supreme Court shall be necessary:

(c) If the compensation is not more than twenty pounds it shall be paid to the parties entitled to the rents and profits of the land; or, in the case of the disability or incapacity of the parties, to their respective husbands, guardians, committees, or trustees, as the case may be.

(2) The provisions of this section shall not be deemed to prevent any person who has a partial or other qualified interest in land to which interest he is solely entitled, and which he may absolutely sell or dispose of, from receiving any compensation in respect of that interest to which he may be declared entitled under any order, or which has been agreed to be paid to him as aforesaid.

17. Until any compensation deposited in the Public Trust Office under this Part of this Act is applied as provided by the *last preceding* section the Public Trustee shall invest the same upon investments upon which any moneys in the Public Trust Office may by law be invested, and shall pay the annual proceeds thereof to the party for the time being entitled to the rents and profits of the land in respect of which the compensation was awarded or agreed to be paid.

Public Trustee may invest compensation money.

18. (1) If the land in respect of which compensation is awarded or agreed to be paid is subject to a mortgage, the compensation, or so much thereof as is required for the purpose shall, upon the application of the mortgagee, be paid in discharge of the mortgage debt, or of part thereof, so far as the compensation will go: and, if the land is a part of lands subject to a mortgage debt, and the mortgagee requires a part of the debt to be discharged, the Land Valuation Court, unless the parties otherwise agree, shall determine what part of the compensation shall be paid in discharge of part of the

Mortgaged lands.

mortgage debt, so that the remaining part of the mortgaged lands constitute as good security as theretofore for the part of the mortgage debt remaining undischarged.

(2) In this section the expression " mortgage debt ", 5
in relation to any mortgage, includes the interest payable on the mortgage up to six months beyond the day on which notice was received by the mortgagee of the land affected being taken under this Part of this Act.

(3) The mortgagor under any mortgage affecting 10
any land taken under this Part of this Act shall be deemed to have the right, on giving to the mortgagee not less than one month's notice in writing of his intention so to do, to repay so much of the principal moneys secured by the mortgage as does not exceed the amount of compensa- 15
tion awarded or agreed to be paid in respect of so much of the land taken as was subject to the mortgage, with interest up to the date of repayment only or the date of expiration of the said notice only, whichever date is the later, at the expiration of six months from the day on 20
which notice was received by the mortgagee of the taking of the land, unless an earlier date is provided by the mortgage. Where any question arises as to what portion of the compensation moneys was awarded or agreed to be paid in respect of so much of the land taken as was 25
subject to the mortgage, that question, unless the parties otherwise agree, shall be determined by the Land Valuation Court.

(4) Nothing contained in the *last preceding* subsection shall in any way affect the rights of the mortgagee under 30
subsection *one* of this section to require the whole or part of the compensation moneys to be paid in discharge or partial discharge of the mortgage debt.

Lands subject
to rentcharge.

19. (1) If the land is subject to any rentcharge, unless the parties otherwise agree, the Land Valuation 35
Court shall determine what part of the compensation shall be paid to the party entitled to the rentcharge in redemption thereof; and, if the land is part of land subject to any rentcharge, the Court shall determine what part of the compensation shall be paid in the redemption 40
thereof, so that the remaining part of the land subject to the rentcharge shall be as good security as theretofore for the part of the rentcharge remaining unredeemed.

(2) In this section the expression "rentcharge" includes an annuity.

20. If the land is part of land in respect of which any rent is payable, unless the parties otherwise agree, the Land Valuation Court shall determine what part of the rent shall cease to be payable, so that the rent ceasing to be payable shall bear the same proportion to the whole rent as the value of the land in respect of which compensation is awarded or agreed to be paid bears to the value of the whole land.

Lands on which rent is payable.

Miscellaneous

21. (1) During the period between the giving of the notice of intention to take any land under this Part of this Act and the date of the vesting of the land in His Majesty, the owner or occupier of the land—

Land taken to be properly farmed until date of vesting.

(a) Shall continue to farm the land in accordance with the accepted practice of good husbandry in the district in which the land is situated:

(b) Shall maintain all buildings, fences, structures, and fixtures on the land in good and substantial repair, excepting depreciation from fair wear and tear, weather, or natural causes without neglect of the owner or occupier, damage by fire, earthquake, tempest, or inevitable accident:

(c) Shall not overstock the land to the extent that the grazing value of the land may be injuriously affected:

(d) Shall not do anything upon or under the land with the purpose or effect of rendering the development or settlement of the land more difficult or costly.

(2) If any owner or occupier fails to comply with the provisions of this section the Court may reduce the compensation to be awarded to him by the amount of the loss or damage caused by the non-compliance, and may if necessary amend its award accordingly.

22. (1) Any person authorized by the Land Settlement Board either specially or generally may from time to time after the publication in the *Gazette* of the notice taking any land under this Part of this Act and before the date of the vesting of the land in His Majesty enter

Power to carry out works on land before date of vesting.

upon the land and carry out any works or do any other things considered necessary for the purpose of promoting the development or settlement of the land.

(2) Any person having any estate or interest in the land who is prejudicially affected by the exercise of the powers conferred by this section shall be entitled to compensation therefor as for a special loss under this Part of this Act. 5

(3) The value of any improvements effected under this section shall not be taken into account by the Court in assessing the value of the land for the purposes of compensation. 10

Entry on
land for
purposes of
inspection, &c.

23. Any person authorized by the Land Settlement Board either specially or generally may enter on any land at any time for the purpose of making any inspection, valuation, or survey for the purposes of this Part of this Act. 15

PART II

CONTROL OF SALES OF FARM LAND

Consent of Court Required to certain Transactions 20

Transactions
to which this
Part applies.

24. (1) Subject to the provisions of this section, this Part of this Act shall apply to—

(a) Every contract or agreement for the sale or transfer of any freehold estate or interest in farm land, whether legal or equitable, or for the granting of an option to purchase or otherwise acquire any such estate or interest: 25

(b) Every contract or agreement for the sale or transfer of the interest of the lessee in any lease of West Coast settlement land, whether legal or equitable, or for the granting of an option to purchase or otherwise acquire any such interest. 30

(2) Nothing in this Part of this Act shall apply with respect to— 35

(a) Any transaction entered into before the commencement of this Act, or the exercise of any option granted before the commencement of this Act:

(b) Any contract or agreement for the transfer of any estate or interest without any valuable consideration in money or money's worth: 40

- (c) Any contract or agreement for the transfer of any estate or interest by way of security only or for the retransfer of property so transferred on the discharge of the security:
- 5 (d) Any contract or agreement for the transfer of any estate or interest from a trustee to a trustee on the appointment of a new trustee or the retirement of a trustee:
- 10 (e) Any contract or agreement for the transfer by a trustee, executor, or administrator to a beneficiary of any estate or interest to which the beneficiary is entitled under any trust, will, or intestacy:
- 15 (f) Any contract or agreement for the sale or transfer of any estate or interest by or to the Crown:
- (g) Any transaction for which the consent of the Land Settlement Board is required under any Act or regulations:
- 20 (h) Any transaction in respect of which the confirmation of the Maori Land Court is required under Part XIII or Part XVIII of the Maori Land Act, 1931, or any transaction which is effected by an order of the Maori Land Court or of the Maori Appellate Court:
- 25 (i) Any contract or agreement for the sale or transfer of any estate or interest by or by direction of the Board of Maori Affairs or any Maori Land Board or to any such Board:
- 30 (j) Any transaction for which the approval, consent, or permission of the Minister of Maori Affairs or of the Board of Maori Affairs or of both that Minister and that Board is required under any Act or regulations:
- 35 (k) Any contract or agreement for the dedication of a road or street:
- (l) Any contract or agreement for the sale or transfer of any estate or interest by the Government of a foreign state to the Government of any other foreign state:
- 40 (m) Any contract or agreement for the sale or transfer of any estate or interest by a trustee, executor, or administrator to a purchaser pursuant to an option given in any trust or will:
- 45

See Reprint
of Statutes,
Vol. VI, p. 103

- (n) Any contract or agreement for the granting of an option where the exercise of the option would result in a transaction of a class to which this Part of this Act does not apply:
- (o) Any transaction of a class for the time being exempted from this Part of this Act by regulations made under this Act. 5

Prohibiting transactions without consent of Court.

25. (1) Where any transaction to which this Part of this Act applies is entered into, the transaction shall be deemed to be entered into in contravention of this Part of this Act unless— 10

- (a) The transaction is entered into subject to the consent of the Court; and
- (b) An application for the consent of the Court to the transaction is made within one month after the date of the transaction or, in the case of a transaction relating to land situated in the Chatham Islands, within three months after the date of the transaction. 15

(2) No person shall— 20

- (a) Enter into any transaction in contravention of this Part of this Act whether as vendor, purchaser, or other party, and whether as principal or agent; or
- (b) Procure or induce any other person to enter into any transaction in contravention of this Part of this Act. 25

(3) No person shall be entitled to any commission, reward, or other valuable consideration in respect of any transaction entered into in contravention of this Part of this Act. 30

Transactions in contravention of this Part of this Act to be invalid.

26. (1) Where any transaction is entered into in contravention of this Part of this Act, or where any condition upon or subject to which the Court grants its consent to any transaction is not complied with, the transaction shall be deemed to be unlawful and shall have no effect. 35

(2) Where any transaction to which this Part of this Act applies is entered into subject to the consent of the Court, the transaction shall not have any effect unless the Court consents to it and the conditions upon or subject to which the consent is granted are complied with. 40

27. The District Land Registrar or the Registrar of Deeds may, upon the submission to him for registration of any instrument relating to a transaction in connection with any land, require such evidence as he

5 deems necessary that the transaction to which the instrument relates is not in contravention of any provision of this Part of this Act, and may refuse to register the instrument until that evidence is submitted to him.

Powers of District Land Registrar and Registrar of Deeds.

10 *Applications for Consent*

28. (1) Applications for the consent of the Court to any transaction entered into subject to the consent of the Court may be made in accordance with this section by or on behalf of any party to the transaction.

Applications for consent.

15 (2) Every application under this section shall be filed in the office of the Court nearest to the place where the land or any part of the land to which the transaction relates is situated.

20 (3) Every application under this section shall contain or be accompanied by such particulars, information, or documents as may be prescribed or as may be required by the Court or the Land Valuation Committee, and shall be verified by the statutory declaration of the applicant or of some other person with a knowledge of the facts.

25 (4) Any application under this section may be amended by the Court or the Land Valuation Committee of its own motion or on the application of the applicant or any other person interested in the application, at any time before the application is finally determined, and

30 upon or subject to such conditions as the Court or the Committee thinks fit.

Granting or Refusal of Consent

29. (1) If in any case the Land Valuation Committee is satisfied that, having regard to the provisions of this

35 Part of this Act, any application for the consent of the Court to any transaction should be granted, the Committee may make an order consenting to the transaction in accordance with the application without calling on the applicant or hearing evidence.

Consent without hearing in certain cases.

40 (2) Section twenty-three of the Land Valuation Court Act, 1948, is hereby amended by omitting from the proviso to subsection one the words "section fifty of

1948, No. 50

the Servicemen's Settlement and Land Sales Act, 1943 ", and substituting the words " section *twenty-nine* of the Servicemen's Settlement Act, 1950 ".

Where purchaser is a discharged serviceman, or a child or grandchild of vendor.

30. (1) Where an application for consent relates to a transaction in which the purchaser is a discharged serviceman or a child or grandchild of the vendor, the Committee shall make an order consenting to the transaction in each of the following cases:— 5

(a) If, in the opinion of the Committee, the purchaser intends to reside personally on the land and farm it exclusively for his own use and benefit; 10
or

(b) If, in the opinion of the Committee, the land is not suitable or adaptable for the settlement of a discharged serviceman; or 15

(c) If the Minister consents to the application.

(2) In every other case to which this section applies, the Committee shall make an order refusing the application.

(3) Where an order is made under this section consenting to a transaction in which the purchaser is a discharged serviceman, and the land or estate or interest is intended as security for a loan granted or to be granted under Part I of the Rehabilitation Act, 1941, the order shall include a determination of the 1942 basic value of the land, estate, or interest. 20 25

1941, No. 25

Where purchaser is neither a discharged serviceman nor a child or grandchild of vendor.

31. (1) Where an application for consent relates to a transaction in which the purchaser is neither a discharged serviceman nor a child or grandchild of the vendor, the Committee shall make an order consenting to the transaction if the Committee is satisfied— 30

(a) That the Crown does not intend to acquire or arrange for the acquisition of the land under this Act; and

(b) Where in the opinion of the Committee the land is suitable or adaptable for the settlement of a discharged serviceman, that the purchaser intends to reside permanently on the land and farm it exclusively for his own use and benefit. 35

(2) If the Committee is not so satisfied, it shall adjourn the application for at least one month. 40

(3) At any time within one month after the date of the adjournment, the Minister may, at his option, either—

(a) By notice in the *Gazette*, declare that the land is taken for the settlement of discharged servicemen; or 45

(b) By notice served on the vendor and filed in the office of the Court, nominate a discharged serviceman to be substituted for the purchaser specified in the application.

5 (4) Where the land is taken as aforesaid, the provisions of Part I of this Act shall, as far as they are applicable and with the necessary modifications, apply as if—

10 (a) The *Gazette* notice had been duly given under section *eight* of this Act:

(b) The Court had made an order under section *twelve* of this Act determining the amount of the compensation to be awarded to be the amount of the purchase price specified in the contract or agreement, subject to any reduction that may be made under section *twenty-one* of this Act:

15 (c) The reference in section *twenty-one* of this Act to the giving of notice to take the land were a reference to the filing of the application.

20 (5) Where a purchaser is nominated as aforesaid, the Committee shall make an order consenting to the transaction in accordance with the application, as amended by the substitution of the name of the nominated purchaser for the name of the original purchaser specified in the application, and the contract or agreement as so amended shall be binding on the vendor and the substituted purchaser and all other parties except the original purchaser.

25 (6) Every order made under subsection *five* of this section shall include a determination of the 1942 basic value of the land, estate, or interest to which the order relates.

(7) The Committee shall make an order consenting to any application which has been adjourned under this section if the Committee is satisfied—

30 (a) That at the expiration of one month from the date of the adjournment the Minister has neither declared the land to be taken nor nominated a substituted purchaser as aforesaid, or that at any time within that period the Crown has decided not to acquire or arrange for the acquisition of the land; and

40

(b) Where in the opinion of the Committee the land is suitable or adaptable for the settlement of a discharged serviceman, that the purchaser intends to reside permanently on the land and farm it exclusively for his own use and benefit. 5

(8) In every case to which this section applies, unless the Committee is required by this section to make an order consenting to the transaction, the Committee shall make an order refusing the application.

Prohibiting undue aggregation of farm land.

32. (1) Notwithstanding the foregoing provisions of this Part of this Act, the Committee shall not make an order consenting to any transaction if the transaction would in the opinion of the Committee cause an undue aggregation of farm land. 10

See Reprint of Statutes, Vol. VI, p. 103

(2) The Maori Land Court shall not confirm any alienation under Part XIII of the Maori Land Act, 1931, or any resolution under Part XVIII of that Act if the alienation or resolution would in the opinion of that Court cause an undue aggregation of farm land. 15

Taking of land where purchaser ceases to reside on it and farm it.

33. Where the consent of the Court to any transaction has been granted on the ground that the purchaser intends to reside personally on the land and farm it exclusively for his own use and benefit, whether or not there are any other grounds for the consent, and at any time after the completion of the transaction, while the purchaser is failing to reside personally on the land and farm it exclusively for his own use and benefit, the land is taken under Part I of this Act, no objection to the taking of the land may be made by the purchaser except on the ground that he has not failed or ceased to reside personally on the land and farm it exclusively for his own use and benefit. 20 25 30

Power to revoke consent in certain cases.

34. (1) The Land Valuation Committee may call upon any person to whom consent has been granted under this Part of this Act to show cause why that consent should not be revoked on the ground— 35

(a) That a false or misleading statement has been made in connection with the application for consent; or

(b) That all the material facts in connection with the transaction were not submitted to the Land Valuation Committee. 40

(2) Where the Land Valuation Committee calls upon any person to show cause under this section, that person shall forthwith forward to the Committee the order granting consent and shall not complete or proceed with the transaction to which the consent relates until the Committee has determined whether or not the consent shall be revoked.

(3) Unless cause is shown to the Land Valuation Committee why the consent should not be revoked, the Committee may by order revoke the consent, which shall thereupon, for the purposes of this Act, be deemed not to have been obtained.

Transfers of Leases and Licences of Crown Land

35 35. (1) Where any transaction is, as to part of the land affected thereby, a transaction to which this Part of this Act applies and is also, as to any other part of the land affected thereby, a transaction to which this Part does not apply as being a transaction for which the consent of the Land Settlement Board is required, an application for the consent of the Court to the transaction may be made under this Part of this Act, and in any such case the Land Valuation Committee may, if it thinks fit, deal with the application as if this Part of this Act applied to the whole of the transaction, but as if the Committee were bound by the provisions of any Act or regulations by which the Land Settlement Board would have been bound in dealing with any part of the transaction.

Land Valuation Committee may consent to transactions on behalf of Land Settlement Board.

30 (2) Where the Land Valuation Committee makes an order consenting to the whole of any such transaction it shall not be necessary to obtain the consent of the Land Settlement Board to any part of the transaction.

35 36. (1) Where an application for the consent of the Land Settlement Board relates to a contract or agreement for the sale or transfer of the interest of the lessee or licensee in a lease or licence of Crown land which, in the opinion of the Board, is suitable or adaptable for the settlement of a discharged serviceman or of two or more discharged servicemen, and the purchaser is neither a discharged serviceman nor a child or grandchild of the vendor, the Board shall adjourn the application for at least one month, unless the Board is satisfied that the Crown does not intend to acquire or arrange for the acquisition of the interest of the lessee or licensee.

Applications for consent of Land Settlement Board to sale of leases and licences in certain cases.

(2) At any time within one month after the date of the adjournment, the Minister may, at his option, either—

(a) By notice in the *Gazette*, declare that the interest of the lessee or licensee is taken for the settlement of discharged servicemen; or

(b) By notice served on the vendor and lodged in the Principal Land Office of the land district, nominate a discharged serviceman to be substituted for the purchaser specified in the application.

(3) Where the interest of the lessee or licensee is taken as aforesaid, the provisions of Part I of this Act shall, as far as they are applicable and with the necessary modifications, apply as if—

(a) The *Gazette* notice had been duly given under section *eight* of this Act:

(b) The Court had made an order under section *twelve* of this Act determining the amount of the compensation to be awarded to be the amount of the purchase price specified in the contract or agreement, subject to any reduction that may be made under section *twenty-one* of this Act:

(c) The reference in section *twenty-one* of this Act to the giving of notice to take the land were a reference to the lodging of the application.

(4) Where a purchaser is nominated as aforesaid, the Board shall make an order consenting to the transaction in accordance with the application, as amended by the substitution of the name of the nominated purchaser for the name of the original purchaser specified in the application, and the contract or agreement as so amended shall be binding on the vendor and the substituted purchaser and all other parties except the original purchaser.

(5) Every order made under subsection *four* of this section shall include a declaration of the 1942 basic value of the interest to which the order relates, as determined by an order of the Land Valuation Court.

(6) The Board shall disregard the suitability or adaptability of the land for the settlement of discharged servicemen if the Board is satisfied that at the expiration of one month from the date of the adjournment of the

application the Minister has neither declared the interest of the lessee or licensee to be taken nor nominated a substituted purchaser as aforesaid, or that at any time the Crown has decided not to acquire or arrange for the acquisition of the interest of the lessee or licensee.

PART III

MISCELLANEOUS

37. (1) In any case where it is provided by this Act that any notice or document is to be served on any person, the notice or document shall be delivered to that person, and may be delivered to him either personally or by posting it by registered letter addressed to that person at his last known place of abode or business in New Zealand. A notice or document so posted shall be deemed to have been served at the time when the registered letter would in the ordinary course of post be delivered.

Service of notices or documents.

(2) If the person is absent from New Zealand the notice or document may be delivered as aforesaid to his agent in New Zealand. If he is deceased the notice or document may be delivered as aforesaid to his personal representatives.

(3) If the person is not known, or is absent from New Zealand and has no known agent in New Zealand, or is deceased and has no personal representatives, the notice or document shall be delivered in such manner as may be directed by an order of the Court or of the Land Valuation Committee.

(4) Notwithstanding anything in the foregoing provisions of this section, the Court or the Land Valuation Committee may in any case make an order directing the manner in which any notice or document is to be delivered, or dispensing with the delivery thereof.

38. (1) In the event of the death of the vendor in a transaction in respect of which an application for consent is pending under Part II of this Act, the application and all proceedings in respect thereof shall enure and be continued as if it had been made by or in respect of the personal representatives of the deceased person.

Death of vendor not to affect application or order for consent.

(2) In the event of the death of the vendor in a transaction to which consent has been granted under Part II of this Act, the order granting consent shall enure as if it had been granted to or in respect of the personal representatives of the deceased person. 5

Power to
award costs.

39. Subject to this Act and to any regulations made under this Act and to any rules of Court, the Court or a Land Valuation Committee, upon the hearing of any proceedings, may order that the whole or any portion of the costs of the proceedings or of any party thereto shall be paid by the Crown or by any of the parties to the proceedings. 10

Solicitors' fees.

40. The Governor-General may from time to time, by Order in Council, fix the maximum fees that may be charged by any solicitor to any client in respect of proceedings in the Court or before any Land Valuation Committee under this Act. 15

Stamping of
instruments to
which this
Act applies.

41. (1) The Commissioner of Stamp Duties or other proper officer of the Stamp Duties Office may upon the presentation for stamping of any instrument relating to a transaction in connection with any land, require such evidence as he deems necessary that the transaction to which the instrument relates is not in contravention of any provision of Part II of this Act, or, in the case of a transaction entered into subject to the consent of the Court, that the consent of the Court has been granted, and may refuse to stamp the instrument until that evidence is submitted to him. 20 25

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 II 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

Exemptions
from stamp
duty and
registration
fees.

42. (1) No stamp duty under the Stamp Duties Act, 1923, or any other Act shall be chargeable in respect of any order of the Court, or in respect of any statutory declaration that is required for the purposes of this Act. 35

(2) Regulations may from time to time be made under this Act exempting from stamp duty any other classes of instruments required for the purposes of this Act. 40

(3) No fees shall be payable to any District Land Registrar or Registrar of Deeds for registering any instrument that is exempted from stamp duty by this section or by any regulations made as aforesaid.

5 **43.** (1) The Governor-General may from time to time, by Order in Council, make all such regulations as in his opinion may be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof. Regulations.

10 (2) All regulations made under this section shall be laid before Parliament within twenty-eight days after the date of the making thereof if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the commencement of the

15 next ensuing session.

44. (1) Every person commits an offence against this Act who— Offences.

(a) Without lawful excuse acts in contravention of or fails to comply in any respect with any provision of this Act or of any regulations, order, or condition made or imposed under this Act:

(b) With intent to deceive makes any false or misleading statement or any material omission in any communication with or application to the Court or any Land Valuation Committee or any person (whether in writing or otherwise) for the purposes of this Act.

(2) Every person who commits an offence against this Act shall be liable on summary conviction—

(a) In the case of an individual, to imprisonment for a term not exceeding three months, or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine:

(b) In the case of a body corporate, to a fine not exceeding five hundred pounds.

(3) In any proceedings for an offence against this Act, the burden of proving that the consent of the Court has been granted to any transaction or that Part II of this Act did not apply to any transaction shall be on the person charged with the offence.

(4) Section fifty of the Justices of the Peace Act, 1927, shall not apply with respect to a prosecution for an offence against this Act. See Reprint of Statutes, Vol. II, p. 365

Repeals and
savings.

45. (1) The enactments specified in the Schedule to this Act are hereby repealed.

(2) All Orders in Council, regulations, notices, objections, claims, directions, applications, consents, orders, decisions, and generally all acts of authority that originated under any of the enactments hereby repealed, and are subsisting or in force at the commencement of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under this Act, and accordingly shall, where necessary, be deemed to have so originated.

1943, No. 16

(3) Where, by a notice published in the *Gazette* before the commencement of this Act, any land has been taken under Part II of the Servicemen's Settlement and Land Sales Act, 1943, that Act shall be deemed to have continued in force as far as it is applicable to the taking of that land or to any matter or proceedings in relation thereto.

(4) Where before the commencement of this Act any transaction to which Part III of the Servicemen's Settlement and Land Sales Act, 1943, applied has been entered into subject to the consent of the Court, that Act shall be deemed to have continued in force as far as it is applicable to that transaction.

(5) Subject to the provisions of this section, all proceedings commenced under any of the enactments hereby repealed, and pending or in progress at the commencement of this Act, may be continued and completed under this Act.

1945, No. 45

1948, No. 50

(6) Section thirty of the Finance Act (No. 2), 1945, as amended by subsection four of section twenty-nine of the Land Valuation Court Act, 1948, is hereby further amended by omitting from subsection four the words "While the Servicemen's Settlement and Land Sales Act, 1943, remains in force any land sold under the provisions of this section shall be sold at a price fixed under Part III of that Act by the Land Valuation Court or by a Land Valuation Committee".

Duration of
Act.

46. (1) This Act shall continue in force until the thirtieth day of June, nineteen hundred and fifty-two, and shall then expire.

(2) The expiry of this Act shall not affect the right of any person to any compensation under this Act, or the liability of any person for any offence against this Act, and any proceedings may be taken, continued, and completed accordingly after the expiry of this Act as if the Act were still in force.

SCHEDULE

Schedule.

ENACTMENTS REPEALED

- 1943, No. 16—
The Servicemen's Settlement and Land Sales Act, 1943.
- 1944, No. 24—
The Rehabilitation Amendment Act, 1944: Subsection (5) of section 2.
- 1944, No. 34—
The Land Laws Amendment Act, 1944: Part III.
- 1945, No. 34—
The Servicemen's Settlement and Land Sales Amendment Act, 1945.
- 1946, No. 15—
The Servicemen's Settlement and Land Sales Amendment Act, 1946.
- 1948, No. 49—
The Servicemen's Settlement and Land Sales Amendment Act, 1948.
- 1948, No. 64—
The Land Act, 1948: The proviso to subsection (6) of section 122, and the proviso to subsection (2) of section 131.
- 1948, No. 75—
The West Coast Settlement Reserves Amendment Act, 1948: Section 25.
- 1949, No. 24—
The Education Lands Act, 1949: Section 20.